

20/P/01059 - 12 Albury Road, Guildford



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GUILDFORD
BOROUGH

20/P/01059 12 Albury Road, Guildford



Not to scale



App No: 20/P/01059
Appn Type: Full Application
Case Officer: Lisa Botha

8 Wk Deadline: 04/12/2020

Parish: Christchurch
Agent : Mr J Kent
Amasia Architects Ltd
Lower Barn
Weston Farm
The Street
Albury, Guildford
GU5 9BZ

Ward: Christchurch
Applicant: Mrs N. Zenina
Artel Projects Ltd

c/o agen

Location: 12 Albury Road, Guildford, GU1 2BU

Proposal: Erection of 7 x two-bedroom flats over three storeys, following demolition of the existing house and outbuildings.

Executive Summary

Reason for referral

This application has been referred to the Planning Committee because more than 10 letters of objection have been received, contrary to the Officer's recommendation.

Key information

This application is for the erection of 7 x two-bedroom flats over three storeys, following demolition of the existing house and outbuildings.

width: 17.54m

depth: 21.61m

height of main horizontal ridgeline: 10.83m

maximum height of gables: 11.58m

car parking spaces: 8

secure bicycle storage

Summary of considerations and constraints

The site is located within an urban area. The area is residential in character comprising a mix of detached dwellings and flatted developments of a mix of design, although largely traditionally designed. The site itself comprises a detached two-storey dwellinghouse with vehicle access from Albury Road. The site is also located within 400m-5km of the Thames Basin Heaths Special Protection Area.

The NPPF 2019 seeks to significantly boost housing supply. Policy H1 of the Local Plan: strategy and sites 2015-2034 has now been adopted and also seeks to deliver a wide variety of high quality homes that provide all tenures, types and sizes of housing to meet the needs and demands of different people in the community. As such, the principle of the development is acceptable.

In comparison to refused application 19/P/01863, the proposed development would:

- have a reduction in the number of units by 1 and a corresponding reduction in the density from 57 dwellings per hectare to 49
- be set further forward towards the road frontage by between 3.9 and 4.1m (measurement taken from the north-east and eastern corners of the building respectively)
- have a reduced width of 3.7m with a further reduction of 0.63m at ground floor level
- have an increased depth of 0.2m
- have reduced height of the main ridgeline by 0.67m
- have a more traditional design with a more vertical emphasis
- have a reduction in parking spaces to the front of the site and greater numbers to the rear
- proposes only a single vehicle access to the site
- have increased landscaping along the frontage of the site
- have increased landscaping along the north-west elevation

The proposed development would result in a density of 49 dwellings per hectare, this compares to an existing density of approximately 41 dwellings per hectare which is found when you take into account the entire south-west side of Albury Road, and a density of 60 dwellings per hectare of adjacent development at Eastcroft and as such the proposed density would not be out of character in this area. The design of the building would be traditional in terms of its form and would respect the ridge heights of the neighbouring flatted developments rising from Albury Court to Eastcroft Court.

The vehicle access to the site would be located off centre along the frontage of the site and would run along the north-west boundary of the site running parallel with the existing vehicle access serving Albury Court to reach a small parking area to the rear, and as such would reflect the access at the adjacent site and would not be an anomalous feature in the immediate area. A single parking space would be provided toward the front of the site together with an area of landscaping with further parking located to the rear of the site.

The proposal would, on balance, not result in any adverse impact on neighbouring amenity.

No objection is raised with regard to highway safety, capacity or on policy grounds.

The proposed development would not result in any adverse impact on protected species, and any harm to the ecology of the would be mitigated against and biodiversity enhancements secured. No objection is raised on arboricultural grounds.

The development would be required to provide a 20% reduction in carbon emissions measured against the relevant Target Emission Rate set out in the Building Regulations 2010 (as amended) (Part L) and meet a water efficiency standard for new dwellings of 110 liters per occupant per day as well as to provide fast charge sockets for electric vehicles.

Conclusion.

Subject to the completion of a legal agreement to secure the necessary mitigation against the impact of the proposed development on the Thames Basin Heaths Special Protection Area, the application is recommended for approval.

RECOMMENDATION:

Approve - subject to the following condition(s) and reason(s) :-

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: AAL-20-119-P08 received 30/06/20, AAL-20-119-P01 REV A, AAL-20-119-P02 REV C, AAL-20-119-P03, AAL-20-119-P03 REV B, AAL-20-119-P04 REV B, AAL-20-119-P05 REV B, AAL-20-119-P06 REV B, AAL-20-119-P07 REV A all received 20/10/20.

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. No development above slab level shall commence until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the provision of appropriate renewable and low carbon energy technologies on site and / or in the locality of the development and improvements to the energy performance of the building. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

Reason: To reduce carbon emissions and incorporate sustainable energy in accordance with the Council's Sustainable Design and Construction SPD 2011.

4. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 2100 Mondays to Saturday and at no time on Sundays or Bank or National Holidays. After the 13th May 2021, works shall be limited to the hours of 0800 and 1800 Mondays to Fridays and between 0800 am and 13.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the neighbours from noise and disturbance outside the permitted hours during the construction period.

5. The development hereby approved shall be carried out in accordance with Section 4.8 to help protect breeding birds from adverse effects and the biodiversity enhancements detailed in sub-section 4.17 of the Ash Partnership Preliminary Ecological Appraisal Report dated July 2020 prior to the first occupation of the development and in accordance with the approved timetable detailed report.

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

6. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.

Reason: To improve water efficiency in accordance with the Council's Supplementary Planning Guidance 'Sustainable Design and Construction' 2011.

7. Prior to the first occupation of the building hereby approved, details of the design of the storage facilities for bins and recycling shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained for the duration of the development.

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development.

8. No development above slab level shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: To ensure that the external appearance of the building is satisfactory.

9. No development above slab level shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

10. No development above slab level shall commence until details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained in perpetuity.

Reason: To safeguard the visual amenities of neighbouring residents and the locality.

11. The development shall be carried out in accordance with the DPA arboricultural consultants arboricultural report dated June 2020. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality.

12. No part of the development shall be first occupied unless and until the existing vehicular access to 12 Albury Road has been extended in accordance with the approved plans, Drawing No. AAL-20-119-PO1 revision B, and thereafter shall be permanently maintained.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

13. The development hereby approved shall not be first occupied unless and until the secure parking for bicycles has been provided in accordance with the approved plans Drawing No. AAL-20-119-PO1 revision B. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

Reason: In order to encourage more sustainable modes of transport.

14. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. AAL-20-119-PO1 revision B, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

15. The development hereby approved shall not be occupied unless and until at least 20 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to encourage more sustainable modes of transport.

16. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (f) HGV deliveries and hours of operation
- (h) measures to prevent the deposit of materials on the highway
- (k) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. This pre-commencement condition is required so that the above issues can be considered at an appropriate time of the construction phase.

Informatives:

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission but amended plans were sought and submitted which overcame all the concerns raised and as such the application is now recommended for approval.

2. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see:
www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-cross-overs-or-dropped-kerbs.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:
<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.
5. Please see:
www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

Officer's Report

Site description.

The site is located within an urban area. The area is residential in character comprising a mix of detached dwellings and flatted developments of a mix of design, although largely traditionally designed. The site itself comprises a detached two-storey dwellinghouse with vehicle access from Albury Road.

The site is also located within 400m-5km of the Thames Basin Heaths Special Protection Area

Proposal.

Erection of 7 x two-bedroom flats over three storeys, following demolition of the existing house and outbuildings.

width: 17.54m

depth: 21.61m

height of main horizontal ridgeline: 10.83m

maximum height of gables: 11.58m

Relevant planning history.

Reference:	Description:	Decision Summary:	Appeal:
19/P/01863	The construction of 8 two bedroom apartments spread over three storeys following the demolition of the existing house and outbuildings.	Refuse 31/01/2020	N/A

Consultations.

County Highway Authority: No objection on the grounds of safety, capacity or policy, subject to conditions being imposed relating to the provision of the extended vehicle access, the site layout, the provision of secure bicycle parking and fast charge sockets for electric vehicles, and the submission of a Construction Transport Management Plan.

Surrey Wildlife Trust: The applicant should be required to undertake the recommended actions in section 4.8 of the Report to help protect breeding birds from adverse effect resulting from the proposed development and the biodiversity enhancements detailed in sub-section 4.17. A Landscape and Ecological Management Plan and planting plan should be provided.

Natural England: Provided the applicant is complying with the requirements of Guildford's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)), Natural England has no objection to this application.

Guildford Society: Object for the following reasons:

- there is an over provision of 2 bed flats in Albury Road creating an unbalanced mix of dwellings
- the building would be three storeys high and extend forward of the building line and requires unnecessary felling of trees
- only two of the thirty-one trees originally on site are to be retained resulting in serious loss of natural habitat that the provision of a few bird and bat boxes will not replace
- the provision of balconies fronting on to the road is unprecedented in Albury Road
- a substantial retaining wall will be required alongside the access road and this narrow strip would be unsuitable for the mature replacement trees proposed
- eight of the original trees have already been felled, the retention of the existing house or a smaller development could allow the retention of most of the remaining existing trees and habitat

Waste and recycling: No objections

Environmental Health: No comment on noise or contaminated land issues, but would recommend that adequate facilities for electric vehicle charging points are installed which should be accessible for all residents.

Third party comments:

28 letters of representation have been received raising the following objections and concerns:

- the proposal does not overcome the reasons for refusal on 19/P/01863
- excessive scale and mass
- overdevelopment resulting in a cramped appearance
- the detached house should remain to maintain a variety of homes in the road
- there is sufficient supply of 2 bed apartments in the area (Officer's note: there is still a demand for 2 bed units in the borough as a whole)
- the flat would project forward and rear of the building line
- loss of trees
- provision of bird boxes would not compensate for the loss on site
- out of character
- noise and disturbance
- overbearing
- loss of privacy
- loss of light and daylight
- the landscaping strip along the access and other boundaries would not be sufficiently wide to support new trees or to compensate for the number of trees to be felled
- there are discrepancies within the ecological and arboricultural reports
- loss of biodiversity
- concern regarding damage to boundary fences during construction work (Officer note: this would be a civil matter)
- under-provision of parking on site resulting in overspill parking into Albury Road
- highway safety concerns due to poor site lines
- increase in vehicle pollution
- the site area includes an area owned by Eastcrot Management Ltd (Officer note: Amended plans were received to remove an area of the site not within the applicant's ownership)
- the daylight and sunlight assessment submitted by the applicant is not exact or precise and only provides analysis of the impacts taken on the longest day of the year leading to doubts in its findings and should not be relied upon
- safety concerns if cars were to go over the retaining wall to Albury Court

- no provision of visitor spaces
- the Council can provide a five-year housing supply and so are under no pressure to grant planning permission to meet a target (Officer note: whilst the Council can demonstrate a 5 year housing land supply, this does not prevent windfall sites from coming forward)
- non-opening windows would need to be provided facing Eastcroft Court flats to prevent a significant loss of privacy
- the ground floor level above datum should be no higher than the existing house ground level

Planning policies.

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 6: Building a strong, competitive economy

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

South East Plan 2009:

NRM 6 - Thames Basin Heaths Special Protection Area

The Guildford Borough Local Plan: Strategy and Sites 2015-2034:

The Guildford borough Local Plan: strategy and sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the development plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

As a recently adopted plan and in accordance with paragraph 74 of the NPPF, the Council is able to demonstrate a five year housing land supply with an appropriate buffer. This supply is assessed as 6.84 years based on most recent evidence as reflected in the GBC LAA (2019). In addition to this, the Government's recently published Housing Delivery Test indicates that Guildford's 2019 measurement is 83%. For the purposes of NPPF footnote 7, this is therefore greater than the threshold set out in paragraph 215 (45%). Therefore, the Plan and its policies are regarded as up-to-date in terms of paragraph 11 of the NPPF.

The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

S1	Presumption in favour of sustainable development
H1	Homes for All
P5	Thames Basin Heaths Special Protection Area
D1	Place Shaping
D2	Climate Change, Sustainable Design, Construction and Energy

Guildford Borough Local Plan 2003 (as saved by direction)

G1(3) Protection of amenities enjoyed by occupants of buildings

G1(12) Safeguarding and enhancement of the landscape and existing natural features

G5(8) Traffic, parking and design

G5(7) Materials and architectural detailing

Planning considerations.

The main planning considerations in this case are:

- background
- changes to the refused scheme
- the principle of development
- Nationally described space standards and living standards
- the impact on the character of the area
- the impact on neighbouring amenity
- highway/parking considerations
- impact on protected species
- impact on trees
- sustainability
- Thames Basin Heaths Special Protection Area and Appropriate Assessment

Background

Application 19/P/01863 for the construction of 8 two bedroom apartments spread over three storeys following the demolition of the existing house and outbuildings was refused for the following reasons:

1. The proposed development would, due to its raised eaves levels, the oversized glazing on the front elevation, particularly on the second floor dormers, together with the glazed balustrading would unduly draw the eye upwards and emphasise the height of the proposed building. Furthermore, the bland and small scaled entrance porch to the building would not make the entrance legible or reflect the proportions of the building and is considered poor design. These factors would fail to respect the character of the area contrary to policy D1 of The Guildford Borough Council Local Plan: Strategy and Sites 2015 - 2034.
1. The limited landscaping either side of the vehicle access as it runs past the proposed apartment building would result in a cramped layout and indicate an overdevelopment of the site contrary to saved policy G1 (3) of the Guildford Borough Local Plan 2003 and the NPPF 2019.
2. Failure to provide sufficient landscaping along either side of the vehicle access would also result in an unreasonable level of noise and disturbance to the occupants of the proposed development at ground floor level contrary to saved policy G1 (3) of the Guildford Borough Local Plan 2003 and the NPPF 2019.
3. By virtue of the combination of the proximity of the proposed building to the north-west boundary of the site and the its height, the proposed building would result in an overshadowing and overbearing impact and loss of daylight to the kitchens of flats 1, 3 and 5 Albury Court contrary to saved policy G1 (3) of the Guildford Borough Local Plan 2003 and the NPPF 2019.

4. By virtue of its height and proximity to the south-west boundary of the site, together with the provision of a balcony at first floor level and a window at second floor serving the kitchen / dining area, the development would result in an overbearing impact and direct overlooking into the rear windows and private garden area of 13 Warren Road resulting in an unreasonable loss of privacy contrary to saved policy G1 (3) of the Guildford Borough Local Plan 2003 and the NPPF 2019.
5. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (TBHSPA). The Local Planning Authority is not satisfied that there will be no likely significant effect on the Special Protection Area and, in the absence of an appropriate assessment, is unable to satisfy itself that this proposal, either alone or in combination with other development, would not have an adverse effect on the integrity of the Special Protection Area and the relevant Site of Special Scientific Interest (SSSI). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use, damage to the habitat and disturbance to the protected species within the protected areas. As such the development is contrary to the objectives of policies NE1 and NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and conflicts with saved policy NRM6 of the South East Plan 2009. For the same reasons the development would fail to meet the requirements of Regulation 61 of The Conservation of Habitats and Species Regulations 2010, as amended, and as the development does not meet the requirements of Regulation 62 the Local Planning Authority must refuse to grant planning permission.

Change to the refused scheme

In comparison to refused application 19/P/01863, the current proposal has been amended as follows:

6. number of units reduced by 1
 - be set further forward towards the road frontage by between 3.9 from the north-east corner of the building
 - have a reduced width of 3.7m with a further reduction of 0.63m at ground floor level
 - an increased depth of 0.2m
 - reduced height of the main ridgeline by 0.67m
 - more traditional design with a more vertical emphasis
 - reduction in parking spaces to the front of the site and greater numbers to the rear
 - proposes only a single vehicle access to the site
 - increased landscaping along the frontage of the site and the north-west elevation of the building

Principle of development

The NPPF 2019 seeks to significantly boost housing supply. Policy H1 of the Local Plan: strategy and sites 2015-2034 has now been adopted and also seeks to deliver a wide variety of high quality homes that provide all tenures, types and sizes of housing to meet the needs and demands of different people in the community. As such, the principle of the development is acceptable.

Nationally described space standards and living standards

In terms of the living conditions for the occupiers of the proposed flats, all of the proposed units would meet the required floor areas as specified in the nationally described space standards as required by D1 of The Guildford Borough Local Plan: Strategy and Sites 2019. Furthermore, sufficient shared amenity area is provided for the occupants of the flats to enjoy which will be in the sun most of the day.

The impact on the character of the area

There are a number of three storey buildings and substantial two storey buildings with rooms within the roof along Albury Road, and as such no objection is raised in general to a three storey building on this site.

The properties within Albury Road vary to some extent from Victorian properties to more modern flatted developments. The addition of a flatted development in this location would therefore not be out of character.

The proposed development would result in a density of 49 dwellings per hectare, this compares to an existing density of approximately 41 dwellings per hectare which is found when you take into account the entire south-west side of Albury Road, and a density of 60 dwellings per hectare of adjacent development at Eastcroft. As such the density proposed would not be so wholly out of character for the area.

Whilst the proposed development would extend close to the south-east boundary of the site, sufficient distance would be retained to Eastcroft Court and Albury Road to ensure the development would not appear cramped in the street scene. Although deep, the proposed building would not be overly apparent in the street scene because the proposed building would respect the rising ridge heights of the building along Albury Road away from Epsom Road, and would step up in height from Albury Court to Eastcroft Court. Its mock Victorian features with two front gables and a third recessed gable would provide articulation along the frontage of the building and visually reduce its bulk and add a vertical emphasis to the building. Although Albury Road is characterised by a mix of property styles, the traditional style of building proposed would be in keeping with the character of buildings within the road which do also feature Victorian properties.

Amended plans were received during the course of the application to remove a number of balconies from the front elevation of the building, remove bay window features and to amend the scale of the windows to provide a much improved hierarchy in the scale of the windows as you move up vertically through the building and provide a better visual balance to the building. Whilst two balconies have been retained on the front elevation, these are modest in scale and add interest to the elevation and help to further define the entrance to the building on this elevation and are therefore considered acceptable.

The vehicle access to the site would be located off centre along the frontage of the site and would run along the north-west boundary of the site running parallel with the existing vehicle access serving Albury Court to reach a small parking area to the rear, and as such would reflect the access at the adjacent site and would not be an anomalous feature in the immediate area. A single parking space would be provided toward the front of the site together with an area of landscaping. The lack of a parking dominated frontage and the provision of soft landscaping including along the north-west elevation of the building would visually soften the frontage of the site and would respect the wider character of the area. Overall the scale and the design of the building is considered to be acceptable in terms of its impact on the character of the area.

In terms of layout, the proposed vehicle access would be sited along the north-west boundary of the site. A landscaped buffer of 1.65m would be provided along the north-west elevation of the building at ground floor level, and would provide a meaningful amount of soft landscaping to soften the impact of the vehicle access into the site from the street scene and within the site itself and is considered sufficient in order to overcome the concerns raised to the previously refused scheme with regard to the resultant noise and disturbance to future occupiers of the building by vehicles passing the building.

In order to prevent a parking dominated frontage, a small lawned area and landscaping are proposed with additional hedging to soften and screen the proposed parking areas to some extent. Similar screening is also proposed to screen the bin store from public views, whilst being practically located for collection.

The proposed development is therefore considered acceptable in this regard.

Impact on neighbouring amenity

The proposed building would be positioned 5.2m forward of the refused scheme along the boundary with Albury Court and due to the change in the design of the building and the step up in height from Albury Court to Eastgate Court would have a reduced height and bulk along the north-east elevation.

Albury Court to the north-west is located on a lower ground level in comparison to the application site. There are a number of windows within the side elevation facing the application site serving three flats. Each flat has a window serving the dining / living room, two kitchen windows, a bathroom window and a bedroom window on the south-east elevation. The dining / living room window is a secondary window with the primary source of light and outlook to this room being provided from the windows to the rear. The bathroom windows are no habitable rooms and as such no concern is raised in this respect as some loss of light to these rooms is considered acceptable.

A distance of approximately 10m would be retained between the proposed building and Albury Court with a reduced ridge height along the boundary with Albury Court. A Daylight and Sunlight Assessment was also provided by the applicant in support of the application which concluded that the loss of daylight to the rooms within Albury Court would be within the acceptable limits set out within the BRE Guidelines and that any changes to the daylight received by the habitable rooms within Albury Court as a result of the proposed development would not be significant, are unlikely to be noticeable by the occupants and that an acceptable level of daylighting would be retained throughout the year. As such, the bedroom windows and kitchen windows would be affected to some degree with regard to reduced light, however some loss of light to bedrooms is considered acceptable taking into consideration the nature of the use of the rooms being largely limited to late evenings and during the night.

Due to the increase in ground levels and the vehicle access running along the boundary of the site, it is likely that some form of structural boundary treatment would likely be erected along the boundary. Such a boundary treatment could prevent any loss of privacy to the occupants of Albury Court from passing cars gaining views into their windows. A condition is recommended to secure the details of this boundary treatment to prevent any adverse impact in this regard.

Due to the presence of the existing vehicle access serving Albury Court, the proximity of the proposed vehicle access running along the boundary of the site it not considered that this will result in any material harm over and above the existing disturbance encountered by the residents of Albury Court. In addition, the erection of a boundary treatment may also reduce this impact further.

With regard to outlook, a distance of approximately 10m would be maintained between the proposed building and Albury Court, with some existing soft landscaping retained along the boundary within the ownership of Albury Court. This, together with the separation distance would reduce the limited identified loss of outlook from Albury Court. Therefore outlook would only be affected to a limited degree.

The change to the design of the proposal from the refused scheme, with a reduction in the height of the proposal along the north-west elevation of the site at 9.5m and increased separation distance to 10m, would in combination prevent any overbearing impact or overshadowing on the occupants of Albury Court,

There are a number of windows proposed on the ground and first floors of the apartment building located within 10m of the side elevation of Albury Court which also contains a number of windows. The windows proposed would serve a w.c.study, bathrooms and secondary windows serving bedrooms and kitchen / living rooms. Due to the separation distance proposed, together with the scale of the windows on the north-west elevation of the building at ground floor level, it is not considered necessary to condition that the 4 windows are obscure glazed and fixed shut to protect the privacy of the occupants of Albury Court. Amended plans were also submitted during the course of the application to replace a balcony on the rear elevation at second floor level with a Juliet balcony and a reduction in the width of a further balcony at first floor level, these changes have further reduced any scope for loss of privacy towards Albury Court.

To the south-east of the site is 13 Warren Road and Eastcroft Court. Due to the separation distance of the proposed building to Eastcroft Court of approximately 19.8m, and its lower ridgeline, together with the intervening garaging and parking area serving Eastcroft Court, it is not considered that any overbearing impact on Eastcroft would occur.

The proposed development would have windows serving en-suites, bathrooms, a dressing room and secondary windows serving bedrooms facing towards windows in Eastcroft Court serving habitable rooms, however, the separation distance of 19.8m is considered sufficient to ensure that no unreasonable loss of privacy would occur. In addition, these windows are already visible from the parking area of Eastcroft Court and as such the proposed development would not result in any material loss of privacy.

Due to the position of Eastcroft Court to the south of the application site no loss of light would occur.

13 Warren Road is located to the south-east of the application site and is a chalet style bungalow with a maximum garden depth of 11.4m to the boundary with the application site. The proposed building has been positioned approximately further forward into the site than the refused scheme and would be located within 5m of this shared boundary at a height of approximately 6.4m to the eaves increasing to a height of 11m to the ridgeline. A separation distance of approximately 15.7m would be retained between the proposed building and the dwelling at 13 Warren Road. Due to the separation distance proposed, no overshadowing impact would occur. Similarly, the separation distance proposed, together with the roof design of the building sloping up away from the boundary with 13 Warren Road, would not result in a material overbearing impact on the occupants of the aforementioned dwelling.

Amended plans were received during the course of the application replacing the two balconies on the rear elevation closest to 13 Warren Road with Juliet balconies. Whilst the nearest Juliet balcony would be within 17m of the rear wall of 13 Warren Road the views achieved would be of an oblique angle and would be no greater than those achieved from windows. Furthermore, it is noted that these windows would serve bedrooms / dressing rooms and as such it would also be in the interest of future occupiers to protect their own privacy. It is also noteworthy that it is not uncommon in urban area for views of neighbouring gardens to be achieved due to the density of development in such areas. Overall it is considered that the proposal would not result in an unreasonable loss of privacy to the occupants of 13 Warren Road.

The proposed development is therefore considered on balance to be acceptable in this regard.

Highway / parking considerations

The proposed development would provide a total of 8 parking spaces for the proposed flats providing one space for each of the units plus one disabled space. This provision is considered to be acceptable taking into consideration the number of bedrooms within each of the unit and the sustainable location of the site close to bus routes, a railway station and the town centre and also aligns with the Council's priorities with regard to climate change. Parking restrictions are in place along Albury Road Monday- Saturday with a maximum stay of 4 hours and as such this would limit any overspill parking from the site and would discourage future occupants of the flats from having more than one vehicle per household. The required provision of secure bicycle parking on site would also encourage the use of more sustainable modes of transport.

Taking into consideration the scale of the proposed development, it is not considered that the proposed development would result in a significant increase in vehicular trips on the surrounding highway network.

The County Highway Authority has reviewed the application and raised no objection, subject to the imposition of a number of conditions. Conditions are recommended to secure these requirements.

Impact on protected species

An ecological appraisal report has been submitted by the applicant and concludes that only the mature trees within the site are regarded as being of ecological value for breeding birds, with the belt of Yew and mature Sycamore along the south-western boundary being the most significant. It goes on to say that the potential for protected species interests within the site are limited to breeding birds. No objection has been raised by Surrey Wildlife Trust. A condition is recommended to secure the measures detailed within section 4.8 of the Report to help protect breeding birds from adverse effect resulting from the proposed development and the biodiversity enhancements detailed in sub-section 4.17.

Impact on trees

An arboricultural report was submitted with the application and concluded that trees identified as having moderate and high amenity value at and adjacent to the site are to be retained and protected, and that proposed and replacement tree, shrub and hedge planting would satisfactorily offset the loss of the low amenity value trees and shrubs identified as being removed from the site and that it is possible to retain and protect the trees identified as being in good condition both at and adjacent to the site providing the recommendations and methods detailed within the submitted report are adhered to.

A condition is recommended to ensure the development is carried out in accordance with the submitted tree protection plan. A further condition is also recommended to ensure a suitable landscaping scheme is provided.

Sustainability

In line with the Council's SPD on Climate Change, Energy and Sustainable Development a questionnaire has been submitted to provide details on how the development complies with policy D2 of the Local Plan and other matters of sustainability. The applicant has confirmed that:

- the use of primary minerals will be minimised through the use of renewable materials recycled and secondary aggregates and other recycled and re-used materials
- material obtained from the existing building will be used in the construction of the new dwelling
- un-used material will not go to landfill
- the ordering of excess materials will be avoided and components and packaging will be recycled or minimized
- local suppliers will be approached when sourcing materials / timber will be FSC certified timber
- triple glazed windows and insulation will ensure the building does not leak heat
- habitable rooms are served by a sufficient provision of windows and half of the flats are south-west facing for additional daylight and solar gain
- windows will be fitted with trickle vents for natural ventilation
- no mechanical cooling is proposed
- the development will comply with a water efficiency standard of 110 litres per person per day
- low-flow appliances will be installed with restrictor valves, spray taps and dual flushes
- water butts will be provided to aid rainwater harvesting which will be used to maintain the communal gardens
- the communal garden will provide space for exercise, secure cycle storage will be provided and parking spaces will be fitted with electrical charging points
- permeable landscaping will be provided with the driveway, footpaths and patios constructed in permeable materials
- excess surface water will be drained to a soakaway
- low-energy electrical equipment will be installed wherever practical

A condition is also recommended to ensure that 20% of the energy requirement of the property would be provided through on-site low or zero carbon technologies, together with the provision of a fast charge electrical vehicle charging points and a water efficiency condition of 110 litres of water per person.

Thames Basin Heaths Special Protection Area and Appropriate Assessment

The application site is located within the 400m – 5km buffer zone of the TBHSPA. Natural England advise that new residential development in this proximity of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes an increase in the number of residential units on site and as such has the potential, in combination with other development, to have a significant adverse impact on the protected sites. The Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD in July 2017 which provides a framework by which applicants can provide or contribute to the delivery, maintenance and management of Suitable Alternative Natural Green Space (SANGS) within the borough and to Strategic Access Management and Monitoring (SAMM) which can mitigate the impact of development. In this instance the development requires a SANG and SAMM contribution which should be secured by a Legal Agreement.

It is therefore concluded that subject to the completion of a legal agreement the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

As part of the application process the Council has undertaken an Appropriate Assessment (AA), which concluded that the development would not affect the integrity of the European site either alone or in combination with other plans and projects in relation to additional impact pathways subject to the application meeting the mitigation measures set out in the TBHSPA Avoidance Strategy. Natural England has been consulted on the AA and they confirm they are happy with the conclusions of the AA.

It is therefore concluded that subject to the completion of a legal agreement the development would not impact on the TBHSPA and would meet the objectives of the TBHSPA Avoidance Strategy and Policy NRM6 of the South East Plan 2009. For the same reasons the development meets the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Conclusion.

No in principle objection is raised to the proposed development. The proposed development would be in keeping with the character of the area, would not result in any adverse impact on neighbouring amenity, would not result in any adverse impact on highway and would not result in any adverse impact on protected species or trees. The proposal is therefore recommended for approval subject to the completion of a legal agreement to secure the necessary mitigation against the impact of the proposed development on the Thames Basin Heaths Special Protection Area.