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To: The Members of the **Planning Applications Committee**
(Councillors: Cliff Betton (Chair), Victoria Wheeler (Vice Chair), Mary Glauert, Shaun Garrett, Liz Noble, David O'Mahoney, Murray Rowlands, Kevin Thompson, Helen Whitcroft, Valerie White and Richard Wilson)

In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.

Substitutes: Councillors Jonny Cope, Nirmal Kang, Mark Gordon, Ying Perrett, Jonathan Quin, Pat Tedder and David Whitcroft

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Thursday, 21 December 2023 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

AGENDA

| | Pages |
|--------------------------------------|--------------|
| 1 Apologies for Absence | |
| 2 Minutes of Previous Meeting | 3 - 8 |

To approve as a correct record the minutes of the meeting of the Planning Applications Committee held on 23 November 2023.

3 Declarations of Interest

Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have

an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

Human Rights Statement

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

Planning Applications

- | | | |
|----------|---|----------------|
| 4 | Application Number: 23/0571 - Tesco, Station Road, Chobham, Woking, Surrey, GU24 8AQ | 9 - 30 |
| 5 | Application Number: 23/0891 - 42 - 44 London Road, Bagshot | 31 - 82 |

*** indicates that the application met the criteria for public speaking**

Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 23 November 2023

+ Cllr Cliff Betton (Chair)
+ Cllr Victoria Wheeler (Vice Chair)

| | |
|------------------------|------------------------|
| + Cllr Shaun Garrett | + Cllr John Skipper |
| + Cllr Mary Glauert | + Cllr Kevin Thompson |
| + Cllr Nirmal Kang | + Cllr David Whitcroft |
| + Cllr Liz Noble | + Cllr Helen Whitcroft |
| + Cllr David O'Mahoney | + Cllr Valerie White |
| - Cllr Ying Perrett | + Cllr Richard Wilson |
| + Cllr Murray Rowlands | |

+ Present
- Apologies for absence presented

Members in Attendance: Sarbie Kang and Pat Tedder

Officers Present: Gavin Chinniah, Shannon Kimber, Eddie Scott and Sarah Shepherd, Melissa Turney

27/P Minutes of Previous Meeting

The minutes of the meeting held on 26 October 2023 were confirmed and signed by the Chair.

28/P Application Number: 23/0672/FFU - Plot 3 Land West Of, Bullhousen Farm, Bisley Green, Bisley, Woking, Surrey

The application was for alterations to existing barn to include solar panels and windows, vehicular access with associated hardstanding and parking area, patio area and internal works to provide ancillary accommodation for workers in association with the farm. Installation of an underground sewage treatment plant.

The application would normally have been determined under the Council's Scheme of Delegation but had been reported to the Planning Applications Committee on the request of Councillor Liz Noble due to concerns that the proposal was out of keeping and was overdevelopment of the site.

Members were advised of the following updates on the application:

"Within the description of the proposal it states 'underground sewage treatment plant.' For clarification this relates to a septic tank.

The agent has agreed the pre-commencement conditions on behalf of the applicant.

Condition 6 has been amended to delete reference to the charging of e-bikes and to change from 'prior to commencement' of the development to prior to occupation. This now reads:

Prior to occupation of the development details of cycle parking in a robust, secure enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter retained and maintained to the satisfaction of the Local Planning Authority."

As the application had triggered the Council's Public Speaking Scheme, as per Part 4 Section E of the Constitution, Mr Dean Guy, the agent, spoke in support of the application. Ms Rebecca Gengasamy; and Ms Nicki Rapley and Mr Steve Moore, who shared a public speaking slot, spoke in objection to the application.

Members had concerns relating to the significant overdevelopment of the site and the intensification of use in a greenbelt location, including the additional hardstanding and external lighting provision. It was noted that members of the Committee also felt that the intensified use of the site would have a detrimental impact on the associated footpath, which would be used to access the site.

The Officer recommendation to grant the application was proposed by Councillor Richard Wilson, seconded by Councillor Kevin Thompson and put to the vote and lost.

An alternative proposal to refuse the application was proposed by Councillor Victoria Wheeler, seconded by Councillor Shaun Garrett and was put to the vote and carried.

RESOLVED that

- I. Application 23/0672 be refused for as it constituted inappropriate development within the greenbelt;**
- II. The Committee's concerns in relation the detrimental impact on the associated access footpath be detailed in the decision notice; and**
- III. The wording of the reasons for refusal be delegated to the Head of Planning in consultation with the Chair and Vice-Chair of the Committee and the relevant Ward Councillor.**

Note 1

It was noted for the record that:

- i. Councillor Liz Noble declared that she had a number of conversations in relation to the application but came into the meeting with an open-mind.
- ii. Councillor Liz Noble and other Committee Members had attended a Member Site Visit on the application.

Note 2

In line with Part 4 Section D, Paragraph 18 of the constitution, the voting in relation to the application was as follows:

Voting in favour of the Officer recommendation to grant the application:

Councillors Cliff Betton, Mary Glauert, Nirmal Kang, David O'Mahoney, Kevin Thompson, David Whitcroft and Richard Wilson.

Voting against the Officer recommendation to grant the application:

Councillors Shaun Garrett, Liz Noble, Murray Rowlands, John Skipper, Victoria Wheeler, Helen Whitcroft and Valerie White.

The Chair's casting vote was used against the Officer recommendation to grant the application, and as a result the recommendation fell.

Voting in favour of the alternative proposal to refuse the application:

Councillors Cliff Betton, Shaun Garrett, Mary Glauert, Liz Noble, David O'Mahoney, Murray Rowlands, John Skipper, Victoria Wheeler, Helen Whitcroft and Valerie White.

Voting against the alternative proposal to refuse the application:

Councillors Kevin Thompson, David Whitcroft and Richard Wilson.

Voting in abstention in relation to the alternative proposal to grant the application:

Councillor Nirmal Kang.

Note 3

It was noted, at the Chair's request, that he was consistent in using his Chair's casting vote, in favour of the maintenance of the status quo.

29/P Application Number: 23/0936/FFU - Cedars Garden Nursery , Church Road, Windlesham, Surrey, GU20 6BL

The application was for the erection of a dwelling, following demolition of existing glasshouse, office and ancillary buildings associated with the commercial plant nursery.

The application would have normally been determined under the Council's Scheme of Delegation but it had been reported to the Planning Applications Committee on the request of Councillor Victoria Wheeler due to concerns that the proposal was inappropriate development in the Green Belt.

Members were advised of the following updates on the application:

"The agent has agreed the pre-commencement conditions on behalf of the applicant.

An amended plan has been received to alter the size of the parking spaces to comply with the Windlesham Neighbourhood Plan. Condition 2 has been amended with an updated plan number (change in bold):

The proposed development shall be built in accordance with the following approved plans:

OV/DB/TOC/01A Received 18.10.2023

OV/DB/TOC/02A Received 18.10.2023

OV/DB/TOC/03A Received 18.10.2023

OV/DB/TOC/04B Received 21.11.2023

Location Plan Received 06.09.2023

CWLD-TOC-CGN-LA-2332-01 Received 06.09.2023

Condition 11 has been amended to include removal of Class AA (enlargement of a dwellinghouse by construction of additional storeys) permitted development rights:

*Notwithstanding the provisions of **Class AA**, Class A, Class B and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no further extensions, roof alterations, outbuildings shall be erected or undertaken without the prior approval in writing of the Local Planning Authority.*

Any development under the Classes stated above undertaken or implemented between the date of this decision and the commencement of the development hereby approved shall be demolished and all material debris resulting permanently removed from the land within one month of the development hereby approved coming into first use."

The Committee had concerns as to the potential effect of the proposal on the visual amenities of the area, and in particular the rural character of the Church Road Conservation Area. As a result it was agreed to add additional conditions to the Officer recommendation to remove the permitted development rights for additional walls and fencing; and to stipulate agreement of a landscaping plan with the planning authority, with the intent to retain the already existent hedges and boundary treatment on the site.

RESOLVED that application 23/0936 be granted subject to the conditions in the Officer report and the two additional conditions.

Note 1

As per Part 4 Section D, paragraph 18 of the constitution, the voting in relation to the application was as follows:

Voting in favour of the officer recommendation, as amended, to grant the application:

Councillors Cliff Betton, Mary Glauert, Nirmal Kang, David O'Mahoney, Murray Rowlands, Kevin Thompson and David Whitcroft.

Voting against the officer recommendation, as amended, to grant the application:

Councillors Shaun Garrett, John Skipper and Victoria Wheeler.

Voting in abstention against the officer recommendation, as amended, to grant the application:

Councillor Liz Noble.

30/P Application Number: 23/1019/FFU - 9 Ashwell Avenue, Camberley, Surrey, GU15 2AR

The application was for a garage conversion into habitable accommodation, along with fenestration alterations.

The application would normally have been determined under the Council's Scheme of Delegation but it was being reported to the Planning Applications Committee because the applicant was a Councillor.

Members were advised of the following updates in relation to the application:

"One additional comment has been received. Following the receipt of amended plans and the revised description, with the removal of the single storey rear extension from the development, the occupiers of a neighbouring dwelling have stated that they have no objections to the revised plans."

RESOLVED that application 23/2019 be granted subject to the conditions outlined in the Officer Report

Note 1

Councillor Cliff Betton declared that due to his close relationship with the applicant and that he had visited the property several times, he could not take part in the consideration of the application and left the room accordingly. As a result Councillor Victoria Wheeler chaired the consideration of the application.

Note 2

It was noted for the record that Councillor Victoria Wheeler declared that as a serving Councillor, all members of the Committee knew the applicant, but came into the meeting with an open-mind.

Note 3

In line with Part 4 Section D, Paragraph 18 of the Constitution, the voting in relation to the application was as follows:

Voting in favour of the Officer recommendation to grant the application:

Councillors Shaun Garrett, Mary Glauert, Nirmal Kang, Liz Noble, David O'Mahoney, Murray Rowlands, John Skipper, Kevin Thompson, Victoria Wheeler, David Whitcroft, Valerie White and Richard Wilson.

Chair

| | |
|-------------------|---|
| LOCATION: | Tesco , Station Road, Chobham, Woking, Surrey, GU24 8AQ |
| PROPOSAL: | Application for Advertisement Consent for 1 fascia sign, 1x projecting sign, 4x vinyl, 1x frosting, 2x dibond |
| TYPE: | Advert |
| APPLICANT: | Mr Andy Horwood |
| OFFICER: | Melissa Turney |

This application would normally be determined under the Council’s Scheme of Delegation but it is being reported to the Planning Applications Committee on the request of Councillor Tedder because any change would be detrimental to the character and appearance of the Chobham Village Conservation Area.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The application seeks advertisement consent for a total of 9 adverts including the erection of a fascia sign and a projecting sign above the ground floor on the front elevation; three vinyl adverts on the ground floor front elevation windows; one vinyl and plain frosted glass on the east elevation ground floor flank wall; and 2x dibond - directional sign for the car park on the eastern boundary fence and disable parking sign on the ground floor front elevation. The application is retrospective as all adverts have been erected.
- 1.2 The application site is located on the northern side of Station Road, within the settlement area of Chobham and within the Chobham Village Conservation Area. There are no neighbouring statutory listed buildings or within the immediate vicinity. The existing adverts are located on the southern (front) and eastern (side) elevation of the building. Two additional signs relating to a disabled parking space and entrance into the car parking are by the entrance and front elevation of the building.
- 1.3 The retrospective adverts and signs do not result in harm to the visual amenity of the site and surroundings. Furthermore the existing signs preserve the character and appearance of the Chobham Village Conservation Area. The adverts also result in no adverse impact on public safety, including highway and pedestrian safety.
- 1.4 It is therefore recommended to grant advertisement consent subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site is a two storey detached building which is currently occupied by Tesco Express and is sited on the northern side of Station Road. The site is located on the edge of the settlement of Chobham and is located within the Chobham Village Conservation Area. The site is visible from a number of public vantage points. Chobham Village Hall, a Locally Listed Building, is located within 40m to the west of the site.

2.2 A public footpath runs along the eastern boundary of the site. The building immediately to the east is an empty building previously a restaurant and west is a public house and are two storey flat roof buildings. To the south of the site opposite is the recreation ground.

3.0 RELEVANT HISTORY

3.1 The site has an extensive planning history. The most recent planning history which relates to adverts at the premises is listed below:

12/0188 Advertisement Consent for the erection of one externally illuminated fascia sign and one externally illuminated hanging sign. Granted on the 15 June 2012 subject to conditions.

4.0 THE PROPOSAL

4.1 The application seeks retrospective advertisement consent for new signage for the existing Tesco Express store. As part of the negotiation with the applicant on this application signs 1 and 3 which related to box fascia's have been removed from this application. The remaining signages forming part of this proposal are listed below:

- Sign 2 (Box fascia) – Located to the eastern side of the front elevation, 2.765m in width, 0.57m in height, finished in aluminium powder coated white. This sign would be externally illuminated via existing swan lighting.
- Sign 4 (Projecting sign) – Located to the western side of the front elevation, 0.8m in width and 0.65m in height, finished in white aluminium powder coated in white. This sign would be non-illuminated
- Sign 5 (Vinyl Advert) – Located to the front elevation, 1.835m in height and 1.315 in width – vinyl applied internally (White Chiffon Vinyl to be applied on reverse side the shop)
- Sign 6 (Store Directory Vinyl) - located centrally on the front elevation (inside and outside) - 1.7m in height and 0.8m in width vinyl applied internally
- Sign 7 (Advert Vinyl) – Located to the eastern side of the front elevation, 1.780m in height and 2.28m in width applied externally. (White Chiffon Vinyl to be applied on reverse side the shop)
- Sign 8 (Advert Vinyl) – Located on side the elevation (eastern), 1.78m in height and 1.655m in width, applied externally.
- Sign 9 (Plain Frosting) – Located on side elevation (eastern) would be 3.11m in height and 1.090m in width.
- Sign 10 – New wall mounted disable car parking sign
- Sign 11 – New fence mounted directional signage

4.2 During the course of the application amended plans were received to remove the blue fascia from the front elevation, alter signs 2 and 4 to remove the internal illumination, and elevations submitted for sign 10 and 11.

4.3 A heritage statement has been submitted in support of the application and any relevant extracts from this document will be referenced in section 7 of this report.

5.0 CONSULTATION RESPONSES

5.1 The following external consultees were consulted and their comments are summarised in the table below:

| External Consultation | Comments Received |
|---------------------------|---|
| County Highways Authority | No objections are raised regarding highway safety (See Annex A for a copy of their response). |
| Chobham Parish Council | <p>Objection:</p> <ul style="list-style-type: none"> - The scheme contains internal illumination elements unsuitable in the Conservation Area, failing to respect its historic character. - The large front and side window advertising vinyl posters are a visually dominant form. - The window vinyls fail to respect the rural village character of the street scene. <p>Request the planning history is reviewed. The appearance of the store was concern to members of the public and controls were put in place. No change in policy that would suggest any relaxation in this regard.</p> <p>[Officer response: During the course of the application officers have worked with the applicant to seek design changes to remove the blue fascia and the internal illumination</p> |

5.2 The following internal consultees were consulted and their comments are summarised in the table below:

| Internal Consultation | Comments Received |
|--------------------------------------|--|
| Urban Design and Heritage Consultant | <p>29th June – Objection;</p> <p>Objection to the internal illumination elements and the large scale front and side vinyls will have detrimental effect on and fails to respect the enhance, the historic character of the Chobham Village</p> <p>1st September – Objection</p> <p>Objection to the internally illuminated and halo lighting Omission of blue front fascia is welcomed Vinyl's on balance are considered acceptable.</p> |

| | |
|------------------------------|--|
| | <p>30th November – No objection</p> <p>Following submission of amended plans while sign 4 should be traditional hanging sign the main issues have been addressed and no objection is raised.</p> <p>(See Annex B for a copy of the responses)</p> |
| Environmental Health Officer | <p>No objection as the level of illumination is within the permitted level</p> <p>(Officer comment: Following the removal of the internally illuminated signs no further comments have been received from Environmental Health Officer. Due to the amendments there would be no change to the existing illumination from the Swan neck lights)</p> |

6.0 REPRESENTATION

6.1 A total of 4 individual letters of notification were sent out on 2nd June 2023, 11th July 2023, 4th August 2023 and 24th August 2023. A site notice was displayed on the 7th July 2023 and 29th August 2023 and a press notice published on 16th June 2023. To date one letter of representation has been received.

6.2 The table below summarises the material planning reasons for objection:

| Material Reason for Objection | Officer Response |
|--|--|
| <p><u>Character</u></p> <p>Any signage forward of the property or larger in size is not keeping with the rural village of Chobham.</p> | <p>The signs are not considered to dominate the building or surrounding area. Furthermore, the signage would impact on the character and appearance of the conservation area.</p> |
| <p><u>Neighbours</u></p> <p>Close to adjoining properties</p> | <p>The site is opposite the recreation ground. No adverts would face towards the neighbour at Flexlands Farmhouse to the rear of the site. To the east is an empty building previously a restaurant and west is a public house. The site is therefore located a sufficient distance from neighbouring properties not to have a detrimental impact.</p> |

6.3 The table below summarises the non-material planning reasons for objection:

| Non-Material Reason for Objection | Officer Response |
|---|---|
| <p>The car park is rammed, store is busy the litter as result is pretty much out of control</p> | <p>Not a material consideration with an application for advertisement consent because the considerations are limited to visual amenity and public safety.</p> |

7.0 PLANNING CONSIDERATION

- 7.1 The application site is located within the Chobham, as set out in the proposals' map included in the Core Strategy and Development Management Policies Document 2012 (CSDMP). For this development, consideration is given to policies DM9, DM11 and DM17 of the CSDMP, Chobham Conservation Area Character Appraisal 2001 (CCA), The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). Regard is also had to the Institute of Lighting Professionals (ILP) guide: The Brightness of Illuminated Advertisements 2014.
- 7.2 The advertisement regulations require Local Planning Authorities to consider the impact of advertisements in respect to amenity and public safety, taking into account the provisions of the development plan and other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Factors relevant to public safety and to this proposal include, the safety of persons using any highway. There is no statutory definition of amenity but the PPG states that this is usually understood to mean the effect on visual and amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
- 7.3 Therefore, the material issues to consider with the application are:
- Amenity (including residential and visual amenity); and,
 - Public Safety (including highway and pedestrian safety)

7.4 Amenity

- 7.4.1 Paragraph 136 of the NPPF states that the quality and character of a place can suffer when advertisements are poorly sited and designed. Policy DM9 and DM17 of the CSDMP respectively, requires development to respect and enhance and area's character; and, promotes the conservation and enhancement of heritage assets and its setting.
- 7.4.2 The Chobham Conservation Appraisal (CCA) 2001 explains that the High Street with a concentration of statutory listed buildings on each side forms the historic core of Chobham Conservation Area, of which the Grade I Listed St. Lawrence's Church is architecturally and historically the most important building. The site is outside of this historic core located on Station Road which contains a mix of uses including residential, commercial and community facilities. The 2001 CCA states that the Station Road tree lined approach bordering the recreation area makes a special contribution to the conservation area. However, the CCA explains that Station Road does not contain any Listed Buildings but that the properties between the Village Hall and the High Street make a pleasant group. The CCA also acknowledges the modern additions within this area. This includes the application site which is a modern style building. To the west of the site is a Locally Listed Building Church Hall and the modern forecourt of the Esso petrol filling station, on the roundabout corner of Station Road and the High Street, contains a plethora of signage including illuminated lettering on the totem pole.
- 7.4.3 Given this mixed historic and modern context, the type and style of signage on this modern building would need to complement its modern architecture. A heritage style hanging sign, for example, would visually appear out of place on this building. Furthermore, the building is setback from the highway by approximately 8 metres and given that it is on the opposite side of the road from the tree-lined approach, visually it does not conflict with this important approach into the conservation area. The fascia and projecting signage has replaced existing signage of a similar size and design and so visually do not have a significant greater impact than those replaced. Overall, the Council's Heritage Consultant has raised no objection and considers the main issues have been addressed. The previous projecting

sign was a modern interpretation of a hanging sign with lighting troughs above the sign and was located fully below the first floor window. It is noted that the Heritage Consultant would have preferred a traditional hanging sign, however, the existing projecting sign is sited higher on the building, is a box design but is non-illuminated. Whilst therefore the old sign was better in terms of siting and design, on balance the overall visual impact is the same because the new sign is an improvement on the previous signage by being non-illuminated. The projecting sign is also on the western end of the front of the building closest to the public house, and combined with the setback from the road, this further reduces its impact.

- 7.4.4 Although the vinyls add to the total number of adverts on the building, cumulatively this does not result in clutter. Rather, these vinyls are considered to provide some visual interest to the front of the building and restrict views of the internal roller shutters which are a poor feature of the existing building. While there would be an increased number of adverts, it is considered these are broken up with sufficient space between them as not to dominate the front elevation of the building.
- 7.4.5 The Council's Heritage Consultant originally raised concerns about the internal illuminated signs. This type of lighting can be particularly visually harmful. During the course of the application all internally illuminated signs have been removed from the proposal. Instead the fascia sign is externally illuminated with the existing swan neck lighting and this is a type of lighting that is more appropriate in a conservation area. The proposal does not therefore result in increased level of illumination or lights. The Environmental Health Officer has reviewed the application and raised no objection due to the illumination were within the permitted levels. As already explained, unlike the previous projecting sign, the replacement projecting sign has no illumination and so this is an improvement.
- 7.4.6 Two additional signs have been erected. Sign 10 is a disabled car parking sign and sign 11 is an entrance sign. Both of these signs are considered necessary to advertise the disabled parking and directional signage for customers and would not result in a detriment impact on the character and appearance of the Conservation Area.
- 7.4.7 None of the signs would not directly front or face any residential accommodation. The building to the west is an empty building, previously a restaurant, and the building to the east is a public house and opposite the site is a recreation ground. As such it is considered that the retrospective adverts and signs would not result in detrimental impact to nearby residential occupiers amenities.
- 7.4.8 For the reasons given above the adverts would not result in harm to the amenity of the surrounding area, neighbouring occupiers or the setting of the Conservation Area and are in accordance with Policies DM9 and DM17 of the CSDMP and paragraph 136 of the NPPF.

7.5 Public Safety

- 7.5.1 Paragraph 136 of the NPPF and the Advertisement Regulation 2007 require consideration of public safety. The site fronts the A3046 Station Road and therefore the County Highways Authority has been consulted on the application. Policy DM11 of the CSDMP requires new development not to result in a detrimental impact on the safe and efficient operation of the highway network.
- 7.5.2 The County Highways Authority raise no objection. The proposal does not result in an unsafe environment for pedestrians and other highway users and are acceptable in respect to public safety.

8.0 PUBLIC SECTOR EQUALITY DUTY

- 8.1 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 retrospective adverts do not result in harm to the amenity of the surrounding area or neighbouring occupiers amenity and do not result in harm to Chobham Village Conservation Area. The retrospective adverts do not result in unsafe highway conditions to the detriment of the safe and efficient operation of the public highways network. Therefore, the application complies with Policies DM9, DM11 and DM17 of the CSDMP and NPPF.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. This consent shall be limited to a five year period from the date of the permission, when the advertisement hereby permitted shall be removed and the land reinstated to its former condition to the reasonable satisfaction of the Local Planning Authority.

Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. The development shall be retained in accordance with the following approved plans:

03_6683_03B_R3 Received 4th November 2023
02_6683_02D_R3 Received 4th November 2023
Projecting+sign+V2.1 Rev B Received 4th November 2023
03_6683_03C Received 3rd August 2023
02_6683_02C Received 26TH May 2023
Location Plan Received 26TH May 2023

unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. (a) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

(c) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(e) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air,

or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: To comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework.

4. The development here by permitted shall not include any internal illuminated signs.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.

| | |
|---------------------------|------------------------|
| APPLICATION NUMBER | SU/23/0571/A DV |
|---------------------------|------------------------|

DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: Mr Andy Horwood

Location: Tesco , Station Road, Chobham, Woking, Surrey, GU24 8AQ

Development: Application for Advertisement Consent for 3x fascia sign, 1x projecting sign, 4x vinyl, 1x frosting, 2x dibond

| | | | | | |
|------------------------|----------------|--------------------------|-------------|----------------------|--------------|
| Contact Officer | Bruno Schatten | Consultation Date | 1 June 2023 | Response Date | 20 June 2023 |
|------------------------|----------------|--------------------------|-------------|----------------------|--------------|

THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

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URBAN DESIGN AND HERITAGE CONSULTEE RESPONSE

23/0571/ADV

Application for Advertisement Consent for 3x fascia sign, 1x projecting sign, 4x vinyl, 1x frosting, 2x dibond.

Tesco Station Road Chobham Woking Surrey GU24 8AQ

Recommendations

Policy

DM9, DM17

Chobham Village Conservation Area SPD 2001

The application site is situated in the Chobham Village Conservation Area, a designated heritage asset, protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. The purpose of the Conservation Area designation is to help to retain the existing character and appearance and prevent unsympathetic alterations which would harm the area or its setting.

The scheme proposes internal illumination elements that will have a detrimental effect on, and fails to respect and enhance, the historic character of Chobham village.

The scheme also proposes large scale front and side window advertising vinyl posters on the front elevation and the east elevation that are considered visually dominant and unsuitable in this location, as they fail to respect and enhance the historic character of the Conservation Area.

Due to strong concerns from the public when permission for the planning permission was granted for the establishment of Tesco in Chobham initially, controls were implemented to ensure that the character of the Conservation Area was going to be retained, which still apply. This application is contrary to national legislation, national and local planning policy. Refusal recommended.

M. Gustafsson MSc MA

Urban Design and Heritage Consultant

29th of June 2023

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URBAN DESIGN AND HERITAGE CONSULTEE RESPONSE

23/0571/ADV

Application for Advertisement Consent for 3x fascia sign, 1x projecting sign, 4x vinyl, 1x frosting, 2x dibond.

Tesco Station Road Chobham Woking Surrey GU24 8AQ

Recommendations

Policy

The National Design Guide

NPPF §§194, 195, 197 (a), 197 (b), 199

DM9, DM17

Chobham Village Conservation Area SPD 2001

The application site is situated in the Chobham Village Conservation Area, a designated heritage asset, protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. The purpose of the Conservation Area designation is to retain the existing character and appearance long term and prevent unsympathetic alterations which would harm the area or its setting.

Having reviewed further amended plans, dated 1st August and 3rd August, previous heritage objections made on 29th of June 2023 have not been fully addressed. The omission of the blue box front fascia is however welcome.

The proposed scheme still contains two internally illuminated components, a large halo illuminated signage to the front, and a side-hung internally illuminated white/blue/red signage along Station Road, which both fail to respect and enhance the character and appearance of the Chobham Conservation. The current scheme is contrary to legislation, the NPPF as well as DM9, DM17 and the Conservation Area Appraisal SPD and should be refused. The recommendation for the most recent proposal is therefore to MAINTAIN OBJECTION. A different solution must therefore be sought.

The main signage to the front should be externally illuminated only, either by traditional, external swan neck lighting, alternatively externally illuminated by a discrete, contemporary external through light at the top of equal width as the signboard. The side-hung signage must also be externally illuminated only, and preferably designed in corporate dark brown colour, rather than white/blue/red, to integrate better with the historic environment.

The proposed large-scale front and side window advertising vinyl posters on the south and east elevations are considered acceptable on balance. There are no objections to the area of frosted glass on the eastern elevation from a design or heritage perspective.

M. Gustafsson MSc MA

Urban Design and Heritage Consultant

1 September 2023

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[REDACTED]

From: Margaret Gustafsson [REDACTED]
Sent: 30 November 2023 12:12
To: Melissa Turney <Melissa.Turney@surreyheath.gov.uk>
Subject: Re: Design Surgery 23/0571/ADV Tesco Station Road - acceptable

Hi Melissa,

Thank you for consulting me on this application with regards to proposed amendments.

All previous matters have been addressed and there are no objections from a heritage perspective. Ideally the side-hung sign, sign No. 4 should have been a traditionally hanging sign, rather than fixed. However the main issues including the main signage to the front have been addressed. Let me know if you still want to discuss, perhaps not necessary?

Kind regards,

Margaret

Margaret Gustafsson MSc MA
Urban Design Consultant



Planning Services
Finance and Customer Service Directorate
Surrey Heath Borough Council
Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD
Tel: 01276 707188
Email: [REDACTED]
Web: www.surreyheath.gov.uk

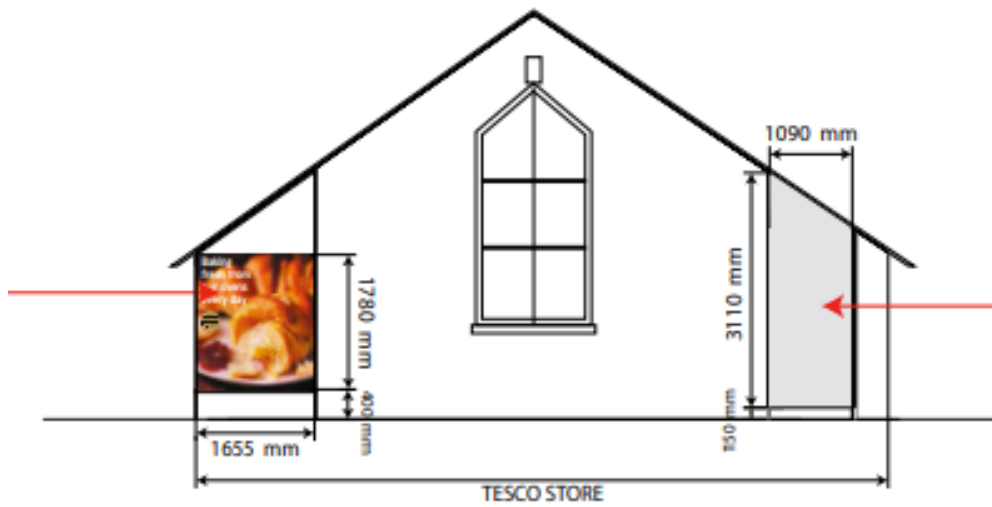
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Location Plan

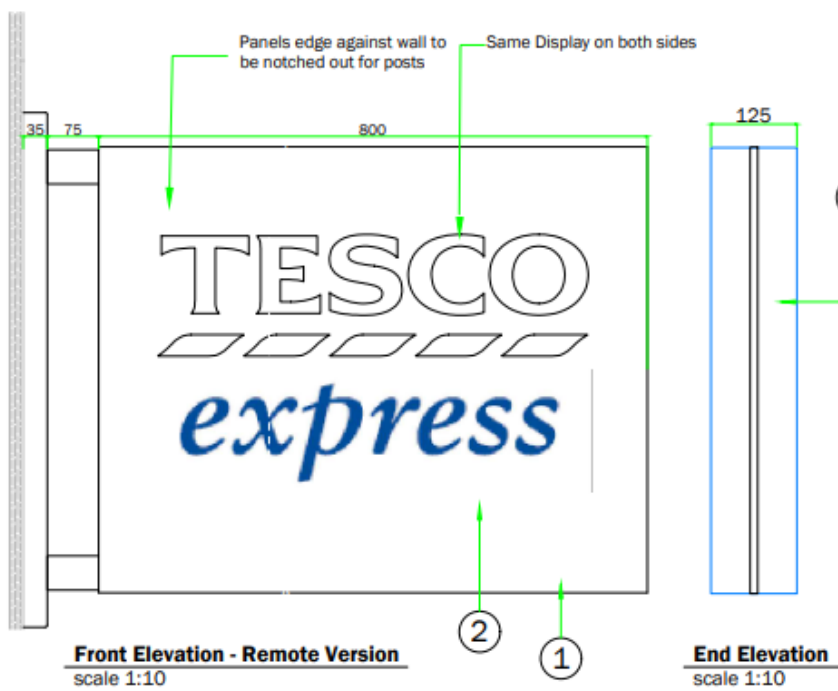


Retrospective adverts and signs





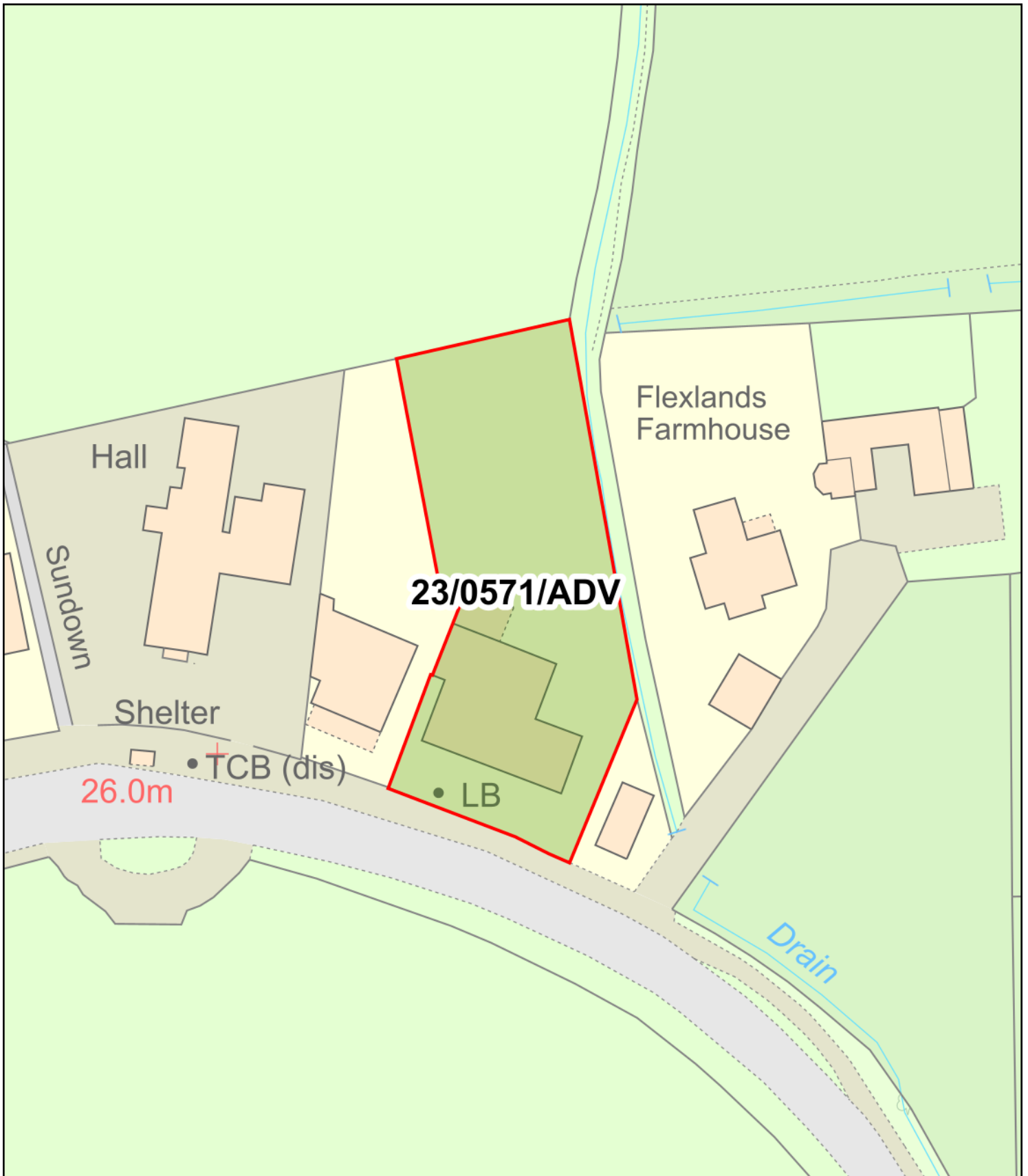
Projecting sign

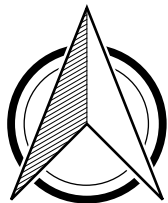
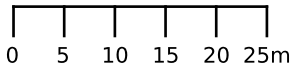



Photos of the sign installed







| | | | |
|---|---|---------|--|
| Title | 23/0571/ADV | | |
| Application Number | 23/0571/ADV | | Scale @ A4 |
| Address | Tesco Station Road | | Date 06/12/202 |
| Proposal | Application for Advertisement Consent for 1 fascia sign, 1x projecting sign, 4x vinyl, 1x frosting, 2x dibond | | |
| © Crown copyright and database right. All rights reserved (AC0000812461) 2023 | | Page 29 |   |
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23/0891/MPO

Reg. Date

30 August 2023

Bagshot

LOCATION: 42 - 44 London Road, Bagshot, Surrey

PROPOSAL: Application for a variation to the legal agreement/operational management plan relating to planning permission 18/1083 granted on appeal APP/D3640/W/20/3245089 [relating to the erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings] to allow the minimum age for care residents reduced from 70 to 60 years

TYPE: Modification & Discharge of Obligation

APPLICANT: McCarthy & Stone Retirement Lifestyles Ltd

OFFICER: Duncan Carty

This application is being reported to the Planning Applications Committee because the proposal is a major development (i.e. over 1,000 square metres floorspace) The original planning application was also referred to the Planning Applications Committee and the variation to the legal agreement and operational management plan needs to be reported back on this basis.

RECOMMENDATION: GRANT amendments to legal agreement

1.0 SUMMARY

- 1.1 This application relates to seeking the approval of a variation to a legal agreement for a previously approved development (Ref: 18/1083), granted on appeal, for an extra care apartment development at 42-44 London Road in Bagshot. A copy of the appeal decision is provided as Annex A. The variation seeks to allow occupation of the development by residents needing care of a minimum age of 60 years old rather than 70 years old. The partners of such people, who may not need care is limited to a minimum age of 60 years old and is not proposed to be changed under this application.
- 1.2 This application follows the allowed appeal for this development and the building is now built. The only material considerations to be addressed under this proposal are the impacts on extra care provision and on highway grounds.
- 1.3 The proposal is considered to be acceptable on these grounds and it is recommended for approval, subject to the completion of the amended legal agreement and operational management plan.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to the extra care development with the building now built, but not occupied, at 42-44 London Road. It was previously occupied by a bungalow (42 London Road) and the Jacks Fish and Chip shop (44 London Rad) as well as a vacant dwelling (4/4a Half Moon Street) at the rear of the site. The extra care development is at a four storey height to the site frontage, reducing to single storey at the rear boundary and provides 46

extra care apartments. The building is located to the south west side of the application site with car parking to the north east. Vehicular access is provided to the site from London Road, with a pedestrian/buggy access (only) from Half Moon Street.

2.2 The 0.47 hectare site is irregular in shape and includes a number of trees to the north east boundary of the site which is with the Windle Brook. None of the trees are protected under a Tree Preservation Order. Part of the application site lies within Flood Zone 2 and part within Flood Zone 3. The site lies within the Land at Half Moon Street site, an area of high archaeological potential and adjoins the Bagshot Conservation Area (Half Moon Street).

2.3 The development is on the south east side of London Road with Tanners Yard opposite, 48 London Road and 1-3 Half Moon Street to the south west flank, 40 London Road, the petrol filling station, and 1 Brookside Cottages to the north east flank, beyond the watercourse, and properties 71-87 High Street beyond Half Moon Street to south east of the site.

3.0 RELEVANT HISTORY

3.1 18/1083 Erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings

Refused in October 2019 and subsequent appeal APP/D3640/W/20/3245089 allowed in July 2020. As indicated above, the building has been built (and nearing completion) but not occupied.

During the consideration of the appeal, a legal agreement was completed to include SPA mitigation contributions with an attached operational management plan setting out how the development would operate within the extra care (class C2) use including the minimum age of residents.

The appeal decision, original decision notice and officer report for the application are attached at Annexes A, B and C, respectively.

4.0 THE PROPOSAL

4.1 The application relates to a variation to the legal agreement/operational management plan, provided for the appeal, which includes a minimum age of 60 years old rather than 70 years old. The minimum age of a spouse, or widow/er of such a person, would remain at 60 years old. A revised legal agreement and operational management plan in this regard is proposed. No changes to the approved parking layout are proposed. The parking layout provides 32 spaces.

4.2 The applicant has advised that the proposal is required for the following reasons:

- Marketing of the development has identified people who would wish to reside at the site (60-70 years old) who would not currently meet the criteria for residential occupation. The identified need requires a variation to the legal agreement and operational management plan;
- The health care, social and welfare benefits from specialist residential accommodation of this nature, such as improvements to mobility, reduced medication use and increased life expectancy;
- Reducing the level of expected nights spent in hospital (saving costs to the NHS and reducing “bed blocking”) ; and

- Benefits of retirement living in its societal role in inclusive communities.

5.0 CONSULTATION RESPONSES

5.1 The following external consultees were consulted and their comments are summarised in the table below:

| External Consultation | Comments Received |
|---|---|
| County Highways Authority | No objections raised in terms of likely net additional traffic generation, access arrangements and parking provision. (See Annex D for a copy of their response). |
| NHS Frimley Integrated Care Board (ICB) | No objections |
| SCC Adult Social Care Group (ASC) | No objections raised considering the proposed age restrictions to be appropriate, and more typical, minimum age for such developments. |
| Windlesham Parish Council | An objection is raised on the grounds of a lack of parking which would be exacerbated if the age range is lowered to 60 years. <i>[Officer comment: The proposal would provide an acceptable level of parking for the development and the lowering of the age of occupation for residents needing care would not materially affect the parking demand for the development]</i> |

6.0 REPRESENTATION

6.1 A total of 48 individual letters of notification were sent out on 6 September 2023. A press notice was published on 22 September 2023. To date no letters of representation have been received.

7.0 PLANNING CONSIDERATION

7.1 This application is considered against advice contained with the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development. Regard will be given to Policies CP11, DM11 and DM14 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). The application follows permission 18/1083 granted on appeal for the development now built. The assessment relates only to the changes to the legal agreement for this development, and not a reassessment of that development.

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

- Impact on extra care provision; and
- Impact on parking provision and highway safety.

7.3 Impact on extra care provision

- 7.3.1 Paragraphs 7 and 8 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives to achieve sustainable development, including the social objective. The social objective seeks to support strong, vibrant and healthy communities by ensuring the provision of a range of housing and communities' health, social and cultural well-being. Policy DM14 of the CSDMP states that the Council will seek to identify opportunities to enhance and improve community facilities within the Borough, whether through the provision of co-located or new facilities.
- 7.3.2 The need for the development has previously been established through the original application and appeal processes. More recently, it has become clear that there is an established need for extra care accommodation within the Borough (where there is not the same need for care or nursing home accommodation). This is one of the only such proposals within the Borough and the current proposal would still provide 46 extra care apartments to assist in meeting this need.
- 7.3.3 The ICB has confirmed that the lowering of the minimum age of occupation from 70 to 60 years (for those needing care) would allow the development to be available for more of those in need of such accommodation and this is seen as a benefit of the current proposal. This approach is also supported by the ASC. It is therefore considered that the proposal is acceptable complying with Policy DM14 of the CSDMP and the NPPF.

7.4 Impact on parking provision and highway safety

- 7.4.1 Paragraphs 105 and 110 of the NPPF promotes sustainable transport objectives. This includes safe and suitable access for all users and has the benefit of reducing emissions. Policies CP1 and CP11 of the CSDMP reflect these objectives by directing development to sustainable locations. Policy DM11 of the CSDMP states that development would not be acceptable where there is an adverse impact on the safe and efficient flow of traffic.
- 7.4.2 The proposal would provide 32 car parking spaces, as approved, with a ratio of 0.7 spaces per apartment. Whilst the age restriction for residents with care (but not their spouses or widow/ers) would be lowered, this would not have any material effect on the parking demand for this development. It must also be noted that this limitation was offered by the applicant/appellant during that appeal and not during the application stage (the officer report at Annex C was silent on this issue).
- 7.4.3 The County Highway Authority (CHA) has indicated that the proposal would not materially impact on the safety and operation of the adjoining public highway. With the level of parking to be provided for this development and its more sustainable location (with pedestrian access into the village and the rail station nearby), the CHA considers that the proposed variation would not lead to excess parking demand.
- 7.4.4 No objections had been raised on these grounds as set out in the refusal reasons (see Annex B) nor raised by the Inspector into the appeal decision (see Annex A). In paragraph 33 of the appeal decision, the Inspector recognises the concerns raised for the development on existing parking pressures in the area, but noted that the proposed rear access would provide a safe and useful pedestrian link into the High Street and that the site is close to the rail station. The Inspector concluded that there was no compelling evidence to indicate that the appeal proposal would exacerbate existing congestion or parking pressures in the area; and that the parking provision is appropriate for the site and that the appeal proposal would not result in an unacceptable impact on highway safety. It is not considered that the current proposal would have no greater material impact on parking capacity and highway safety than the originally approved development.
- 7.4.5 As such, no objections are raised to the proposal on these grounds with the proposal complying with Policies CP11 and DM11 of the CSDMP, and the NPPF.

8.0 PUBLIC SECTOR EQUALITY DUTY

- 8.1 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 proposal is considered to be acceptable in terms of extra care provision and highway safety.

10.0 RECOMMENDATION

GRANT the amendment to the legal agreement and operational management plan, subject to the completion of an amended legal agreement and operational management plan.

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Appeal Decision

Site visit made on 6 July 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/D3640/W/20/3245089

42-44 London Road, Bagshot GU19 5HL

- 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 Your Life Management Services Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 18/1083, dated 7 December 2018, was refused by notice dated 17 October 2019.
 - The development proposed is for the demolition of existing buildings and redevelopment to form 46 Extra Care apartments (C2 use) for older people including communal facilities, car parking and associated landscaping.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing buildings and redevelopment to form 46 Extra Care apartments (C2 use) for older people including communal facilities, car parking and associated landscaping at 42-44 London Road, Bagshot GU19 5HL, in accordance with the terms of application 18/1083 dated 7 December 2018, and subject to the submitted Legal Agreement and attached schedule of conditions.

Procedural matters

2. A S106 Legal Agreement in the form of a Unilateral Undertaking (UU) has been submitted in support of the appeal. This makes provision for financial payments towards Strategic Access Management and Monitoring (SAMM) and Suitable Accessible Natural Green Spaces (SANG). It would also ensure that the operator provides a suite of care commensurate with an extra care facility. The Council has identified that these sums would provide a satisfactory means to secure appropriate mitigation towards the Thames Basin Heaths Special Protection Area (TBHSPA). It has consequently withdrawn its second reason for refusal. However, as decision maker it is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. It is therefore necessary to still consider this as a main issue.
3. The application was amended following its initial submission to the Council but prior to its determination. I have dealt with the appeal on the basis of the amended plans, which were subject to public re-consultation. These do not materially change the substance of the proposal. Consequently, taking these into account would not prejudice any party.
4. I have adjusted the address from that used on the application form to the one within the appeal form and decision notice for clarity. Also, the description of

development was changed by the Council. However, I do not appear to have confirmation that this revised description was agreed with the appellants. As such, I have used the description from the application form that clearly describes the proposal.

Main Issues

5. Accordingly, the main issues are:

- the effect of the proposed development on the character and appearance of the area, with particular respect to its footprint, mass and dormer design,
- the effect of the proposal on the setting of the adjacent Bagshot Village Conservation Area and on the identified designated and non-designated heritage assets, and
- whether the proposal would have a significant effect on the integrity of the TBHSPA.

Reasons

Character and appearance

6. London Road is a main route through the village of Bagshot. It is a wide and relatively busy highway. The majority of buildings adjacent to the site and along London Road are in commercial and community use. Residential uses are found to the immediate east of the site. The appeal site is therefore a transitional one between residential and commercial activity. In architectural terms local building heights are generally between two and three stories and are brick with pitched roofs. The appeal site consists of a restaurant, a dwelling to the rear and other smaller buildings. The restaurant presents a side elevation to London Road and overlooks a large car park. Therefore, the front of the site is dominated by hardstanding and built form, with limited landscaping. As a result, the site has a relatively stark and hard urban appearance. It therefore makes a neutral contribution to the character and appearance of the local area.
7. Local building footprints are a variety of sizes. To the north and east of the appeal site there are several examples of substantially larger footprints of buildings in residential and commercial use. Within High Street plots sizes are much smaller, though properties are attached to create larger blocks of development with continuous frontages. The proposed building would have a large footprint in comparison to many traditional buildings but would be consistent with the general form of many more contemporary local examples. The proposed footprint would therefore be appropriate in principal within the local context.
8. The proposed footprint would have a bearing on the retained space available for landscaping, amenity space and parking. The proposal would include a substantial area of private amenity space to the rear of the building that appears adequate for the needs of its residents. Also, the proposed parking provision would satisfy the County Highway Authority in terms of quantity and highway safety. Furthermore, although some parking rows are in clusters of 4, the effect of the proposed landscaping would soften the appearance of the frontage. Moreover, the addition of the generous pockets of frontage green space would substantially enhance the appearance of the site in comparison to

its existing appearance. Therefore, the proposed car park would not be a dominant feature in the streetscene. There would be adequate opportunity to accommodate on plot landscaping. Accordingly, the areas allocated for landscaping, amenity and parking are reasonable and would not be constrained by the footprint of the proposed development.

9. Turning to the effect of the mass of the proposal, the building would include a 4-storey element within a section closest to London Road, part of which would be within a roof space. Height within the building would then gradually reduce away from London Road to terminate with a single-storey component to the east part of the site. The design includes pitched roofs that would diminish the visual impact of the building and create a lower profile. London Road already contains several three-storey buildings, with Seal House making use of its roof space to provide a third floor. Furthermore, these buildings assist in enclosing and framing this wide and busy street. Accordingly, whilst the proposed building would be a single form, its mass would not appear out of place and would incorporate design elements and characteristics from the local area.
10. The form of the proposal would consist of various building heights and a modest range of materials. Elevations would largely include brick with timber cladding around the corner feature. The effect of this variety of form would be to disguise the mass of the building. This would be assisted by the clear and defined articulation of the elevations with a coordinated window form and order. Also, the Z-Plan footprint would visually reduce the effect of each elevation and accordingly reduce the appearance of its overall mass. This would also reduce the visual impact of each elevation. The form would also be disaggregated by a variety of design elements. This variety would create further interest in the elevations. Furthermore, the configuration of the footprint would enable it to successfully address both London Road and Half Moon Street. Taking these elements together, the proposed building's form would accord with the general form and character of many local buildings.
11. Turning to the design of the dormer window features, dormer windows on two-storey buildings are evident along Bridge Road to the east of the site. The proposal would include wide dormer additions for large parts of the proposed building. The Council's Residential Design Guide advises that dormer windows should not dominate a roof and not occupy more than half of a roof slope. However, in this case the dormer window feature would be most prominent from London Road, which has a mixed character. The longer side elevation would only be seen in incidental views from the main road and would therefore not dominate the streetscene. Also, dormers would not appear dominant in the domestic scale found on Half Moon Street. Furthermore, the windows within the dormers would largely follow the established rhythm of lower level windows. Also, the colour blending of its cladding and the surrounding roof tiles would enable the dormers to better integrate with the roof. Moreover, the roof plane would maintain its dominance of form having expressed eaves and a ridge line that would define the principal shape of the roof. Accordingly, these elements when combined would de-emphasise the overall effect of the dormers and enable them to complement the local area with a contemporary response.
12. Taking the above points together, I have found that the proposal would be an appropriate response to its context in regard to its footprint, mass and dormer design. It would therefore accord with the areas prevailing character and would deliver an attractive well-designed scheme.

13. Accordingly, the proposal would accord with policies CP2 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028 (2012) (CS). These seek development that would use land efficiently, taking into account its context and be of high-quality design. Furthermore, the proposal would accord with the Council's Residential Design Guide (2017) which amongst other things seeks building heights to help enclose the street and to integrate well into its surrounding context. These policies are also in general accordance with the Framework requiring development to be sympathetic to the local character.

Effect on heritage assets

14. The south eastern boundary of the site adjoins the northern boundary of the Bagshot Village Conservation Area (CA). The significance of the CA derives from it being a historic Surrey village with an array of historic buildings, some of which from C16, and that it retains a domestic scale. The National Planning Policy Framework (The Framework) identifies significance as 'the value of a heritage asset to this and future generations' and is derived 'not only from its physical presence, but also its setting'. It explains that elements of a setting may make a positive or negative contribution to its significance or may be neutral. Therefore, the question is whether change within the wider 'setting' of the identified heritage assets would result in a loss of (or degrading to) their 'significance' as a heritage asset. Heights of buildings within the conservation area are predominantly two-storey. A limited number of these include three-storey elements within gable ends such as found at 41-45 High Street.
15. The Council's Bagshot Village Conservation Area Appraisal and Management Proposals 2015 (CAAMP) identifies important views through the conservation area. It also identifies that some modern buildings outside the CA have not been in scale with the surrounding historic environment. The most affected views from within the CA would be from the frontage of the Kings Arms looking north and from Half Moon Street. However, from the frontage of the Kings Arms the upper level of the proposal would only be partially visible and set behind existing buildings. From Half Moon Street, the nearest element of the proposed building would be single-storey and the larger element set way from this frontage. As a result, the proposed building would be discrete and would not dominate either view.
16. Some views from London Road, looking south over the site, would partially obscure distant views of some roofs of modestly scaled buildings on the High Street. However, specific views from London Road are not identified as significant within the character appraisal. Also, this view already includes the petrol station and restaurant which together have a negative effect on this approach. Conversely, the appellant's viewpoint analysis illustrates that the proposal would have a positive impact. It would address the street with a building that would face the main road and complement the established character of London Road. I therefore find that views of the scheme from and into the CA would not be unduly prominent. As such, they would have a neutral effect on its setting and would not harm the character or appearance of the CA.
17. The site is within the setting of several listed buildings. I have a statutory duty¹ to have special regard to the desirability to preserve the setting of a listed building. The listed buildings consist of '75-79 High Street', 'The Three Mariners

¹ section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

and Cottage', 'Queen Anne House' and '65 High Street'. No 75-79 is Grade II listed. Its significance derives from its C16 origins and being traditional two-storey cottages. The significance of the Grade II 'The Three Mariners' site relates to its origins in the C16 and C17 and its form of construction including a timber frame. A key view of these two buildings is when looking northeast along High Street. Due to the close and intimate nature of this section of the High Street perception of the proposal would be negligible. Furthermore, the rear of No's 75-79 are less detailed parts of the building and Half Moon Street therefore is of less significance to the building. Therefore, the nearer parts of the proposal, consisting of a reduced height, would have a minimal impact on its significance from this vantage.

18. The significance of the Grade II Queen Anne House lies primarily in its prominent formal front façade onto Bridge Road which, whilst modestly detailed, retains its period details. The garage, other buildings and trees opposite this building would result in limited intervisibility of the proposal. The significance of 65 High Street, a Grade II listed building, derives from its architectural detailing and C18 origins. Due to the close proximity of neighbouring buildings the proposal would have a negligible effect on its significance. As such, the proposal would have a negligible impact on the significance of the identified listed buildings within the area and would therefore preserve their setting.
19. Bagshot Park is a Grade II Registered Park and Garden to the north of the site. The proposed building would be seen from the park in context with its surrounding built form. It would therefore have a minimal impact on the significance of the Park.
20. Two locally listed buildings are also close to the site. The property of 1-3 Half Moon Street is a two-storey white painted dwelling. Number 85-87 High Street is a brick C19 building with a relatively strong street presence. Their significance has not been identified within the CAAMP. However, they are traditional buildings that are in character with their surrounding area and make a positive contribution to the CA. The proposed building would be lower where it would be close to these buildings and would therefore respect their significance.
21. I have therefore considered the effect of the scheme on the setting of a range of designated and non-designated heritage assets. I have accepted that the scheme would, to varying degrees, visibly alter their context. However, I have found that individual impacts on setting would be no greater than negligible, and that overall the redevelopment of the site would have a beneficial impact. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving the setting of listed buildings. The protection of these, and other heritage assets, must be given considerable importance and weight. Even taken cumulatively, my view is that the scheme would not harm the significance of the identified designated and non-designated heritage assets.
22. Accordingly, the proposal would accord with policy DM9 of the (CS). This seeks development that takes into account the significance of local heritage assets. Furthermore, the proposal would satisfy the Bagshot Village Conservation Area Appraisal and Management Proposals (2015) which seeks new development

outside the CA boundary to improve and enhance nearby sites. This proposal would also accord with the Framework requiring development to sustain and enhance the significance of heritage assets.

Special Protection Area (SPA)

23. The appeal site is located around 0.47km from the TBHSPA. The Council's TBHSPA Avoidance Strategy (2019) identifies that recreational pressure is having a detrimental effect on the nightjar, woodlark and dartford warbler species of birds within the SPA. The Council's second reason for refusal was that in the absence of payment or a completed legal agreement the applicant had failed to satisfy Policy CP14B of the CS. This policy requires any residential development to only be permitted, within 5km of the SPA, if it does not give rise to an adverse effect upon its integrity.
24. Circular 6/2005, and in particular the flow chart in figure 1, sets out the approach to be taken in considering a development proposal that might affect a SPA, in order to fulfil the requirements of the Habitats Regulations. The appeal proposal is not directly connected with nature conservation. I have no evidence to assure me that visits to the SPA would not have a significant effect on the internationally important features of the site. Furthermore, Natural England confirmed during the application process that the proposal would result in an adverse effect without mitigation. Also, it is undisputed by the appellant that without mitigation measures the proposal would result in potential harm to the SPA. In such circumstances the Circular requires that I undertake an Appropriate Assessment (AA) to consider the implications of the proposal in view of its conservation objectives.
25. I concur with the view of Natural England and the Council that, in the absence of mitigation measures, there is the potential for residents of the proposal to visit the SPA. The Circular requires me to consider whether compliance with conditions or other restrictions, such as a planning obligation, would enable it to be ascertained that the proposal would not adversely affect the integrity of the SPA.
26. The Council's Avoidance Strategy explains that residential development between 400m and 5km of the SPA can mitigate its adverse effects through developer contributions. The Council has identified that the site is within the catchment of the Windlemere SANG which has some limited capacity to accommodate further users. The Strategy also confirms that SANG contributions would be required in accordance with the tariff set out in chapter 7 of the document. The Council has confirmed that the sums within the UU would meet the Strategy's requirements and enable access by future occupiers to the Windlemere SANG.
27. Paragraph 56 of the Framework and the CIL Regulations² require planning obligations to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. I find that the offered SPA mitigation contributions are necessary to meet the Council's SPA Avoidance Strategy. Furthermore, the operational management plan is necessary to ensure that the facility provides for an extra care facility and thereby meeting the identified local needs for specialist elderly accommodation. The document is a certified executable Legal Agreement. I am therefore

² Community Infrastructure Levy Regulations 2010, Regulation 122(2)

satisfied that the Agreement is necessary to meet the requirements of policy CP14B and local housing needs. I am therefore content that these elements satisfy the required tests of the CIL Regulations. Moreover, the measures would provide the necessary mitigation to ensure that the development would not adversely affect the integrity of the TBHSPA.

28. As such, the proposal would comply with policies CP14(B)(v) and (vi) of the CS which seeks development that would not affect the integrity of the SPA through making contributions towards a SANG and SAMM. The proposal would also satisfy saved policy NRM6 of The South East Plan 2009, which seeks development to provide mitigation measures that would be likely to affect the integrity of the SPA. Consequently, the proposal would therefore also satisfy the requirements of the TBHSPA Avoidance Strategy (2019) that establishes the Council's mitigation requirements.
29. The Council has stated that its allocation of users to the Windlemere SANG site is becoming limited. Consequently, it has confirmed that planning approvals for development requiring SPA mitigation would receive only a one-year commencement period. This would enable the Council to better manage the allocation of, and access to, the SANG. I find this to be a reasonable response to the management of this limited resource. Furthermore, as the commencement date would be shortened it follows that the trigger payment date within the UU should also reflect this position. Moreover, payment prior to commencement would accord with the Council's Avoidance Strategy. I am aware that the appellant is managing financial difficulties associated with the effects of Covid-19. I understand that this is having a broad and considerable impact on this sector. However, for the above reasons, it would be necessary and fundamental for these payments to be made prior to the commencement of development to avoid an otherwise adverse impact on the SPA.

Other matters

30. I have noted concerns raised by local residents in regard to privacy, outlook, and access to sunlight and daylight. With regard to overlooking, the distances from proposed habitable windows towards neighbouring gardens and rooms is substantial and the impact on privacy would accordingly be negligible. Equally as the separation distances would be generous the effect of daylight levels would be minimal. Moreover, the position of the lower level elements of the proposed building, adjacent to Half Moon Street, would further mitigate any demonstrable harm on adjacent occupiers. In consideration of the effect of loss of direct sunlight the proposal would be northeast of dwellings along Half Moon Street. These properties may have a slight reduction in sunlight at the end of the day. However, they are to the south of the site, and so harm in this regard would be negligible. Other dwellings to the north and south of the site would be less affected by the proposal due to the separation distance and orientation. For similar reasons, the outlook from these nearest dwellings would not be demonstrably harmed.
31. In consideration of noise impact and air pollution, the proposal would locate car parking some distance from the nearest residential boundaries. Furthermore, the noise of traffic using the car park would be unlikely to be significantly greater than noise levels created through the use of the existing car park. For these reasons noise and air pollution would be unlikely to have a demonstrable impact on the living conditions of neighbouring occupiers. Also, the noise

- impact of the main road to future occupiers could be suitably mitigated through the use of a planning condition requiring noise attenuation.
32. Flood issues have been explored through the appellant's Flood Risk Assessment (FRA) and sequential and exception tests. Although the site is partially within flood zone 3a, the tests have illustrated that no other site is reasonably available. The FRA concludes that the site is suitable for development subject to mitigation. The flood attenuation design has been agreed with the Environment Agency and the Lead Local Flood Authority. The proposed building would be raised above the flood plain. It would also include catchment voids under the building and within the car park to accommodate compensatory flood water storage. I see no reason in evidence not to accept these conclusions or the design solution. I am therefore satisfied that flood related matters could be suitably addressed through the application of appropriate planning conditions.
33. Local residents have identified existing parking pressures in the area. However, the proposal would satisfy the Council's car parking requirements. Furthermore, the proposed rear access would provide a safe and useful pedestrian link to the high street. Also, the site is close to the railway station. Subsequently, there is no compelling evidence to indicate that the proposal would exacerbate existing congestion or parking pressures in the area. I am also satisfied that the site is in an accessible location and that the parking provision is appropriate for the given context. Accordingly, the proposal would not result in an unacceptable impact on highway safety.
34. Representations have identified a perceived lack of adequate environmental surveys in regard to Windle Brook and that surveys were not completed at an appropriate time of the year. Nevertheless, I am satisfied that the appellant's ecological report is robust, and I note that the proposal has not raised an objection from the Surrey Wildlife Trust.
35. I have also taken into account representations made in regard to the loss of the existing restaurant and the impact of the proposal on infrastructure, but these matters do not affect my findings on the main issues.

Conditions

36. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. The Council has suggested the imposition of 21 conditions. I shall impose most of these with some minor amendments and adjustments for clarity.
37. It is necessary for details in regard to conditions 13, 15 and 17 to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing because they would include work within the footprint of the building or would affect initial site setting for construction materials and plant. The tree protection condition would be necessary to retain the trees which contribute to the local setting and the overall environmental quality of the area. Construction management details would be required to protect the living conditions of neighbouring residents. Also, details of levels would be necessary to ensure that the building relates well to adjacent buildings in the interests of the character and appearance of the area.

38. The further conditions are necessary in the interests of the character and appearance of the area [3 and 14], to protect flood related matters and ensure the proper drainage of the site [4, 5 and 20], in the interests of highway safety and to limit the impact of highway activity on the local infrastructure [8, 10 and 11], in regard to the identified archaeological and ecological interests [7 and 19], and to protect the living conditions of existing residential neighbours [18] and future occupiers [6]. Furthermore, it is necessary to limit the use of the building to extra care due to the limited car parking provision and to meet the specific local need for specialist accommodation for older people within the area [9]. It is also necessary to require vehicle charging points to satisfy the objectives of policy CP2 of the CS [12].
39. Condition 16 is required to provide adequate noise attenuation and thereby protect the living conditions of future occupiers. However, I am not convinced that these details are required at a pre-commencement stage and have adjusted the submission period accordingly. I have also not imposed the Council's suggested condition 16 as I find this to be repetitious.

Conclusion

40. For the above reasons, the appeal is allowed, and planning permission is granted subject to the appended conditions and the associated Unilateral Undertaking.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than one year from the date of this decision.
- 2) The proposed development shall be built in accordance with the following approved plans: 1454-SE-2385-RL-PL1110 Rev. B, 1454-SE-2385-RL-PL1111 Rev. B, 1454-SE-2385-RL-PL1112 Rev. B, 1454-SE-2385-RLP-PL1210 Rev. B, 1454-SE-2385-RLP-PL1221 Rev. B, 1454-SE-2385-RL-PL1222 Rev. B, 1454-SE-2385-RL-PL1223 Rev. B, 1454-SE-2385-RL-PL1214 Rev. B, 1454-SE-2385-RL-PL1310 Rev. A, 1454-SE-2385-RL-PL1311 Rev. A, 1454-SE-RLP-PL-1314 Rev. A and 1454-SE-2385-RL-PL1312 Rev. A.
- 3) No construction above ground level shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed shall include the proposed brick, tile, cladding, windows, guttering and fenestration. Notwithstanding the approved plans, no windows in the extension shall be installed until details have been submitted to and approved in writing by the local planning authority. The window details shall include:- a) the windows in question and their location within the property, cross referenced to an elevation drawing or floor plan; b) 1:20 elevation and plan; c) 1:10 section with full size glazing bar detail; d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and e) a schedule of the window materials proposed, method of opening and finishes. Thereafter the approved

- development shall be constructed in accordance with the approved materials.
- 4) No construction above ground level shall take place until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy SuDS hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include: a) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s. b) Detailed design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc.). c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected. d) Details of drainage management responsibilities and maintenance regime for the drainage system. e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
 - 5) The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates dated July 2019 [Ref: 43792/4001 Rev. A] and received on 29 July 2019 and the following mitigation measures: a) Finished floor levels shall be set no lower than 57.71 metres above Ordnance Datum (APD); b) Floodable voids shall be incorporated in accordance with Section 6.2.3 of the FRA. The underside of the void shall be set no lower than 57.42 metres above Ordnance Datum (AOD); c) Compensatory storage shall be provided in accordance with Proposed Flood Compensation Scheme drawing Ref: 43792/4001/103 rev. B dated 19.11.2018. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
 - 6) No construction above ground level shall begin until a scheme to manage contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include :- (a) a contaminated land desk study and suggested site assessment methodology; (b) a site investigation report based upon (a); (c) a remediation action plan based upon (a) and (b); (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction; and (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d); and (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out. The development shall be carried out and completed in accordance with the agreed details.

- 7) No construction above ground level shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority. All agreed work shall be undertaken in accordance with the agreed programme and completed prior to the occupation of the approved development.
- 8) The development hereby approved shall not be occupied until the proposed modified access to London Road, as shown on Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 have been constructed in accordance with the approved details.
- 9) The premises shall be used for extra care apartments (and associated uses) and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
- 10) The parking spaces shown on the approved Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles. The parking spaces should be marked such that 7 spaces are provided and made available for staff and visitors.
- 11) The development hereby approved shall not be occupied until the following facilities have been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority for: a) The secure parking of a minimum of 7 bicycles with the development site, and b) Travel information packs are to be provided to residents/staff/visitors regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car club. The approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 12) The development hereby approved shall not be occupied until six of the approved car parking spaces have been provided with a fast charge socket (minimum requirement 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to the submitted to and approved by the Local Planning Authority.
- 13) No development shall take place until a Method of Construction Statement, 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), (e) provision of boundary hoarding, (f) hours of construction, (g) a method of keeping the local highway network clean, and (h) a method to protect the banks of Windle Brook, have all been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period.
- 14) No construction above ground level shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and implemented prior to first occupation. The submitted details shall also include an indication of all level alterations,

hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied BS5837:2012 – Trees in Relation to Design, Demolition and Construction Arboricultural Method Statement [AMS]. All hard and soft landscaping works shall be carried out in accordance with the approved details. Furthermore, a landscape management plan including maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development. The schedule shall include details of the arrangements for its implementation and shall be implemented prior to the occupation of the proposal or the next planting season. The landscape areas shall then be managed and maintained in accordance with the agreed landscape management plan for a minimum period of five years, with any trees removed or having failed being replaced.

- 15) No demolition, site clearance or building operations shall commence until tree and ground protection has been installed in accordance with British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction" in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Tree and ground protection to be installed and retained during the course of the development.
- 16) No construction above ground level shall take place until a scheme for protecting the approved dwellings from noise from A30 London Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any of the affected dwellings are occupied.
- 17) No development shall take place until details of the proposed finished ground floor slab levels of the building and the finished ground level of the site including access, parking areas and rear amenity areas, in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.
- 18) No construction above ground level shall take place until details of external lighting has been submitted to and approved by the Local Planning Authority. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification. Once approved, the external lighting shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter retained in perpetuity.
- 19) The development hereby approved shall be undertaken in accordance with the recommendations of the 'Preliminary Ecological Appraisal and Bat Preliminary Roost Assessment' dated 27th June 2018; and 'Bat Emergence and Reptile Surveys', dated 8th October 2018.
- 20) An evacuation strategy for future residents in the event of a flood event shall also be submitted to and approved by the Local Planning Authority. This strategy shall be approved prior to occupation and undertaken in the event of a flood event emergency.

End of Conditions



Surrey Heath Borough Council

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Mr Matthew Shellum
The Planning Bureau Ltd
Unit 2 Genesis Business Park
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Woking
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GU21 5RW

17 October 2019

TOWN & COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England)
Order 2015

Application Type: Full Planning Application

Drawing No:/Date Stamped: 1454-SE-2385-RL-PL1101(A), 1102(A), 1100(A), 1110(B), 1111(B), 1112(B), 1214(B), 1222(B),1223(B), 1454-SE-2385-RLP-PL1210(B), 1221(B), 1310(A), 1311(A), 1312(A), 1314(A), PP/3208T/BAGSHOT/F2, PP/32058T/BAGSHOT/F1, 1018-KC-XX-YTREE-TCP01(0), 0100(P102), 0101(PL02), 0104(PL02), 0401(PL02), 0402(PL02), 0501(PL02), 43792/2001/SK006, 43792/4001/103A, 43792/2001/SK006.

The Council as Local Planning Authority **REFUSES** planning permission for the following development for the reason(s) set out in the schedule below:-

Proposal: **Erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings. (Additional info & plan rec'd 21/01/2019) (Additional information recv'd 23/1/19 & 11/03/2019). (Amended plans and information rec'd 15/07/2019 & 29/07/2019.)**

Location: **42-44 LONDON ROAD, BAGSHOT, GU19 5HL**

REASON(S) FOR REFUSAL

1. The proposal, by reason of its footprint, bulk, mass and dormer design, coupled with the limited opportunities to provide landscaping and car parking, would result in a quantum of built form that would be incongruous and have an overbearing nature, harmful to the visual amenities of the area including the adjoining Bagshot Village Conservation Area. The proposal would fail to respect and enhance the character and quality of the area contrary to Policies CP2, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012, advice within the Residential Design Guide Supplementary Planning Document 2017 (including inter alia Principle 10.5) and the Bagshot Village Conservation Area Appraisal and Management Proposals September 2015, and the National Planning Policy Framework.
2. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contributions towards Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019.

Informatives:

1. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner.



Executive Head - Regulatory
Duly authorised in this behalf
(ATTENTION IS DRAWN TO THE NOTES ATTACHED)

NOTES TO APPLICANTS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
 - If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (unless your decision relates to an enforcement notice of a minor commercial development – see below).
 - If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
 - If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
 - If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Further advice

- If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner may serve a Purchase Notice on Surrey Heath Borough Council. This Notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 120 of the Town and Country Planning Act 1990.
- This decision notice refers only to the application made and does not convey any other consent or permission. Applicants should satisfy themselves that any other relevant consent is obtained before any work commences. For example: approval under the Building Regulations; consent under the Environment Agency byelaws; the release of any restrictive covenants on the land or permission of any landowners. Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.
- This decision notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained at www.surreyheath.gov.uk. A paper copy can be obtained but there is a charge for this service.

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LOCATION: 42-44 LONDON ROAD, BAGSHOT, GU19 5HL
PROPOSAL: Erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings. (Additional info & plan rec'd 21/01/2019) (Additional information recv'd 23/1/19 & 11/03/2019). (Amended plans and information rec'd 15/07/2019 & 29/07/2019.)
TYPE: Full Planning Application
APPLICANT: Your Life Management Services Ltd.
OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to conditions and a legal agreement

1.0 SUMMARY

- 1.1 This application relates to the erection of a building to provide 46 no. extra care (Class C2) apartments including associated facilities, car parking and landscaping following the demolition of existing buildings. The site lies within the settlement of Bagshot, adjoining the Bagshot Conservation Area. The site lies on the south west side of A30 London Road, including the Jacks Fish & Chip shop/restaurant, a bungalow and associated land/buildings.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity, for the occupiers of adjoining and nearby properties, highway safety, surface water and flood risk, and local infrastructure. Subject to the completion of a legal agreement to secure contributions towards SAMM and limit occupation to those requiring a minimum care package, no objections are raised. The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site falls within the settlement of Bagshot. The site lies on the south west side of London Road. The Windle Brook lies to the north east flank boundary with the BP Garage and 1 Brookside Cottages beyond, and Half Moon Street to the south east (rear) boundary and the rear of High Street properties beyond. 2-3 Half Moon Street lies to the south west flank boundary (beyond an access road) with 46-50 London Road, a commercial property. Tanners Yard lies on the opposite side of London Road.
- 2.2 The 0.47 hectare site is irregular in shape and currently contains a fish and chip shop/restaurant (44 London Road) and its car park fronting London Road, a dwelling (42 London Road) behind this car park and with associated outbuildings, and a vacant building, previously known as 4/4a Half Moon Street). There are a number of trees close to the north east boundary, with the Windle Brook, none of which are protected under a Tree Preservation Order. Part of the application site lies within Flood Zone 2 and part within Flood Zone 3. The site lies within the Land at Half Moon Street site, an area of high archaeological potential and adjoins the Bagshot Conservation Area (Half Moon Street).
- 2.3 The site falls a minimum of about 470 metres from the Thames Basin Heaths Special Protection Area (SPA).

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/89/0654 – Erection of 5 no Class B1 buildings and 3 no mews houses with ancillary car parking, access road, footpath alongside Windle Brook and associated landscaping. Refused in September 1989.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of a part single, two and three storey building with accommodation in part of the roof. The proposal has been amended from its original form of a part three storey, part four storey form and the proposal has reduced this form but with no reduction in the level of accommodation.
- 4.2 The proposed building would be a three storey (with accommodation in the roof) to the London Road frontage. This would step down to the rear with an active frontage in the north east flank provided at right angles to the London Road frontage. At the rear of the site would be a spur to the building providing a single storey to the Half Moon Street frontage. The proposed building would comprise 17 no one bedroom and 29 no two bedroom units (each unit including living room, kitchen, bathroom and bedroom), with reception, kitchen, dining/lounge facilities, laundry room, wellbeing accommodation, refuse store and staff accommodation. The application proposal would provide extra care accommodation for which an element of care for future residents is to be provided.
- 4.3 The proposed building, in its amended form, would have a roughly elongated L-shape with a maximum width of 41.5 metres and a maximum depth of 65.5 metres. The building span generally would be about 18 metres (i.e. a double span). The proposed building would have a maximum height of 12.1 metres (8.3 metres at the eaves) at the London Road frontage, falling to a maximum height ranging between 6.2 and 7.1 metres (between 3.8 and 4.0 metres at the eaves) at the Half Moon Street frontage.
- 4.4 The proposed access would be provided from London Road, with separate in and out access points, with some parking to the front but most to the north east flank. A pedestrian access would be provided to Half Moon Street at the rear. The principal amenity space would be provided to the rear of the building and rear spur (toward the south west part of the site) with smaller areas in the north east corner of the site.
- 4.5 The proposed building would have a principally traditional design and form with the inclusion of a series of flat roof dormers to all elevations. The main external material would be brick in a series of “panels” but with recessed cladding links. However, a more contemporary design would be provided for the entrance at the north east corner of the building (between the London Road and north east frontages) with a flat roof and use of vertical wooden slats as cladding. Balconies are to be provided principally to the flank elevations and rear elevation of the frontage element.
- 4.6 The proposal has been the subject to amendment during its consideration, which has:
- Amended the angled rear spur so that it runs at right angles to the London Road front elevation;
 - Reduce the maximum height (removing the fourth storey);
 - Reduce the rear element (down to two and single storey); and
 - Re-design the elevation treatment.
- 4.7 This application has been supported by:
- Planning Statement;

- Design and Access Statement;
- Affordable Housing statement;
- Need report;
- Transport and Travel Plan Statements;
- Tree Report;
- Heritage Assessment and Archaeological Report;
- Ecological Assessment with Bat Emergence and reptile Surveys;
- Land Contamination Desk Top Study; and
- Flood Risk Assessment, Flood Risk Sequential and Exception Tests and Drainage details.

The assessment in Paragraph 7.0 below has taken into consideration the content of these reports.

5.0 CONSULTATION RESPONSES

| | | |
|------|-------------------------------------|---|
| 5.1 | County Highway Authority | No objections on safety, capacity and policy grounds (see appended response) |
| 5.2 | Senior Environmental Health Officer | No objections |
| 5.3 | Environment Agency | No objections |
| 5.4 | Local Lead Flood Authority | No objections. |
| 5.5 | Scientific Officer | No objections. |
| 5.6 | Natural England | No objections subject to appropriate mitigation being secured. |
| 5.7 | SCC Archaeological Officer | No objections. |
| 5.8 | Surrey Wildlife Trust | No objections. |
| 5.9 | Thames Water | No objections. |
| 5.10 | Urban Design Consultant | No objections. |
| 5.11 | Conservation Consultant | An objection is raised to the impact on the conservation area. |
| 5.12 | Windlesham Parish Council | Raise an objection on the basis of the height of the development not being in keeping with the streetscene; inadequate levels of parking (residents/staff/visitors) in a location which cannot cope with overspill; and other locations in the Borough should be considered for this type of provision (Bagshot already has a number of retirement developments). |

6.0 REPRESENTATIONS

At the time of preparation of this report, 32 representations have been received in support and 45 representations, including an objection from the Bagshot Society, have been received.

6.1 In relation to the objections, the following issues are raised:

6.2 Character/Conservation

- The village should be protected (as a Conservation Area?) and kept as a smaller village [*Officer comment: The application site adjoins the Bagshot Village Conservation Area. In addition, see paragraph 7.4*]
- There is an abundance of housing/care homes in the area and this will add to the destroying of the village [*Officer comment: This would not be a reason, in itself, to refuse this application*]
- Visual impact [*See paragraph 7.4*]
- Building is too big (four storeys) [*See paragraph 7.4*]
- Overdevelopment of the site and domineering appearance [*See paragraph 7.4*]
- Impact on Bagshot Conservation Area [*See paragraph 7.4*]
- Care to protect the one-room house in Half Moon Street is required [*See paragraph 7.4*]
- Design is bland, ugly and unimaginative [*See paragraph 7.4*]
- Insufficient accommodation for outdoor space [*See paragraph 7.5*]
- Modern architecture does not add value to the historic village [*See paragraph 7.4*]
- Developer unwilling to amend scheme following suggestions from residents to reduce impact (e.g. green walls) [*Officer comment: This would not be a reason in itself to refuse this application*]
- Impact on Bagshot skyline and will dominate view of the village from Bagshot Park [*See paragraph 7.4*]
- Use of nearby building (Seal (now Liquent) House, 55-57 London Road) should not be used as a precedent for proposal [*See paragraph 7.4*]
- Impact on (unnamed) listed building [*See paragraph 7.4*]

6.3 Residential Amenity

- Impact of construction on sleep patterns (night shift worker) [*Officer comment: There would be an expectation that any construction would take place during normal working hours as required under Environmental Health legislation. However, whilst this impact is noted, it would not be a reason in itself to refuse this application*]
- Loss of light to kitchen and garden [*See paragraph 7.5*]
- Inadequate shielding from noise, light and air pollution generated by staff, visitors and residents and vehicle movements in car park located close to residential property [*See paragraph 7.5*]
- Loss of passive solar heating [*See paragraph 7.5*]
- Overlooking e.g. balconies [*See paragraph 7.5*]
- Loss of sunlight and overshadowing [*See paragraph 7.5*]
- Impact of air pollution on future residents [*See paragraph 7.5*]

6.4 Highway safety

- Buildings being built but the traffic on the A30 is not being resolved. The area is grid locked daily [*See paragraph 7.6*]

- Exacerbation of existing parking problems in the village (in addition to other schemes currently under construction in this area) and reduced capacity for businesses/shops/custom [See paragraph 7.6]
- Parking problems associated with such developments (Station Road/Lory Ridge from Sunrise and Bagshot Park care homes) [See paragraph 7.6]
- Overspill parking on side streets leading to more parking restrictions. In addition, local village/rail car parks are often full [See paragraph 7.6]
- Lack of parking for family accommodation [Officer comment: This is not family accommodation]
- Parking spaces are too small for modern cars [Officer comment: The parking spaces meet the minimum space standards]
- Risk of unsafe exit onto A30 London Road [See paragraph 7.6]
- Indiscriminate parking in the new car park will cause access problems, including increased accident risk, which could affect the flow of traffic on A30 London Road [See paragraph 7.6]
- Higher existing car parking (49 spaces) than indicated by developer [See paragraph 7.6]
- Safety risk for pedestrians using Half Moon Street [See paragraph 7.6]
- Insufficient parking for residents/staff and lack of parking for visitors/service and emergency vehicles, acknowledged by appointment of a travel plan co-ordinator and promotion of public transport, walking and car sharing [See paragraph 7.6]
- Disruption and congestion from construction traffic and displacement of traffic onto High Street [See paragraph 7.6]
- Overspill parking on London Road leading to highway safety issues [See paragraph 7.6]

6.5 Other matters

- Lack of infrastructure [See paragraph 7.9]
- Loss of businesses/restaurant [See paragraph 7.3]
- Impact on sewers [See paragraph 7.8]
- Increased flood risk from the impact from discharging of surface water in Windle Brook [See paragraph 7.8]
- Loss of restaurant/community facility e.g. discounts for seniors and weekly bike meet [Officer comment: This would not be a reason to refuse this application]
- Impact on local services (schools, doctors, dentists, hospital, pharmacy, etc.) [Officer comment: With the proposed accommodation, no impact on local schools is envisaged. In relation to impact on other local services, it is not considered that these impacts would be a reason to refuse this application]
- Impact on pollution from traffic [See paragraph 7.5]
- Displaced housing will be bought by incomers adding strain to local services [Officer comment: This would not be a reason to refuse this application]
- Impact on wildlife [See paragraph 7.7]
- Impact on flood risk [See paragraph 7.8]

- Other developments (Connaught Lodge) could cater for any perceived desire to move to the area [*Officer comment: This would not be a reason to refuse this application*]
- Too much accommodation for the elderly, insufficient affordable housing for young people [*Officer comment: This would not be a reason to refuse this application*]
- Management charges/depreciation in property value for future residents [*Officer comment: This is not a material planning consideration*]
- Vacancies at other care facilities in this area [*Officer comment: This would not be a reason to refuse this application*]
- Reduced permeability of the site (and increase in flood risk) [*See paragraph 7.8*]
- Nature of past flood events not taken into consideration [*See paragraph 7.8*]
- Inadequate environmental surveys have been undertaken [*See paragraphs 7.7 and 7.8*]
- Species surveys undertake out of season (Newts/Natterjack Toads) [*Officer comment: Natterjack toads are very rare and are now only found at a few coastal locations. In addition, see paragraph 7.7*]
- Detrimental impact on the balance of the population [*Officer comment: This would not be a reason to refuse this application*]
- Loss of tool hire and MoT station [*Officer comment: These businesses are not affected by this proposal*]
- Impact of construction on quality of life [*Officer comment: This would not be a reason to refuse this application*]
- Impact from dust and debris during construction [*Officer comment: This matter could be considered by condition, under a method of construction statement, if minded to approve*]
- Unlikely local residents would be able to afford such accommodation [*Officer comment: This would not be a reason to refuse this application*]
- A thorough archaeological on-site survey is required (and not just a desk-top study) [*See paragraph 7.10*]

6.6 In respect of the representations in support, the following was raised:

- Shortage of care homes so is much needed
- Proximity to village centre allows those with adequate mobility to have many services and retail facilities close at hand, helping residents maintain their independence
- Increase in jobs
- Improvements in the aesthetics of this section of A30 London Road and village
- Need to develop such sites rather than build in the Green Belt
- Development is in character with the more recent surrounding properties
- Upgrade of existing site
- Understand the need for this development
- Welcome development when compared with previous Tesco proposal [*Officer comment: This was a pre-application proposal only*]

- Landscaping benefits of the proposal
- Allows residents to remain in the village and releasing existing homes for sale
- More care for the elderly
- Supports the local community and the older generation
- Benefits for local businesses
- Prefer to commercial development
- Close to (rail) station and buses
- Improvements to the proposal have been proposed

7.0 PLANNING CONSIDERATIONS

7.1 The application site falls within the settlement of Bagshot. The current 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, CP9, CP11, CP14, DM9, DM10, DM11, DM13 and DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy E8 of the Surrey Heath Local Plan 2000 (as saved) (SHLP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Residential Design Guide SPD 2017 (RDG); the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (SPAAS); and the Bagshot Village Conservation Area Appraisal and Management Proposals 2015 (BVCAA) are also relevant.

7.2 The main issues in the consideration of this application are:

- Principle of the development;
- Impact on local character and conservation;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on the Thames Basin Heaths Special Protection Area;
- Impact on land contamination, flooding and drainage;
- Impact on affordable housing provision;
- Impact on local infrastructure; and
- Impact on archaeology.

7.3 Principle of the development

7.3.1 Saved Policy E8 of SHLP indicates that within the Land at Half Moon Street site, the redevelopment will include uses such as industrial (Class B1c only), offices (Class B1a or A2), retail and residential. The application site relates to about two thirds of this wider site. As such, the proposal would provide a residential scheme on a larger part of the wider allocated site and the principle for the development is acceptable subject to the following assessment, complying with Policy E8 of the SHLP.

7.3.2 Policy DM13 of the CSDMP indicates that the loss of employment sites may be permitted provided that it does not adversely affect the employment opportunities of the settlement where the loss occurs. The proposal would result in the loss of the restaurant and an estimated 15 jobs (4 full-time and 11 part-time). However, the new use is expected to

result in the employment of 17 jobs (7 full-time and 11 part-time) and as such there would be no adverse impact on employment generation thereby complying with Policy CP8 of the CSDMP.

7.4 Impact on local character and conservation

- 7.4.1 Policy DM9 of the CSDMP requires development to respect and enhance the local character paying particular regard to scale, materials, massing, bulk and density. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising local character, the environment or the appearance of the area. Principle 6.6 of the RDG indicates that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Principle 7.8 of the RDG indicates that designers should use architectural detailing to create attractive buildings that positively contribute to the quality and character of an area. Buildings which employ architectural detailing which is unattractive, low quality or which is not legible will be resisted.
- 7.4.2 The existing site has a significant depth with two very different frontages at the front and rear of the site. The small scale, fine grain, historic character of Half Moon Street contrasts sharply with the rather open, disjointed, commercial frontage and coarser grain onto London Road. A redevelopment of this site would need to consider both of these characters within its design and form.
- 7.4.3 The existing site is in a relatively poor condition with the restaurant car park dominating the London Road frontage and a fragmented collection of buildings (former dwelling and outbuildings) onto the Half Moon Street. None of the buildings on the site have any significant architectural merit and do not significantly enhance the character of the site or wider area. The site forms a part of a wider redevelopment proposal site (Policy E8 of SHLP) and a comprehensive approach to redevelopment would be expected. In addition, it is considered that the redevelopment could act as a catalyst for the regeneration of this part of the village. Under these circumstances, a large building for this site would be expected.
- 7.4.4 The London Road frontage, with its wider plots and larger built form would require a building with presence onto this frontage, without overwhelming it. The proposed building at a maximum three storey height (with accommodation in the roof) and with a large set-in for the east flank (generally about 15 metres, with a pinch point of about 10 metres) and setback (about 14 metres) has provided an acceptable relationship with this street. Noting the recent three storey approved residential scheme (subject to the completion of a legal agreement) on the adjoining site, 46-50 London Road, and the three storey office developments beyond (Liquent House, 55 London Road and Knightway House, Park Street, which also fronts London Road), the proposed building would fit into this environment without overwhelming it.
- 7.4.5 The Half Moon Street frontage with its narrower plots and smaller (predominantly two storey) built form and Conservation Area status (as well as nearby listed buildings) requires a very different design solution. In this regard, the proposed development scales down to this frontage to provide a single storey form which is more reflective of this character and the adjoining building, 3a Half Moon Street. Whilst the higher built form would clearly be visible from this frontage, this element is set further into the site. It is considered that the proposal would enhance and invigorate the character and appearance of this streetscene in a respectful manner.
- 7.4.6 Policy DM17 of the CSDMP requires development which affect any heritage asset should take into account its significance and seek to promote the conservation and enhancement of the asset and its setting. The BVCAA indicates that the Bagshot Village Conservation Area is focussed around The Square and higher density of the historic development along the roads (High Street and Guildford Road) running from this central point of the village with a high concentration of both listed and locally listed buildings and structures in the northern part of the High Street and around The Square. The application site adjoins Half Moon Street to the rear of the northern part of the High Street. 3a Half Moon Street

is currently vacant and adjoins the application site. This single storey building has been more recently included within the Conservation Area. This building is included because of its relatively unaltered state and condition and historic use connected with, and servicing of, the High Street. The BVCAA also reflects upon the last main uplift in commercial (principally office) development in the wider village in the 1980's and the negative impact that such developments have had on not just the Conservation Area but the wider village (including its approaches).

- 7.4.7 The objections of the Conservation Consultant to this proposal are noted. However, in terms of the impact on the Conservation Area and listed buildings it is not considered that the proposal would harm their setting. The focus of the Conservation Area is to the village centre and the nearby listed buildings face into the village centre and face away from Half Moon Street. The reduction in building scale and the more simple design of the element of the proposal which faces Half Moon Street reflects the more historically supporting role of this street to the wider village.
- 7.4.8 Whilst the High Street provides an uninterrupted built frontage, there is a gap in the frontage to the north east of the High Street in Bridge Road. The amendments to the proposal links the rear of the building more closely with Half Moon Street such that the more open views across the site from this vantage point would be retained. The longer elevation of the proposed building towards the car park would be visible from this position, but a more open view towards London Road would be retained and the proposal would have an acceptable relationship with this viewpoint.
- 7.4.9 The proposed building would extend to a great depth within the site with a large building span. The design approach has been to provide a series of brick elevations with neutral cladding linkages, set back from these brick elevations to break up the building mass and add interest to the building. The impact of the large span is reduced by the use of separate gable roofs to either frontage with a linking roof in between to assist in reducing overall height and mass. The dormers provides accommodation in the roof which also assists in reducing the scale/height. These dormers have been broken-up in the principal elevations and have flat roofs providing a contemporary, crisp finish in contrasting grey slate and matching metal cladding.
- 7.4.10 The key element of the proposed building is at the north east corner which addresses both the London Road frontage and car park. This corner represents the main entrance to the proposed building and provides the reception area. The proposal is to provide wood cladding in the form of narrow wooden slats eluding to the wooden, rustic details in the historic village centre and would provide a contrasting, contemporary finish to this element of the development which successfully stands out and marks the arrival to the building.
- 7.4.11 Principle 6.7 of the RDG indicates that parking layouts should be high quality and designed to reflect the strong heathland and sylvan identity of the Borough with parking arrangements softened with generous soft landscaping and breaking up of groups of three parking spaces with intervening landscaping. Principle 6.8 of the RDG indicates that on-plot parking should be generally to the side and rear with Principle 6.9 indicating that car parking courts should be designed with active frontages and attractive places with high quality soft and hard landscaping.
- 7.4.12 The proposed parking would be provided within a parking area to the side with some limited parking to the front of the building. Noting the building setback, there would be opportunities to provide soft landscaping to enhance the site frontage. The parking would be arranged principally in groups of three spaces (complying with the RDG) and would be provided with soft landscaping to break-up these parking areas. These arrangements are considered to be acceptable in design terms.
- 7.4.13 The main rear amenity areas would provide significant landscaped areas including opportunities for tree and shrub planting which would enhance the setting of the proposed building.

- 7.4.14 The Urban Design Consultant has supported this amended proposal which has been the subject to extensive review and amendment. The Urban Design Consultant considers that the revised scheme would provide a positive contribution to the existing rather fragmented townscape in the immediate area and complete the build context along London Road. The revised proposal will also contribute towards the character of the Half Moon Street by representing a respectful addition to the currently fragmented townscape and partly disused piece of land.
- 7.4.15 As such, it is considered that the proposed development does satisfactorily integrate into its context and would improve and enhance the character of the area, including the adjoining conservation area, complying with Policies DM9 and DM17 of the CSDMP and the NPPF; and advice in the RDG and BVCAA.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.
- 7.5.2 No. 1 Brookside Cottages lies to the north east corner of the application site, on the opposite side of the Windle Brook. This property is a narrow Victorian/Edwardian property with kitchen windows in its flank elevation facing the application site and is orientated such that the south flank boundary of this property is with the Windle Brook (and application site beyond). The proposed building would be located 19 metres from the flank boundary of this property and at this point would have a single storey side profile, increasing to a separation distance of 27 metres to the nearest two storey element of the proposed building. The larger two storey height, with accommodation in the roof and with rooms and balconies of the proposed building facing this boundary, is set about 30 metres from this boundary. As such, this relationship is considered to be acceptable.
- 7.5.3 No. 2/3 Half Moon Street is located to the south west corner of the application site, beyond an existing access road. This dwelling is orientated such that its flank elevation faces the application site. This elevation includes a number of windows at ground and first floor level which are secondary windows to habitable rooms or solely serve non-habitable rooms. The proposed building at a two storey height, with accommodation in the roof, and with rooms and balconies facing this boundary, is set 17.5 metres from the flank boundary of this property. As such, this relationship is considered to be acceptable.
- 7.5.4 The rear of properties on High Street, south east of Half Moon Street, face the application site. There are a number of residential flats in this group of buildings and these are set a minimum of about 10 metres at single storey height and 13.5 metres at a two storey height, relationships which are considered to be acceptable.
- 7.5.5 The site lies adjacent to the A30 London Road, a noise generating source. The main rear amenity area is sheltered from this highway by the proposed building and it is the windows in the north and, to a degree, east elevation which face this noise source. The Environmental Health Officer has indicated that a noise assessment and mitigation would be required and can be considered by condition.
- 7.5.6 The main rear amenity area is to be located to the south west portion of the site behind the principal elevations to the north and east (London Road frontage and Windle Brook) and would be sheltered from the main noise source (A30 London Road) by the proposed building and a more formal sitting out area and gardens with a smaller informal area to be provided to the south east corner. This would provide about 900 square metres, at a maximum depth of about 42 metres, of private amenity area which would exceed minimum requirements set out in the RDG.
- 7.5.7 As such, no objections are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of CSDMP and advice in the RDG.

7.6 Impact on highway safety

- 7.6.1 The new access would be provided onto London Road. The proposed access would be provided with an adequate level of visibility. The proposal would add 46 dwellings to the highway network in this area, replacing a commercial (restaurant) use. A balance has to be struck between the level of traffic movements expected to be generated by the development proposal against the existing use. The Transport Statement indicates that, when compared with the existing (restaurant) use, there would be a reduction in net movements during the peak travel hours (08:00 to 09:00 and 17:00 to 18:00 hours) of about 60 arrivals and 60 departures per day. The County Highways Authority has reviewed this and agrees that there is likely to be a decrease in traffic movements (see appended response).
- 7.6.2 The Transport Statement indicates that with this type of accommodation there would be an expectation that a proportion of residents may own a car but the ratio of residential car use would be much lower than for a flatted development (Class C3) scheme of this scale, for example, because many residents will have given up their use of a car due to health, age, etc. In addition, the site is sustainable being located close to the Bagshot village centre including shops, bus stops and rail station. In this regard, the applicant is providing a pedestrian/buggy store access onto Half Moon Street. This street is narrow but has correspondingly low traffic speeds such that there would be a very low increased risk of accident from any increased pedestrian movements on this street.
- 7.6.3 The Surrey County Council Vehicle and Cycle Parking Guidance (2018) indicates that for such (Class C2) uses, an individual assessment is required. The Transport Statement indicates that the level of parking provision is approximately 0.63 car spaces per unit across the number of their similar development in the South East. The proposal would provide 32 parking spaces, amounting to about 0.70 spaces per dwelling to serve the proposed dwellings (25 spaces) with accommodation for visitors and staff (7 spaces). In addition, the site is close to the village centre (and public car park). This level of provision is considered to be acceptable to the County Highway Authority indicating that this would be sufficient to accommodate all parking on the site.
- 7.6.4 The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway safety, capacity and policy grounds, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

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

- 7.7.1 The application site partly lies about 0.47 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The SPAAS advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity.
- 7.7.2 Policy CP14 of the CSDMP indicates that *"developments of 10 or more net new dwellings will only be permitted within the identified catchment areas of SANGs."* The application site lies within the catchment of Windlemere SANG where there is capacity available for the proposed development. Contributions are normally secured through the CIL process. However, as indicated in paragraph 7.9 below, CIL would not be liable and under such circumstances a separate SANG contribution would be required. Following a Executive resolution which came into effect on 1 August 2019, due to the currently limited capacity available for public SANGs in parts of the Borough, applications for development which reduce SANG capacity, as in the case of this application will be valid for one year (rather than three years) unless there are reasons why the development cannot be commenced within this shorter timescale.
- 7.7.3 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. This project does not form part of the CIL scheme and a separate contribution is required through an upfront payment or a planning obligation to secure this contribution for the scale of this development. Subject to the securing of this contribution through a legal agreement or

upfront, no objections are raised on these grounds.

- 7.7.4 The proposal has been supported by an ecological report which concludes that following desk top studies and surveys, no protected species were to be found on the site. However, there are some limited habitats which could provide potential for bats and reptiles, and water voles in the environs of the Windle Brook adjoining the adjoining site. Whilst a Natural England licensing procedure would be required if protected species were to be uncovered at any stage of works, no objections are raised by Surrey Wildlife Trust to the proposal.
- 7.7.5 As such and subject to the required legal agreement, no objections to the proposal on these grounds are raised with the proposal complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the National Planning Policy Framework and advice in the SPAAS.

7.8 Impact on land contamination, flooding and drainage

- 7.8.1 The site has been used, in part, for commercial purposes, and there are adjacent commercial uses, for which some contamination of the site is possible. The Council's Scientific Officer has indicated that for the proposed use remediation is likely to be required and these matters can be dealt with by condition. No objections have been raised by the Scientific Officer on these grounds. The proposal is therefore considered to be acceptable on these grounds.
- 7.8.2 The proposal would fall within an area of medium/high flood risk (Zones 2 and 3, respectively, as defined by the Environment Agency). The proposed development sets the finished floor levels of the proposed building above the flood plain and provide floodable voids under the building as well as on-site compensatory floodwater storage. The Environment Agency has raised no objections to the proposal on this basis. As such and subject to conditions in this respect, the proposal is considered to be acceptable on flood risk grounds.
- 7.8.3 The LLFA have considered the impact of the proposal on surface water drainage, with on-site storage provided (to reduce off-site flows during periods of peak rainfall), and considered the proposal to be acceptable. No objections are therefore raised to the proposal on surface water grounds.
- 7.8.4 As such, no objections are raised on land contamination, flooding and drainage grounds, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

7.9 Impact on local infrastructure and affordable housing provision

- 7.9.1 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council in July 2014. As the CIL Charging Schedule came into effect on 1 December 2014, an assessment of CIL liability has been undertaken. This Council charges CIL on Class C3 residential developments where there is a net increase in floor area (of such uses). However, the proposal relates to Class C2 development and CIL is not applied to such development.
- 7.9.2 The proposal would deliver 45 (net) residential dwellings. However, the proposal would include extra care provision for elderly housing falling with Class C2, and accordingly, the affordable housing would not be required to comply with Policy CP5 of the CSDMP.
- 7.9.3 The proposal relates to accommodation more akin to residential flats than more traditional Class C2 bedroom/en-suite accommodation and to be truly Class C2 development, the provision of a minimum level of care for future residents is required. As such, so long as this provision is secured through a legal agreement, no objections would be raised on these grounds and the proposal would comply with Policies CP5 and CP12 of the CSDMP and the NPPF.

7.10 Impact on archaeology

- 7.10.1 Policy DM17 requires a prior assessment of the possible archaeological significance of a site where it is over 0.4 hectares in area and/or lies in an area of high archaeological potential. In this case, the applicant has provided a desk top assessment to which the County Archaeological Officer has raised no objection subject to the implementation of a programme of archaeological work (in accordance with a written scheme of investigation) by condition. Under these circumstances, no objections are raised with the proposal complying with Policy DM17 of the CSDMP.

8.0 CONCLUSION

- 8.1 The proposed development is considered to be acceptable in relation to its impact on character and conservation; residential amenity; local infrastructure; affordable housing provision; land contamination, drainage and flood risk; SPA and ecology; and highway safety. As such the application is recommended for approval.

9.0 WORKING IN A POSITIVE MANNER

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.

10.0 RECOMMENDATION

GRANT, subject to the completion of a Section 106 legal agreement for the provision of a contribution towards the on-site provision of affordable housing and a SAMM contribution by 8 November 2019, or any longer period as agreed with the Executive Head of Regulatory, and the following conditions:-

1. The development hereby permitted shall be begun within one year of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance 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 proposed development shall be built in accordance with the following approved plans: 1454-SE-2385-RL-PL1110 Rev. B, 1454-SE-2385-RL-PL1111 Rev. B, 1454-SE-2385-RL-PL1112 Rev. B, 1454-SE-2385-RL-PL1210 Rev. B, 1454-SE-2385-RL-PL1221 Rev. B, 1454-SE-2385-RL-PL1222 Rev. B, 1454-SE-2385-RL-PL1223 Rev. B, 1454-SE-2385-RL-PL1214 Rev. B, 1454-SE-2385-RL-PL1310 Rev. B, 1454-SE-2385-RL-PL1311 Rev. B and 1454-SE-2385-RL-PL1312 Rev. B received on 15 July 2019 unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

3. No development shall take place until details and samples of the external materials

to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, cladding, windows, guttering and fenestration. Notwithstanding the approved plans, no windows in the extension shall be installed until details have been submitted to, and approved in writing by the local planning authority. The details shall include:-

- a) Plans to identify the windows in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: In the interests of visual amenities of the area including the adjoining Bagshot Village Conservation Area and to accord with Policies DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy SuDS hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.
- b) Detailed design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc.).
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- d) Details of drainage management responsibilities and maintenance regime for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure that the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on and off the site and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy

Framework 2019.

5. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates dated July 2019 [Ref: 43792/4001 Rev. A] and received on 29 July 2019 and the following mitigation measures it details:

a) Finished floor levels shall be set no lower than 57.71 metres above Ordnance Datum (APD).

b) Floodable voids shall be incorporated in accordance with Section 6.2.3 of the FRA. The underside of the void shall be set no lower than 57.42 metres above Ordnance Datum (AOD).

c) Compensatory storage shall be provided in accordance with Proposed Flood Compensation Scheme drawing Ref: 43792/4001/103 rev. B dated 19.11.2018.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

6. An evacuation strategy for future residents in the event of a flood event shall be submitted to and approved by the Local Planning Authority. This strategy shall be approved prior to occupation and undertaken in the event of a flood event emergency.

Reason: To reduce the future risk for future occupants from any flood event and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

7. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

The above scheme shall include :-

- (a) a contaminated land desk study and suggested site assessment methodology;
- (b) a site investigation report based upon (a);
- (c) a remediation action plan based upon (a) and (b);
- (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;
- and (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)
- (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2019.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of conservation and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

9. The development hereby approved shall not be first occupied unless and until the proposed modified access to London Road, as shown on Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 have been constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

10. The premises shall be used for extra care apartments (and associated uses) and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re enacting that Order).

Reason: To ensure that sufficient parking s provided for the use of the site and limit the impact on local infrastructure and affordable housing provision and to comply with Policies CP5, CP11, CP12 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

11. The parking spaces shown on the approved Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles. The parking spaces should be marked such that a minimum of 7 spaces are provided and made available for staff and visitors.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. The development hereby approved shall not be occupied unless and until the

following facilities have been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority for:

- a) The secure parking of a minimum of 7 bicycles with the development site,
- b) Travel information packs are to be provided to residents/staff/visitors regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car club.

and thereafter the approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote alternative methods of transport and reduce the use of the motor car and to comply with Policies CP2, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

13. The development hereby approved shall not be occupied unless and until at least six of the approved car parking spaces (to be provided under the requirements of Condition 11 above) have been 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 by the Local Planning Authority.

Reason: To reduce the vehicle emissions and to comply with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

14. No development shall take place until a Method of Construction Statement, 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)
- (e) provision of boundary hoarding
- (f) hours of construction
- (g) a method of keeping the local highway network clean
- (g) a method to protect the banks of Windle Brook

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

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11, CP14 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

15. 1. No development above slab level shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also

include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
3. A landscape management plan including maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

16. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

17. No demolition, site clearance or building operations shall commence until tree and ground protection has been installed in accordance with British Standard 5837: 2012 “Trees in Relation to Design, Demolition and Construction” in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Tree and ground protection to be installed and retained during the course of the development.

Reason: To ensure the retention of trees in the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

18. No development shall take place until a scheme for protecting the proposed

dwelling from noise from A30 London Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the affected dwellings are occupied.

Reason: In the interests of the amenities enjoyed by the occupiers of the dwellings and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

19. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including access and parking areas, rear amenity areas, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place on or within 8 metres of a main river.

For further guidance, please visit:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact National Customer Contact Centre of the Environment Agency on 03708 508 506 (Mondays to Fridays 8am to 6pm) or by emailing enquiries@environmental-agency.gov.uk.

2. The permission hereby granted shall not be construed as authority to carry out 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 three months in advance of the intended start date, depending upon 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-licence/the-traffic-management-permit-scheme>.

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.

Please see:

www.surreycc.gov.uk/people-and-community/emergency-planning-and-community

-safety/flooding-advice.

3. In relation to Condition 13 above, 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.

4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highway Service.
5. Party Walls (etc) Act 1996 DE3
6. 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 of badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Sections 131, 148 and 149 of the Highways Act 1980).
7. In considering the levels details required for Condition 18 above, the finished floor level requirements should be proposed in compliance with the requirements of Condition 6 above.

If the Section 106 legal agreement is not completed, the application is to be REFUSED for the following reasons:

1. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019.
2. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the on-site delivery of extra care housing (Class C2). The proposal would not provide sufficient on-street parking, infrastructure and affordable housing therefore does not satisfactorily address the requirements of Policies CP5, CP12 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

**MINUTE LIST OF COMMITTEE
10 October 2019**

| APP. NO | WARD | LOCATION & PROPOSAL | TYPE | DECISION |
|------------------|-------------|---|-------------------|-----------------|
| 2018/1083 | BAG | 42-44 LONDON ROAD, BAGSHOT, GU19 | <u>FFU</u> | RF |
| DC | | Erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings. (Additional info & plan rec'd 21/01/2019) (Additional information recv'd 23/1/19 & 11/03/2019). (Amended plans and information rec'd 15/07/2019 & 29/07/2019.) | | |

ACTION

REFUSED (MEMBER OVERTURN)

Reasons to be agreed with Chair/Vice Chair.

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|---------------------------|-----------------------|
| APPLICATION NUMBER | SU/23/0891/MPO |
|---------------------------|-----------------------|

DEVELOPMENT AFFECTING ROADS

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: Ian Hann

Location: 42 - 44 London Road, Bagshot, Surrey

Development: Application for a variation to the legal agreement operational management plan relating to planning permission 18/1083 granted on appeal APP/D3640/W/20/3245089 [relating to the erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings] to allow the minimum age for residents reduce from 70 to 60 years

| | | | | | |
|------------------------|----------------|--------------------------|------------------|----------------------|-----------------|
| Contact Officer | Richard Peplow | Consultation Date | 6 September 2023 | Response Date | 18 October 2023 |
|------------------------|----------------|--------------------------|------------------|----------------------|-----------------|

THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

Note to Case Officer

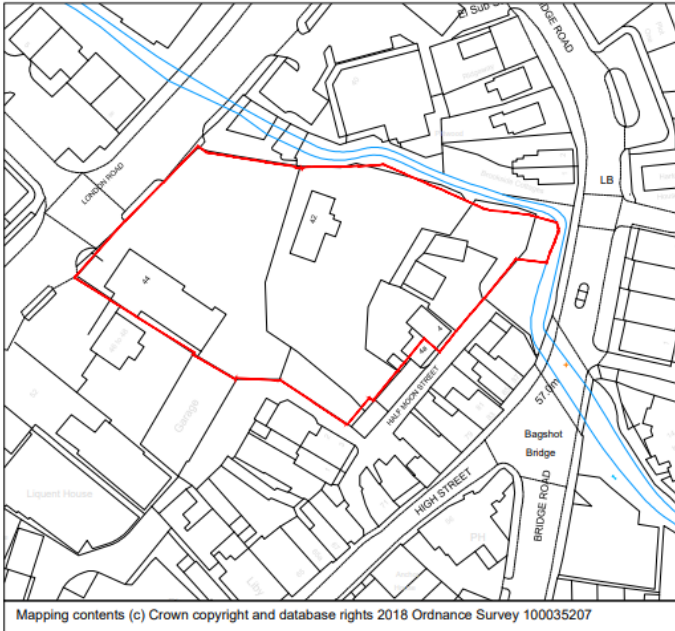
The CHA notes the concerns raised regarding parking provision, but given that 32 spaces will be provided, a parking ratio of 0.70 spaces per unit, and that the development is in a sustainable location with public transport services, considers the proposed variation would not lead to excess parking demand.

■

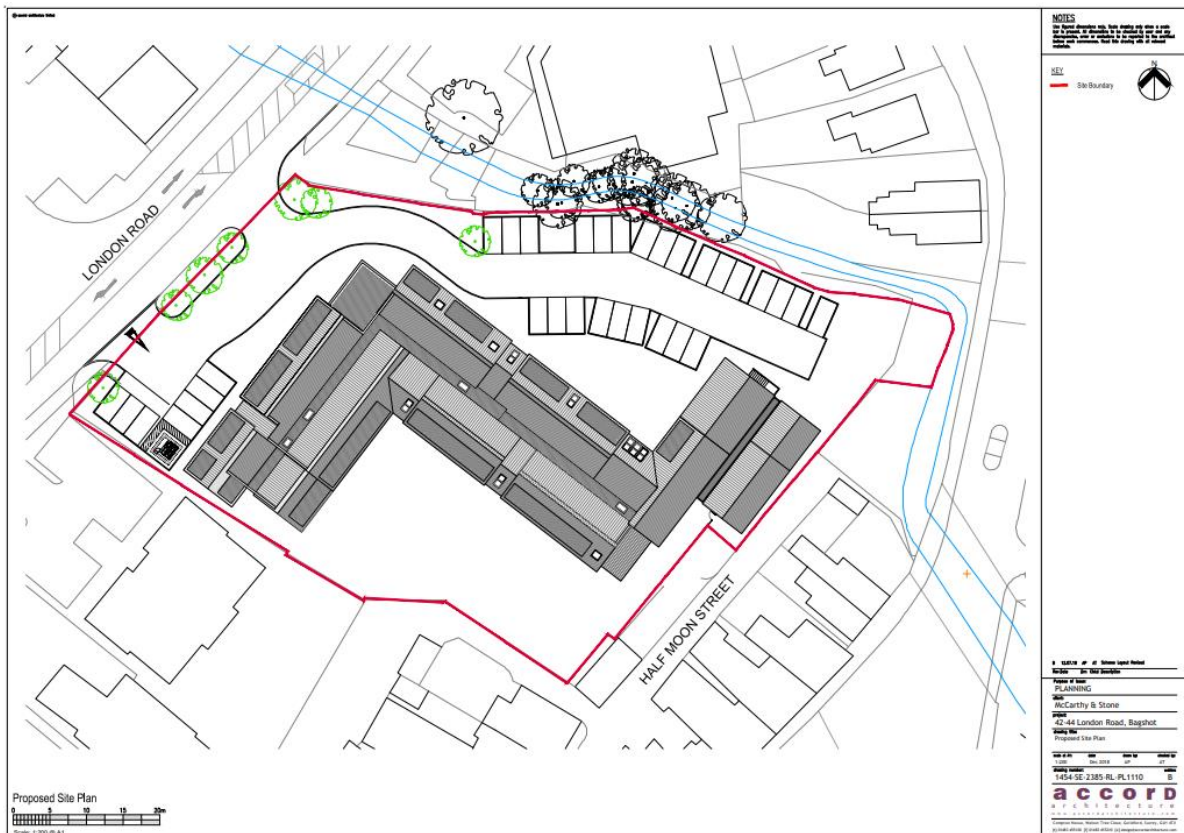
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23/0891/MPO – 42-44 LONDON ROAD, BAGSHOT

Location Plan



Approved site layout



Approved elevations



Photos of the site

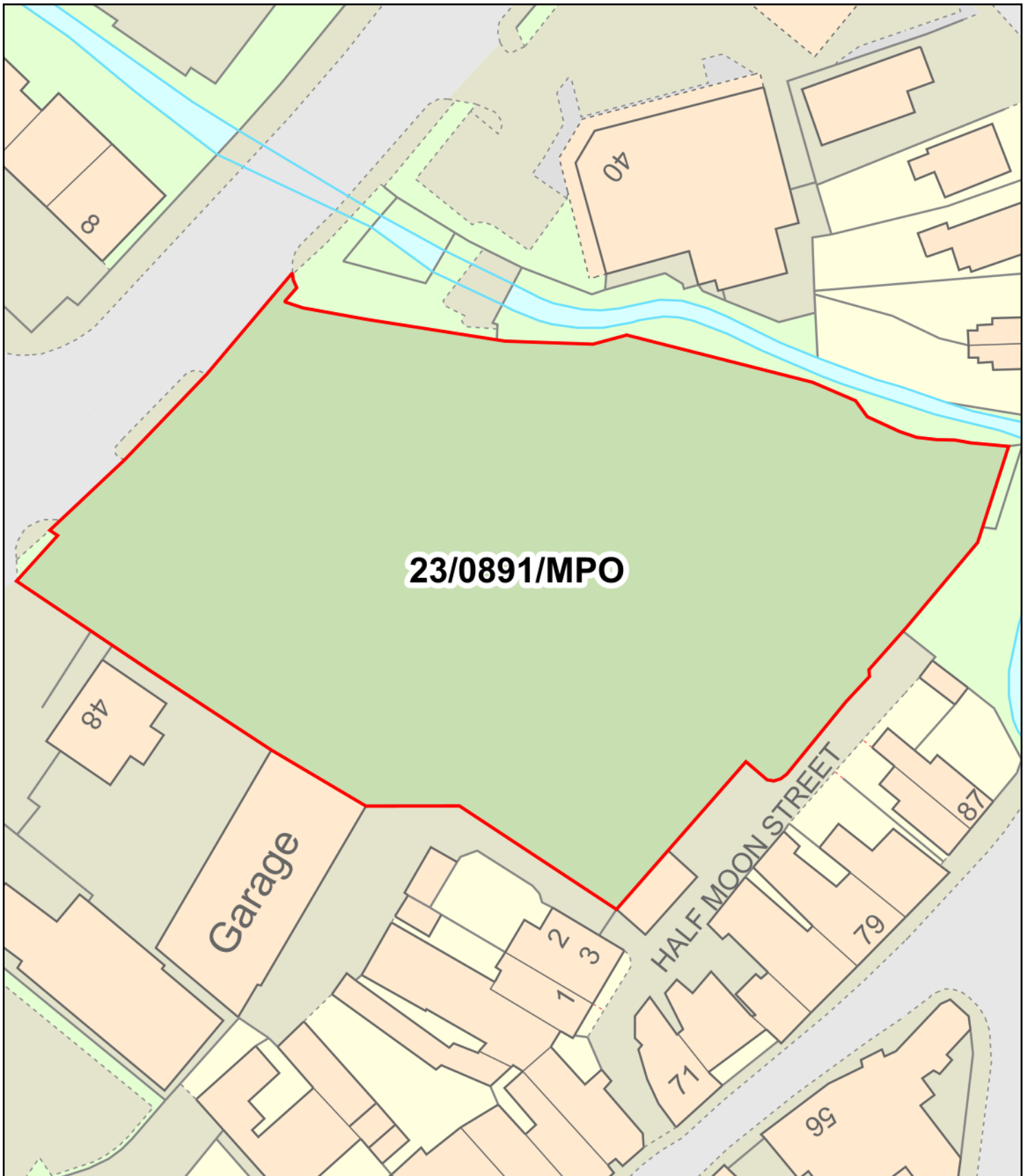
Previous development on the site



Approved development



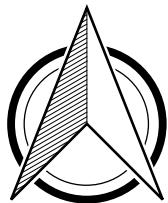
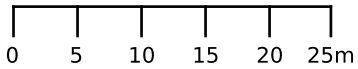

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23/0891/MPO

Garage

HALF MOON STREET

| | | | |
|---|--|---------|--|
| Title | 23/0891/MPO | | |
| Application Number | 23/0891/MPO | | Scale @ A4 |
| Address | 42 - 44 London Road Bagshot | | Date 06/12/202 |
| Proposal | Application for a variation to the legal agreement/operational management plan relating to planning permission 18/1083 granted on appeal APP/D3640/W/20/3245089 [relating to the erection of a part one, two and three storey building, partly | | |
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