

LOCATION: LAND ADJACENT TO 1 WHITMOOR ROAD, BAGSHOT, GU19 5QE

PROPOSAL: Erection of 18no. residential dwellings (to include 8no. three bedroom, 6no. four bedroom and 4no. five bedroom units) in a mix of semi-detached and terraced form with parking, landscaping and access.

TYPE: Full Planning Application

APPLICANT: Bugler Homes Ltd

OFFICER: Duncan Carty

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application relates to the erection of 18 dwellings following the demolition of existing buildings. The site lies within the settlement of Bagshot, with its (east) flank and rear boundary with the A322 Guildford Road and junction 3 of the M3 motorway, which is in the Green Belt.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on residential amenity, for the occupiers of adjoining and nearby properties, and highway safety. However, the current proposal would provide a form of development which would have an adverse impact on local character and includes the provision of residential curtilages within 400 metres of the SPA and falls outside of the catchment for any adopted SANG and as such cannot mitigate its impact on the SPA. In addition, the proposal would provide a layout which would provide poor living conditions for future residents due to noise impact from the A322 Guildford Road and M3 motorway. The application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site falls within the settlement of Bagshot. The site lies to the south of Whitmoor Road, on the outside of a bend in the road with its (east) flank and rear boundary with the A322 Guildford Road and junction 3 of the M3 motorway, which is in the Green Belt. Whitmoor Road is principally a spine road serving the residential estates built since the 1980's in this part of Bagshot.
- 2.2 The 0.58 hectare site is roughly triangular in shape and currently contains a series of buildings within the site, including a vacant three bedroom cottage, which are to be demolished. The existing principal access to the site is from the access drive to 1 Whitmoor Road with a secondary access from A322 Guildford Road. There are a number of trees and tree groups on, or at the boundaries of, the site, none of which are protected under a Tree Preservation Order. There is a 2.2 metre high (approximate) brick wall to the Whitmoor Road frontage and a post and rail fence to the boundary with the A322.
- 2.3 The application site includes an access from Whitmoor Road, close to a bend in the road. To the west of the site is 1 Whitmoor Road and properties in Weston Grove, with properties in Elizabeth Avenue lying on the opposite side of Whitmoor Road. The south west part of the site falls within 400 metres of the Thames Basin Heaths Special Protection Area.

3.0 RELEVANT PLANNING HISTORY

Relevant planning history is listed below. The site has previously included a caravan site (long vacated) and a dwellinghouse (which pre-dates 1948) with associated outbuildings.

- 3.1 BGR5133 Established use of land for car storage and siting of a residential caravan (on a part of application site). Approved in August 1965.
- 3.2 SU/14/0712 Erection of 15 two storey terraced and semi-detached dwellings and 2 two storey buildings to comprise a total of 12 one and two bedroom flats with the creation of a new access onto Whitmoor Road. Withdrawn in September 2014.
- 3.3 SU/15/0141 Outline application for the erection of 10 dwellinghouses following the demolition of existing dwellinghouse and outbuildings (access and layout to be considered). Approved in July 2015.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of 18 dwellings following the demolition of existing buildings, including one dwelling and its associated outbuildings. The proposed dwellings would comprise 8 no. three bedroom, 6 no. four bedroom and 4 no. five bedroom units. The application proposal would provide a cul-de-sac layout with the dwellings arranged in a mix of detached (Plots 1-4), semi-detached (Plots 5-14) and terraced dwellings (Plots 15-18) some with integral garages arranged around the access road, accessing directly from Whitmoor Road. Both of the existing accesses to the site would be removed. Four of the rear gardens (for Plots 1-4) are positioned in the south west part of the site (i.e. within 400 metres of the SPA).
- 4.2 The proposed access would be centrally located along the Whitmoor Road boundary. Within the site, the access road would split into two parts, one running south (towards the boundary with the M3 junction) and one running east (towards the A322 Guildford Road). Plots 1-4 are positioned on the south west side of the access road, with Plots 5-10 south facing, and positioned to front onto the east spur of the access road. The remaining dwellings (Plots 11-18) are on the north east side of access road. The rear of Plots 1-4 faces the side boundary of 1 Whitmoor Road., The rear of Plots 5-10 face Whitmoor Road with the rear of Plots 11-18 facing A322 Guildford Road.
- 4.3 The proposed dwellings would have a modern design, with a traditional gable roof shape, with the gables being forward/rear projecting and the eaves/valleys to the side. The main external material would be brick but with wood cladding and feature brick detailing and metal clad side dormer feature. Modern window/door styling and design and external flues are additional features of the proposed dwellings. The dwelling would typically have a ridge height of about 9 metres, reducing to 5.5 metres at the eaves/valleys.
- 4.4 Each proposed property would have garage and driveway accommodation, providing two spaces per unit. Further visitor parking (8 spaces) is to be provided to the ends of both arms of the cul-de-sac. A 2.4 metre high acoustic fence is proposed to the A322 boundary.

4.5 This application has been supported by:

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Tree Survey and Report;
- Geo-Environmental Risk Assessment;
- An Appropriate Assessment;
- Air Quality assessment;
- Sustainable Drainage Systems Strategy;
- Noise Information; and
- Viability Appraisal.

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

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections. |
| 5.2 | Tree Officer | No objections. |
| 5.3 | Senior Environmental Health Officer | An objection is raised on the impact on future residents from external noise (A322/M3). |
| 5.4 | Natural England | An objection is raised on SPA grounds (lack of SANG availability). |
| 5.5 | Local Lead Flood Authority | No objections. |
| 5.5 | Windlesham Parish Council | Raise an objection to access, increased traffic and highway issues. |

6.0 REPRESENTATIONS

At the time of preparation of this report, no representations have been received in support of the proposal and two representations, including an objection form the Bagshot Society, have been received raising an objection for which the following issues are raised:

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| 6.1 | Proposal is too dense [See <i>Paragraph 7.3</i>]. |
| 6.2 | The proposed access onto Whitmoor Road has been moved to a more dangerous position than was to be provided for the approved outline scheme SU/15/0141 [<i>Officer comment: The proposed access is in the same position as the access that was to be provided for the approved outline scheme</i>]. |

- 6.3 The details of the speed reduction scheme required by condition for the approved outline scheme SU/15/0141 have not been indicated [See *paragraph 7.5*].
- 6.4 Access onto a traffic blackspot [See *paragraph 7.5*].

7.0 PLANNING CONSIDERATIONS

- 7.1 The application site falls within the settlement of Bagshot. The site may have previously provided some employment use but it is considered that the site has been long vacated. 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 CPA, CP2, CP5, CP8, CP9, CP11, CP14, DM9, DM10, DM11, DM12 and DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Thames Basin Heaths Special Protection Area Delivery Framework 2009 (TBHSPADF); Infrastructure Delivery SPD 2014; Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 (TBHSPD); the Infrastructure Delivery SPD 2014 (IDSPD); and the Interim Affordable Housing Procedure Note 2012 (IAHPN) are also relevant.
- 7.2 The main issues in the consideration of this application are:
- Impact on local character;
 - 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 and housing mix; and
 - Impact on local infrastructure.

7.3 Impact on local character

- 7.3.1 Policy DM9 of the CSDMP requires development to respect and enhance the local character paying particular regard to scale, materials, massing, bulk and density. The application site falls within the settlement and has been the subject of a recent outline planning permission for a residential redevelopment for which the proposed access and layout has been approved (SU/15/0141). This permission would provide 10 dwellings on the site. The housing developments in this part of the settlement are principally detached dwellings on medium sized plots, particularly on the adjoining residential development in Butler Road and Weston Grove. The layout for this approved development would provide detached and semi-detached dwellings with garages to the side providing a spacious form of development which reflected its edge of settlement location and the character of nearby properties in Butler Road and Weston Grove.
- 7.3.2 In contrast to the approved scheme (SU/15/0141), the current proposal would provide a mix of dwellings including two blocks of terraced properties. One of these blocks is at the site entrance (plots 5-8) and would be clearly visible from Whitmoor Road. The second block (plots 15-18) would be visible, at a distance, from the proposed site access but would be clearly visible from the A322 Guildford Road. The frontage to these blocks, in providing parking to the front, also provides narrower soft landscaped strips.

- 7.3.3 Other dwelling blocks, especially between plots 12-13, are relatively narrow and could, when viewed more obliquely, also appear as a terraced block. As such, noting its location at the settlement edge, the form of the development is considered to provide an overdevelopment of the site, and would be accentuated by the three storey form of these dwellings (the top floor proposed within the roofspace) which would be out of character with its immediate surroundings and settlement edge location.
- 7.3.4 It is noted that with the exception of 1-7 Whitmoor Road, to the immediate west of the application site, the residential properties (including those within Butler Road, Elizabeth Avenue and Kemp Court) predominantly back onto Whitmoor Road, with a small number being orientated so that a principal side wall face this highway. There is therefore limited activity to this part of the Whitmoor Road frontage, which is principally punctuated by cul-de-sac accesses. This characteristic is reflected in the current proposal (and the approved scheme SU/15/0141), with the proposal accessing off Whitmoor Road and none of the proposed residential units proposed to be facing Whitmoor Road. However, and at variance to the approved scheme, the location of the block of terraced properties (plots 5-8) at the proposed site entrance, and visible in the streetscene, accentuates the overdevelopment of the site raised in paragraphs 7.3.2 and 7.3.3 above.
- 7.3.5 The proposed development would include dwellings which have a modern styling, but in a traditional built form. The size of the application site, and the characteristics of the immediate area and streetscene, lends itself to a design solution which could provide a departure from the character of local properties. In this local context, the proposed design for the dwellings is considered to be acceptable.
- 7.3.6 The land east and south of the application falls within the Green Belt. The nearest residential development to the east is located to the east of the A322 dual carriageway on the old Guildford Road. These properties are set a minimum of 100 metres from the application site, front onto this highway and are low density in nature. The proposed development would not be expected to reflect this character because of this separation distance. However, for the reasons set out above, the proposal would provide a dense and cramped form of development that is not compatible with its location at the settlement's edge.
- 7.3.7 The current proposal would result in the loss of a vacant residential property and associated outbuildings which, along with the land itself, are in poor condition and do not positively contribute to the quality of the local character. However, any redevelopment ought to take the opportunity to genuinely improve the character and quality of the area. It is considered for the reasons set out above that the proposal would be an overdevelopment of the site and would not, in itself, contribute positively to local character.
- 7.3.8 There are a number of significant trees located within and at the boundaries of the application site, none of which are considered to be of a high enough quality for protection under a Tree Preservation Order. A number of trees are to be removed to facilitate the development, but these are of a low quality and/or significance. The Tree Officer has raised no objections on tree grounds and, as such, no objections are raised to the proposal on tree grounds.
- 7.3.9 As such, it is considered that the proposed development does not satisfactorily integrate into its context nor improve the character of the area, providing an overdevelopment of the site, failing to comply with Policy DM9 of the CSDMP and the NPPF.

7.4 Impact on residential amenity

- 7.4.1 The proposed house to serve Plot 4 would be located close to the rear boundary of 10 Weston Grove, sited to the south west, with a minimum separation distance of 18.3 metres between rear wall of this dwelling and with the main flank wall of the proposed dwelling. This relationship is considered to be acceptable. Plots 12-18 face towards the flank boundary and rear corner of 10 Weston Grove. With the minimum level of separation (of 27 metres to the boundary of this dwelling), it is considered that this relationship is considered to be acceptable.
- 7.4.2 The rear gardens for Plots 1-4 face the flank boundary of 1 Whitmoor Road sited to the west. The level of separation ranges between 15 and 36 metres, with the level of separation increasing to the rear of this residential plot. This relationship is considered to be acceptable.
- 7.4.3 The proposed development is set sufficient distance from any other nearby or adjoining residential property to have no material effect.
- 7.4.4 The applicant has provided an acoustic information and noise contours which the recommendations include the use of acoustic trickle ventilation and uprated glazing to the properties and a 2.4 metre acoustic fence is proposed to the boundary with the A322 to reduce the impact of road noise from the A322 and M3 to new residential properties. However, the new dwellings have been orientated so that for Plots 10-18, these face or adjacent to the A322 and it is considered that the layout would result in an adverse impact on future residential amenity for future occupiers of this dwellings from the effect of road noise from their rear gardens. The Council's Senior Environmental Health Officer has raised an objection on this ground.
- 7.4.5 As such, an objection is raised on residential amenity grounds, with the development failing to comply, in this respect, with Policy DM9 of CSDMP.

7.5 Impact on highway safety

- 7.5.1 The new access would be provided onto Whitmoor Road. The proposed access would be on the outside of a bend in the road with for which an adequate level of visibility can be provided. The proposal would also result in the removal of the existing access onto the dual carriageway A322 Guildford Road which is to the benefit of the flow of traffic and highway safety on this part of Guildford Road, which is located close to the Motorway M3 junction 3.
- 7.5.2 The proposal would provide at least two parking spaces to serve each dwelling within the development, to meet parking standards. The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway safety grounds, complying with Policies CP11 and DM11 of CSDMP.

7.6 Impact on the Thames Basin Heaths Special Protection Area

- 7.6.1 The application site partly lies within 0.4 kilometres of the Thames Basin Heaths Special Protection Area (SPA). In January 2012, the Council adopted the TBHSPD which identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity. The proposal is CIL liable and this provision would normally be provided under the CIL charging scheme.

- 7.6.2 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 approved scheme under SU/15/0141 provided a net gain of nine dwellings and therefore did not need to fall within the catchment of any specific SANG within the Borough. However, as the application site falls outside of any catchment of any SANG and with the current proposal, providing a net gain of 17 dwellings in this location, an objection is raised by Natural England on this ground. Following the refusal of a recent residential proposal (SU/16/0642 – 24 & 26 London Road, Bagshot), the use of a Grampian condition is considered to an unacceptable approach because of the lack of certainty of compliance with this condition before such a permission would expire (i.e. three years from the date of permission) and the imposition of such a condition would therefore be unreasonable, not meeting the test for imposing conditions as set out in Paragraph 204 of the NPPF.
- 7.6.3 For the approved scheme SU/15/0141, all of the residential gardens would be located beyond the 400 metre SPA buffer with that land being retained as open space. However, as indicated above, part of the proposed residential curtilages (part of rear gardens for Plots 1-4) falls within 400 metres of the SPA. In such locations, Policy CP14 of the CSDMP indicates that no net new residential development will be permitted. The TBHSPD confirms that the 400 metre buffer *"addresses the most acute effects of urbanisation such as litter, fire setting and cat predation. It is neither reasonable nor enforce able to prevent people from keeping cats. Nor is it possible to prevent litter spread or fire setting, the latter is largely associated with young children playing on the heathland. As a result Natural England has advised that no net new residential development should be permitted within 400 metres of the Thames Basin Heaths SPA."*
- 7.6.4 The applicant has indicated that with all of the dwellings located outside of the 400 metre buffer, the proposal would not provide net new residential development within this buffer area. However, Paragraph 4.5 of the TBHSPADF indicates that the 400 metre distance is measured *"as the crow flies from the SPA perimeter to the point of access on the curtilage of the dwellings"*. This approach has been upheld on appeal for APP/D3640/W/16/3155300 (SU/16/0261 - Land at Salisbury Terrace) where a development providing curtilage access to new net dwellings (rather than the footprint of the proposed dwellings) fell within 400 metres of the SPA was dismissed on this, and other, grounds.
- 7.6.5 Whilst, there are no proposed accesses for the rear gardens for Plots 1-4 onto adjoining land (within the buffer), there can be no guarantees that such accesses would not be provided in the future. In the particular case of Plot 1, the flank boundary of the rear garden is with Whitmoor Road to which future access, i.e. within the 400 metre SPA buffer, could be provided. Whilst the applicant indicated in their appropriate assessment their willingness to limit future accesses, by condition or legal agreement, it is not considered to meet the government tests for imposing such restrictions.
- 7.6.6 Paragraph 4.5 of the TBHSPADF indicates that *"in exceptional circumstances the 400 metre distance may be modified by local authorities to take account of physical obstructions to cat movement and human access."* The applicant has indicated that the M3 Motorway provides a physical barrier to cat movement and human access. However, there has been no evidence provided to confirm that motorways are a complete barrier to cat movement. As such, the motorway is not considered to provide a barrier sufficient to result in conditions for new net residential development to be provided within 400 metres of the SPA without adversely affecting the integrity of the SPA.

- 7.6.7 The applicant has also suggested, in their appropriate assessment that the provision of a cat proof fence to the site boundary (side/rear boundary for Plots 1-4). However, it is not considered for the same reasons as set out in Paragraph 7.6.4 above, that such a provision could be permanently provided, meeting the government tests for imposing conditions (or other restrictions) and provide fence which would not have an adverse impact on local character or residential amenity.
- 7.6.8 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. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. 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, which has not been received to date.
- 7.6.9 As such, an objection to the proposal on these grounds is raised with the proposal failing to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the National Planning Policy Framework and advice in the TBHSPD and the TBHSPADF.

7.7 Impact on land contamination, flooding and drainage

- 7.7.1 The proposal has been supported by a land contamination report which concludes that there is no contamination on this site. No objections have been raised by the Environmental Health Officer on these grounds. The proposal is therefore considered to be acceptable on these grounds.
- 7.7.2 The proposal would fall within an area of low flood risk (Zone 1 as defined by the Environment Agency). As such, the proposal is considered to be acceptable on flood risk grounds.
- 7.7.3 The LLFA have considered the impact of the proposal on surface water drainage and considered the proposal to be acceptable. No objections are therefore raised to the proposal on surface water grounds.
- 7.7.4 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.

7.8 Impact on affordable housing provision and housing mix

- 7.8.1 The proposal would deliver 17 (net) residential dwellings and accordingly, the provision of 4 affordable housing units within the scheme would be required to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012. The applicant has provided a viability report which concludes that due to the viability of the proposal, a contribution towards affordable housing cannot be provided. In the light of the above, therefore, no contributions are sought in respect of affordable housing.
- 7.8.2 Policy CP5 of the CSDMP requires a range of housing sizes. The current proposal would provide a mix of 8 no. three bedroom, 6 no. four bedroom and 4 no. five bedroom units. This mix would not strictly comply with the requirements set out in the table supporting Policy CP5 but noting the amount of development proposed and its edge of settlement location, it is considered that the mix is acceptable with the proposal complying with Policy CP5 of the CSDMP.

7.9 Impact on local infrastructure

- 7.9.1 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council in July 2014. There are a number of infrastructure projects which would be funded through CIL (The Regulation 123 list) which would include open space, local and strategic transport projects, pedestrian safety improvements, play areas and equipped play spaces, indoor sports and leisure facilities, community facilities, waste and recycling, and flood defence and drainage improvements. These projects need not be directly related to the development proposal. 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 residential and retail developments where there is a net increase in floor area (of such uses). However, the proposed amount of floorspace has not been provided (this will be determined at the reserved matter stage) and an estimation of the amount of CIL liability cannot therefore be undertaken. CIL is a land charge that is payable at commencement of works. An informative advising of this is to be added.
- 7.9.2 It is therefore considered that the proposal would not have an adverse impact on infrastructure delivery and complies with Policy CP12 of the CSDMP, the IDSPD and the NPPF.

8.0 CONCLUSION

- 8.1 The proposed development is considered to be acceptable in relation to its impact on residential amenity, for the occupiers of adjoining and nearby properties; affordable housing provision; housing mix; land contamination; drainage and flood risk, and highway safety. However, the proposal is considered to be unacceptable due to the impact on local character; residential amenity, from noise from the A322 Guildford Road and M3 on living conditions for future residents; and the proposal would have an adverse impact on the integrity of the SPA. As such the application is recommended for refusal.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)

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

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

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposed development, by reason of the number and mix of dwellings along with the layout, coupled with the provision of terraced blocks, would result in a cramped and dense form of development forming poor relationships with the pattern of surrounding development, which would not integrate with its surroundings or reflect its edge of settlement location; providing an over development of the site, failing to sufficiently respect and enhance the local character and failing to comply with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.
2. The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect, significant concerns remain with regard to adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protection of protected species within the protected areas. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulation 2010 (The Habitats Regulation) applies in this case, it must refuse permission in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with guidance contained in Planning Policy Statement 9 (Biodiversity and Geological Conservation).
3. The proposed development, by reason of its layout including the orientation of proposed dwellings and proximity to the A322 Guildford Road and M3 Motorway, would result in noise conditions, particularly in the rear gardens of dwellings proposed for Plots 10-18, inclusive, as shown on layout drawing PR77.03 leading to conditions of noise disturbance harmful to residential amenity of the future occupiers of these dwellings, which could not be sufficiently mitigated, failing to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Advise CIL Liable on Appeal CIL3