

2014/0717

Reg Date 22/09/2014

Bagshot

LOCATION: 12 LONDON ROAD, BAGSHOT, GU19 5HN
PROPOSAL: Erection of 4 two storey dwellings with access to London Road, following the demolition of the existing car sales buildings.
TYPE: Full Planning Application
APPLICANT: Mr A Dowsett
OFFICER: Aneta Mantio

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The full application proposes the erection of 4 two storey dwellings with access to London Road, following the demolition of the existing car sales buildings. This would comprise a pair of link-detached dwellings to the frontage of the site with two detached dwellings to the rear.
- 1.2 This report concludes that the proposal would not result in any adverse impact on the character of the surrounding area, loss of residential amenities, highway or parking implications. The proposed change of use from car sales to residential might be acceptable in principle, subject to the site being no longer required for employment purposes. However, the applicant has failed to demonstrate that the site is no longer required for such a use, contrary to Policy DM13 of the Core Strategy. In addition, the applicant has failed to make a financial contribution towards affordable housing and towards TBH SPA Strategic Access Management and Monitoring (SAMM).
- 1.3 As such, the proposed development would be contrary to the aims and objectives of the development plan and the NPPF and is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site extends to approximately 0.19ha and is located to the east of London Road (A30) within the settlement of Bagshot. The site is broadly rectangular in shape (approximately 66m by 29m) and is currently occupied by two buildings and a large canopy and is currently used for car sales. The site is laid to hardstanding and bound by low wooden fence with dense shrubbery in places to the north & south/side. The frontage is fairly open with metal, low post & rail fence to the west and a wooden fence to the east/rear boundary. The ground levels of the application site slope down to the east. The application site has two points of vehicular access from London Road to the northwest and southwest of its frontage, albeit the southwest access is currently not in use.
- 2.2 The site is located in an area of mixed uses, being bounded with properties in different uses. There is an Archaeology Centre building (offices) to the north that appears currently vacant; a care home and smaller residential dwellings to the south; and a Council Depot to the east.

3.0 RELEVANT HISTORY

3.1 The relevant planning history includes the following applications:

- 94/0033 - Erection of new sales building following demolition of existing – approved;
- 00/1074 - Change of use from petrol filling station to the display and sale of motor vehicles – approved;
- 05/0488 - Change of use of existing land and buildings from the parking, display, servicing and sale of motor caravans to a use for the display, sale and servicing of motor cars – approved; and
- 06/0051 - Change of Use to residential, erection of a three storey building to accommodate 13 two bedroomed flats following the demolition of existing buildings. New vehicular access to be created onto A30 London Road – withdrawn prior to the determination.

There is no further relevant planning history.

4.0 THE PROPOSAL

- 4.1 Permission is sought for the erection of 4 two storey dwellings with access to London Road, following the demolition of the existing car sales buildings. The proposal is to erect a pair of link-detached dwellings to the frontage of the site with two detached dwellings to the rear. The existing access to the southwest would be utilised, whilst the existing access to the northwest of the site would be closed off.
- 4.2 The pair of linked-detached properties (Plots 1 & 2) would be a maximum 12.5m deep, 18.5m wide with ridge height varying between 9.5m and 5.75m; and eaves heights between 5.5m and 3.6m. The dwelling at Plot 3 would be a maximum of 14.1m wide (including the chimney), a maximum of 11.8m deep with a maximum ridge and eaves heights at 9.55m and 5.75m respectively. Plot 4 would be a maximum depth of 10.85m, a maximum width of 16.5m and a maximum ridge and eaves heights at 9.6m and 5.75m respectively.

5.0 CONSULTATION RESPONSES

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| 5.1 | Surrey County Council
Highway Authority | No objections, subject to conditions. |
| 5.2 | Environmental Protection | Subject to conditions, no objections in terms with the noise or contamination. |
| 5.3 | Windlesham Parish Council | Although the principle of redevelopment of the site for smaller residential units would be supported, the Parish Council raise objection due to overdevelopment of the site and overlooking. |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 1 letter of support has been received in connection with provision of needed housing in Bagshot.

7.0 PLANNING CONSIDERATION

7.1 The National Planning Policy Framework; policies CP1, CP2, CP3, CP5, CP8, CP14, DM9, DM11 and DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012; NRM6 of the South East Plan 2009; and, the Thames Basin Heath Special Protection Area Avoidance Strategy Supplementary Planning Document 2012 form material considerations in this case.

7.2 It is considered that the main issues to be addressed in determining of this application are:

- The principles of the development including loss of employment use, provision of residential development and affordable housing;
- Design and impact on the character of the surrounding area;
- Impact on residential amenity, including noise and contamination;
- Impact on highway safety and parking capacity;
- Impact on local infrastructure; and
- Impact on the Thames Basin Heaths Special Protection Area.

7.3 The principles of the development including loss of employment use, provision of residential development and affordable housing

7.3.1 Policy DM13 (Employment Development Outside Core Employment Area & Camberley Town Centre) states that the loss of employment sites in the above areas may be permitted where it would not adversely affect the overall sustainability or employment opportunities of the relevant settlement; would not result in the loss of a strategically important sector; and would not result in the loss of units capable of use by small business or industry unless it can be demonstrated that there is no longer a need for such units. Policy CP1 (Spatial Strategy) indicates that Bagshot village will have limited capacity to accommodate new development and this will be achieved primarily through redevelopment of existing sites. Policy CP2 (Sustainable Development and Design) requires development to ensure that all land is used efficiently within the context of its surroundings. Policy CP3 (Scale and Distribution of New Housing) seeks to make provision of additional dwellings by promoting the use of previously developed land in settlement areas and ensuring the most effective use of that land. Policy CP5 (Affordable Housing) seeks a target of 35% of all net additional housing as affordable over the lifetime of the Core Strategy. The Borough Council will negotiate a 20% affordable housing equivalent financial contribution on sites of 3-4 units (net).

7.3.2 The proposed development involves a change of use from car sales (Sui Generis Class Use) to residential. The existing use provides employment for 3 full time members of staff. Policy DM13 requires that the proposed development should not result in the loss of units capable of use by small business or industry unless it can be demonstrated that there is no longer a need for such units. The applicant has produced no justification in these terms and therefore it has not been demonstrated that the application site is no longer required for employment purposes. As such, the Council is not satisfied that the proposal meets the criteria of Policy DM13, and an objection is raised on this ground.

- 7.3.3 Policies CP1, CP2 and CP3 encourage redevelopment of existing sites within the settlement areas, including Bagshot village. The application site is located within the mixed use location, where residential use is present. As such, the proposed residential use might be considered acceptable in principle subject to the other material considerations within this report.
- 7.3.4 The proposed development would provide a net increase in residential units. In line with Policy CP5, the proposal is liable for affordable housing financial contribution. At the time of preparation of this report, the applicant provided no indication that they are willing to enter into a legal agreement to secure this contribution. An objection is therefore raised on this basis.

7.4 Design and impact on the character of the surrounding area

- 7.4.1 The NPPF seeks a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. Policy CP2 (Sustainable Development and Design) requires new development to respect and enhance the quality of the urban environments. Policy DM9 (Design Principles) continues to promote high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.2 The proposed development would be located in an area that is characterised by a variety of built form in terms of their scale, massing, architectural detailing and use. There is an existing office building to the north and the existing care home building to the south of the proposed development within the London Road frontage. The separation distances to the north and south/side boundaries would be maintained at 3.5m and 8.1m respectively, which would be comparable with gaps to boundaries maintained by neighbouring buildings and the pattern of development in the area. There is no well-established front building line in this section of London Road. The proposed Plots 1 & 2 would be set a minimum of 5.2m from the front boundary with the highway, which would be similar to the neighbouring care home building.
- 7.4.3 The existing buildings within the road frontage and adjacent to the application site contain hipped roofs, whilst the proposed dwellings include pitched roof form with side gables. The ridge height of the proposed dwellings would be set approximately 0.9m higher than the ridge of the office building to the north and approximately 2.5m lower than the ridge height of the care home to the south. Due to the maintained separation distances, set back from the road and the proposed height of the proposal, it is not considered that the proposed development would result in any adverse visual impact within the street scene.
- 7.4.4 The built form on the application site reflects its current use. The existing street scene is created by a metal post and rail low height open style front boundary treatment with the views of a large canopy, sales building and a warehouse style building beyond. The proposed street scene incorporates soft landscaping, the view of the linked-detached dwellings (Plots 1 & 2) with an outline of Plot 3 beyond and the improved access to its southwest corner. Appropriate landscaping could be secured by condition. Overall it is considered that the proposed use and development would not only respect the surrounding built form but would also enhance the visual appearance of the locality, in accordance with Policy DM9.

7.5 Impact on residential amenity, including noise and contamination

- 7.5.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.

- 7.5.2 The proposed layout is such that Plots 2, 3 and 4 would be located closest to the south boundary with the care home. The care home building has a numerous openings inserted within its north elevation, facing the application site, the majority of which serve habitable rooms. Those windows located with the view in direction of the rear garden of Plot 2 would be situated in a distance in excess of 14m. Such a distance is considered sufficient as not to result in any adverse overlooking and loss of privacy. Plots 3 and 4 would face the care home with their front elevations but given the distances away and the oblique siting of these plots it is not considered that any undue loss of privacy would occur.
- 7.5.3 The first floor bedroom and landing windows of Plot 4 would face southwest. Rear parts of rear gardens of the neighbouring residential dwellings, No's. 45 and 43 Lory Ridge, are situated this direction. An approximate minimum separation distance of 8.6m would be maintained between these windows and the boundary of the above neighbouring dwellings. Based on the separation distance and the oblique views of the main garden areas, it is not considered that the proposed development would result in any adverse overlooking and loss of privacy to the above existing neighbouring properties.
- 7.5.4 All the proposed first floor side facing windows would serve non-habitable rooms and spaces, namely en-suites, bathrooms or staircases. As such, these could be conditionally obscurely glazed in order to prevent any overlooking and loss of privacy to the neighbouring properties. It is considered that the proposed rear garden areas are sufficient to the scale of the proposed dwellings.
- 7.5.5 The Council's Environmental Health officer has considered the proposal and assessed the Noise Exposure Assessment for future occupiers, due to the location of the application site on a main road (A30). The proposal is considered to have no adverse impacts subject to the imposition of conditions including securing acceptable ventilation and fenestration.
- 7.5.6 Due to the historical use of the application site as a petrol station, the applicant submitted a contamination report, which was considered by the Council's Environmental Health officer. The officers are satisfied that subject to the submission of Phase Two Contaminated Land Report condition, the proposal would not result in any detrimental environmental contamination issues for the future occupiers.
- 7.5.7 In conclusion, it is considered that the proposed development would not result in any adverse loss of amenities to the occupiers of the neighbouring buildings or future occupiers of the proposed development.

7.6 Impact on highway safety and parking capacity

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) seeks all development ensures that no adverse impact on the safe and efficient flow of traffic movement on the highway network results.
- 7.6.2 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway, subject to conditions. The County Highway Authority seeks to impose relevant conditions in order not to prejudice highway safety nor cause inconvenience to other highway users.

7.7 Impact on local infrastructure

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

charges CIL on residential and retail developments where there is a net increase in floor area. As the proposal relates to a net increase in residential floor area, the development is CIL liable.

- 7.7.2 At the time of writing of this report, no CIL forms were submitted and therefore the Council is unable to calculate the liable sum. CIL is a land charge that is payable at commencement of works. An informative advising of this would be added.

7.8 Impact on the Thames Basin Heaths Special Protection Area

- 7.8.1 Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area) seeks to protect the ecological integrity of the TBH SPA, Policy CP14B of the Core Strategy builds on this as does adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2012). This SPD identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS.

- 7.8.2 The application site is located approximately 690m from the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 11.4 in occupancy and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site. From 1st December 2014, a financial contribution towards the provision of SANG is included within the CIL payment.

- 7.8.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SAMM (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SAMM is required. In this instance a payment of £2,998 is needed and has to be secured by way of a legal agreement, if not paid in full prior to the determination of the application. At the time of writing of this report, no payment or satisfactory legal agreement was received by the Council.

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

- 8.1 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:

- 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.

9.0 CONCLUSION

- 9.1 The proposal fails to demonstrate that the loss of the existing business use on the application site would not adversely affect the overall sustainability or employment opportunities of the settlement area of Bagshot; and that it would not result in the loss of a unit capable of use by small business or industry. As such, the local Planning Authority cannot satisfy itself that the loss of this business unit would not result in harmful impact on the local employment opportunities of the local area of Bagshot. The proposed development is therefore contrary to the aims and objectives of Policy DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012. In addition, the applicant has failed to make financial contributions towards affordable housing and SAMM.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal fails to demonstrate that the loss of the existing business use on the application site would not adversely affect the overall sustainability or employment opportunities of the settlement area of Bagshot; and that it would not result in the loss of a unit capable of use by small business or industry. As such, without evidence of an appropriate marketing exercise and identification of demand, the Local Planning Authority cannot satisfy itself that the loss of this business unit would not result in harmful impact on the local economy. The proposed development is therefore contrary to the aims and objectives of Policy DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.
2. The proposal fails to provide an adequate provision of affordable housing, and as such would not deliver a development, which would meet the housing requirement of all sectors of the community. The application is therefore contrary to the aims and objectives of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.
3. In the absence of 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 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 (Adopted January 2012).

Informative(s)

1. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

In respect of reason 3 for refusal, in addition to SAMM contribution, CIL is the only mechanism for collecting Suitable Alternative Natural Green Space (SANG) monies. Therefore if there is SANG capacity at the time of appeal then capacity will be assigned.