

**LOCATION:** 72 & 74 GUILDFORD ROAD, LIGHTWATER, GU18 5SD  
**PROPOSAL:** Redevelopment of Club & Institute Union (CIU) site to erect part 2 storey/part 2.5 storey building(s) to accommodate new clubhouse facility (Use Class D2), retail floorspace (Use Class A1), residential use (Use Class C3 comprising 11no. flats & 3no. houses), together with 21 parking spaces, bicycle and refuse storage, following demolition of existing buildings. (Additional information and amended plans recv'd 28/9/17).  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr McDermott  
Aquapark Developments Ltd  
**OFFICER:** Michelle Fielder

**RECOMMENDATION: REFUSE**

**1.0 SUMMARY**

- 1.1 This application seeks planning permission for the demolition of an existing community facility (in use as a social club) and an adjacent dwelling house. The demolition of these buildings would facilitate the site redevelopment with a replacement club facility, a retail unit and 14 residential units.
- 1.2 The report raises no objection to the principle of the site's redevelopment but raises significant concern over the quantum of development sought and the impact this would have on the character of the commercial village centre, the amenity provision for future occupiers and the developments impact on adjoining residential dwellings. Objections are also raised in respect of the lack of SAMM contribution secured and the fact no affordable housing is to be provided as part of the site redevelopment and, the absence of any robust viability case being presented and tested this is contrary to Policy CP5 of the CSDMP 2012. The LLFA has raised a holding objection and this is taken forward as a reason for refusal. No highways objection has been raised by SCC; however clarification on suggested conditions is being sought. An update on this will be provided to the Committee. The application is recommended for refusal.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is comprised of two separate parcels of land comprising a larger land parcel housing a social club (No.74) and a separate dwelling (No.72). The club is a two storey gable fronted building with hardstanding to the front and the dwelling is a single storey bungalow set back from the road frontage and enclosed with a low boundary wall and hedging. Parking is provided on plot with via a drive. The wider character is mixed with commercial, retail and residential development akin to the site's location in the village centre.
- 2.2 Levels drop from the site frontage to the rear boundary by approximately 2 metre.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The planning history card indicates that the buildings to which the application relates have been in situ and in their current use since the 1960's. Various extensions have been undertaken and planning applications for change of use of the residential garden at No.72 to extended garden areas to the club have been refused.

### **4.0 THE PROPOSAL**

- 4.1 The redevelopment of the existing site comprises the demolition of the existing buildings and the erection of a replacement social club (460 m<sup>2</sup> of community use), a retail unit (136 m<sup>2</sup>), 6 cycle stands and 21 parking spaces at basement level, entry / ground floor accommodation to serve 3no. 3 storey (3 bed) town houses and a ground floor 1 bed apartment at ground level. The first floor provides bedrooms 2 and 3 for the 3 storey town houses and 5 no. 2 bed apartments. The second floor of accommodation would provide one further 2 bed apartment and 2No. 1 bed units in addition to the main bedrooms to the 3No. 3 storey townhouses. In total 5no 2 bed flats, 4no 1 bed flats and 3 storey town houses would be provided. The site plans show that these elements will be read as one continuous building. However the block plans also label the townhouses and 2 flats (in the 2 storey element) as Block A and the club, retail unit and 9 flats as Block B. Block A is to the rear of the site and B, to the front facing Guildford Road.
- 4.2 The maximum height of the proposed building would be 14.6m measured from the basement level accommodation and 11.1m from the ground (Block B). This would reduce to 9.2m and 8.5m for the rear element comprising the townhouses and 2 storey flatted element to the north east portion of the site (Block A).
- 4.3 The application is supported by a planning statement, transport statement, design and access statement and drainage strategy. Additional / corrected plans and a covering letter were received 28 September. Further submissions were made on 13 October; however these were largely seeking to justify the development proposal as opposed to providing any new information.

### **5.0 CONSULTATION RESPONSES**

- 5.1 Surrey County Highway Authority      No objection subject to conditions (clarity has been sought from SCC Highways as to whether the proposed conditions can actually be imposed without requiring changes to the scheme – any comments provided in response will be provided by way of an update).
- 5.2 Surrey County Council Holding objection issued. Insufficient information provided.  
LLFA

- 5.3 Windlesham Parish Council      The Committee objected with the reasons summarised below:
- Insufficient parking – the submission that parking is not problem in the village is not the view of residents. This is evidenced by two petitions to the Local Area Committee asking for more parking as the existing situation is wholly inadequate
  - Gross overdevelopment / major change to the street scene
  - In sufficient amenity space.
- 5.4 Design against Crime Officer      No objection subject to conditions.

## 6.0 REPRESENTATION

- 6.1 At the time of writing this report 41 letters of objection have been received. These raise the following concerns:

Character [*Officer comment: please see section 7.4 unless stated*]

- The proposal is too big and will dwarf surrounding development
- Not in keeping with the village or VDS – should be limited to 2 storeys
- Height and intensity is completely out of character
- Plans do not show level changes – approx. 2 metres to the rear
- A mixed use building is not appropriate in an area where the buildings are in single use [*Officer comment: please see section 7.3*]
- Overbearing.

Highways and parking [*Officer comment: see section 7.6*]

- It will increase traffic through the village which is already at breaking point / is chronic
- In adequate parking provision/ applying an outdated maximum standard is not appropriate
- Already parking occurs on double yellow lines, outside the co-op and garage and this is without the approved Tesco's being open
- Care home in Lightwater Road gives rise to serious traffic / parking problems
- You should take Deepcut development into account
- Road are extremely dangerous in Lightwater and this development will make this worse

- Many of the references to public car parks in the area are in fact private and, like for instance, the co-op subject to restrictions
- Scaling back parking provision will not encourage alternative travel modes – Lightwater is a commuter village
- How can we ensure delivery vehicles are accommodated satisfactorily
- No disabled parking provision has been provided
- Cycle parking provision is pointless given how remote the village is.

Amenity *[Officer comment: please see section 7.5]*

- Will result in loss of sunlight to single storey buildings in All Saints Road and No.70 Guildford Road
- Council has resisted previous intensification proposals for this site – the current proposal would be far more harmful
- Noise from basement level accommodation / parking and servicing
- Loss of daylight
- Odours
- Overlooking
- Overbearing
- impact on No.2 All Saints Road
- Will cause months of disruption.

Infrastructure *[Officer comment : see section 7.8]*

- Will push local services to breaking point
- Sewer network cannot cope
- What will happen to the party sewer at the rear of No.70
- Has enough been done to alleviate flooding.

Other matters

- A wider consultation should have been undertaken and the Council has not acted reasonably in this regard, mention is made to specific properties that have not been consulted *[Officer comment: The Council has complied with the statutory requirements]*

- If planning permission is granted can contractors be made to park away from the village centre and, the hours of working must be limited to normal business hours *[Officer comment: A condition could be imposed ]*
- There is a gentleman's agreement between the site and the adjacent property to allow access – how will this be affected *[Officer comment: This is a private matter and cannot be considered under this application]*
- Planning Agent is not local and does not understand the local circumstances / environment *[Officer comment: This is not a planning matter]*
- Parking problems will impact on retail function of the village centre *[Officer comment: Please see highways section of this report]*
- Already sufficient A1 provision in the village *[Officer comment: Please see section 7.3]*
- Traditional hub of the village should be protected – this would change the core of the village *[Please see character section of this report]*
- Submitted documents do not assess proposal adequately against policy framework
- The 'enabling development' case is not substantiated *[Officer comment: The application is not considered acceptable and is recommended for refusal]*
- Amendments will be required to address the Design Out Crime Officer's comments and a condition cannot be imposed to address this *[Officer comment: Please see section 7.10]*
- No public involvement *[Officer comment: This is considered unfortunate however it is not fatal to the application ]*
- Pre-application advice not followed *[Officer comment: The application is not considered acceptable]*
- No existing plans provided *[Officer note: These were requested but have not been forthcoming]*
- No levels information provided and inaccuracies in submitted plans *[Officer note: Levels information should have been provided and an informative will be added to this effect, inaccuracies with the plans were raised with the applicant team and amended plans have been provided].*

6.2 A total of 44 letters of support have also been received raising the following matters:

- Will enhance village / existing lets village down / new facility is needed / will attract new members *[Officer comment: This is noted however no evidence has been provided by the applicant team to address this point]*
- Will provide improved facilities/ noise insulation / eco credentials *[Officer comment: This is noted however no evidence has been provided by the applicant team to address this point]*
- Existing club needs urgent work *[Officer comment: This is noted however no evidence has been provided by the applicant team to address this point]*

- Provision of affordable housing *[Officer comment: No affordable housing is being provided in this scheme]*
- Will support continued provision of the club *[Officer comment: This is noted however no evidence has been provided by the applicant team to address this point]*
- Parking concerns can be overcome with the better use of existing spaces / provision to be made is adequate *[Officer comment: No highways objection is raised at this time]*
- Will complement existing built form and uses in the area *[Officer comment: Please see character assessment]*
- Existing club is too costly to run and will be closed sooner or later and the site redeveloped *[Officer comment: This is noted however no evidence has been provided by the applicant team to address this point]*
- Is sustainable and change is needed *[Officer comment: No objection is raised to the principle of the development; however for the reasons set out in this report the proposed development is not considered acceptable and is not considered to be sustainable].*

## **7.0 PLANNING CONSIDERATION**

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are CP1, CP3, CP5, CP6, CP9, CP11, CP12, CP14B, DM9, DM11, DM12 and DM14. It will also be considered against the National Planning Policy Framework (NPPF). The Lightwater Village Design SPD 2007 (LDVS) and the recently adopted Residential Design Guide (RDG Principles 7.1, 7.3, 7.4, 7.5, 8.1, 8.3, 8.4, 8.5, 8.6, 9.2) are also material considerations.

7.2 The main issues to be considered are:

- Principle of the development;
- Impact on character;
- Residential amenity;
- Highways, parking and access;
- Housing mix and affordable housing;
- Impact on infrastructure and drainage; and,
- Impact on the Thames Basin Heaths SPA.

## **7.3 Principle of the development**

7.3.1 Policy CP1 states that new development will largely come forward in the western part of the Borough. Lightwater is identified as a larger village which will continue to play its role as a local centre but which has limited capacity to accommodate new development and that which will be accommodated will primarily come through the redevelopment of

previously developed land (PDL). Policy CP3 makes provision of 2,730 dwellings to be provided during the plan period (2011-2025) of which 40 or 1% is to come forward from development in Lightwater. Policy CP9, with regard to the inset plans, explains the location, extent, hierarchy and role of the various centres within the Borough and advises that Lightwater is a local centre.

- 7.3.2 Policy DM12 states that development which offers environmental improvements and supports and enhances the viability, vitality and retail function of the centre will be supported. Policy DM14 seeks to enhance and improve community and cultural facilities.
- 7.3.3 The location of the site and its status as previously developed land means that the principle of the site's redevelopment for a range of uses is acceptable. On this basis there is no objection to a redevelopment proposal which provides some housing development on the site. In terms of the remaining elements, the proposal would result in a reduction in the floor area provided in community use. However the loss in floor area of 190m<sup>2</sup>, leaving 460m<sup>2</sup> of floor area for the replacement social club is considered acceptable and would not undermine the policy objectives of policy DM14.
- 7.3.4 The application is not actually located within the local centre and does not form part of the defined district centre which extends from No.39 to 83 opposite and No.48 to 61 on this side of Guildford Road. The proposed development would result in the introduction of 135m<sup>2</sup> of A1 retail floor space beyond this defined area. However in noting that a retail impact assessment is not required as the increase in retail floor area outside of the centre is less than 2,500m<sup>2</sup> (para.26 NPPF), and that the site is located directly opposite the defined centre no objection is raised to the proposed retail provision.
- 7.3.5 It is therefore considered that in principle, the replacement of the club building and adjacent dwelling with a mixed use development comprising retail, community facilities and residential development is acceptable.

#### **7.4 Impact on character**

- 7.4.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 adds that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.
- 7.4.2 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density, and that high quality hard and soft landscaping should be provided.
- 7.4.3 The application site lies within the Commercial Village Centre as defined by the LVDS. In this location Policy B5 of the LDVS advises that development should principally consist of two storey buildings with some three storey development where this would not lead to the erosion of the predominantly smaller scale nature of the village centre. In larger developments the massing of buildings and roof elevations are to be broken down. Development is to be principally red brick with the occasional use of render with slate or tiled roofs appropriate to the character of the building. The principles contained within Policies B1 to B6 of the LDVS are also relevant. These require development to pay regard to locally distinctive and valued patterns of development in the area, such as the shape of streets, plot sizes, spacing, the scale and shape of buildings. The village character is to be protected and the overdevelopment of sites resisted. Development should seek to increase the amount of landscaping.

- 7.4.4 Principle 7.1 of the recently adopted Residential Design Guide (RDG) is concerned with the setback back of new development complementing the street scene. Principle 7.3 requires buildings heights to enclose but not dominate the street while 7.4 requires development to reflect the spacing, height and footprint of existing buildings. Principle 7.5 is concerned with roof forms and cautions against the use of overly deep flat roof forms and divergence from the prevailing character.
- 7.4.5 The existing development on the site is low key comprising a single storey bungalow set back from the highway by 14m and enclosed by a low red brick wall and hedging. The club building is a gable fronted two storey building with a frontage laid to hardstanding in use as either a parking area, or a decked area enclosed by a circa 1.2m high wooden posts.
- 7.4.6 The wider character is mixed in terms of both its use and its built form. There are larger 2.5 and 3 storey buildings along Guildford Road in use for residential/ commercial / mixed use purposes. However these buildings tend to be set back from the highway and or have a space about them. Development immediately adjacent the application site is either two or single storey and again most plots benefit from a set back from the highway. The area suffers from a lack of greenery to the road frontage and the heavy presence of parked vehicles urbanises the environment to a degree, however physical evidence of the fact that this is a village centre remains with views of the paired semis at the All Saints Road/ Guildford Road junction, and the War Memorial and Memorial Garden adding interest and providing a break and relief to mid / late 20th century development along the main road. Taken as whole the commercial village centre retains much of the characteristics that identify Lightwater as a village as opposed to a town.
- 7.4.7 The proposed development would, at its most basic level, fundamentally change the character of the site and how it is read in the street scene. The current low spread of built form across the two separate land parcels forming the application site would be lost and the spatial characteristics comprising the deep set back of development from the site frontage coupled with space between side boundaries and at first floor levels around the bungalow would be replaced by development three storey in appearance to a height of 11.2m from the ground, hard to the shared boundary with No.76 and with just a metre separation from the boundary with No.70. This wall of development, while articulated with gable featured setbacks, would be sited within 2.4m of the site frontage and there would be no opportunity for any meaningful greening of the environment as seen from the street scene. It is considered the resulting development would dwarf the neighbouring buildings to either flank, both in terms of its height/ width and sheer frontage presence, and would also cause serious visual injury to street scene.
- 7.4.8 Travelling north to south the visual and character benefits of existing features, like the war memorial and the paired semi-detached dwellings at the junction of All Saints Road would still be seen; however the backdrop of the proposed development would loom, both in its forward projection, site coverage and overall massing and would dominate this perspective. On approach from the south the proposed development would also be visually harmful with the 2.5 storey flank elevation of the frontage block dominating the low key height and depth of the adjacent butchers shop. The form and scale of the proposed rear block comprising the town houses and flats would be set in from the side boundary of the site by circa 5m, however this set in would do little, if anything, to reduce the resulting visual presence of the rear elevation of these units and as a result their scale and massing would dominate views of the village centre.



- 7.4.9 The existing development on site extends back to the rear boundary with no.2 All Saints Road. This built form is clearly visible and comprises a series of red brick side elevation walls with pitched roofs and varied heights, which reduce in scale to the rear boundary. This arrangement is not unattractive and whilst, visually, this could be improved by some softening to the adjacent parking area and the rear elevation of the adjacent building (serving Chancellors), it does not harm the visual amenity of the adjacent Memorial Garden. The existing development also seems to respond to the dropping levels to the rear boundary with varied heights reducing to this low point. In contrast the proposed development would result in the side elevation of the proposed frontage block being clearly visible over the side roof elevation of the building occupied by Chancellors, the depth of the development proposed would be clearly visible and this would reveal a complicated arrangement of setbacks, roof forms and detailing. The existing low key built form as seen on approach from the north would be lost and in its place the proposed frontage block, in combination with the rear town houses and flatted element, would result in a visually dominant and jarring development dwarfing all other development in the vicinity and introducing a design response at odds with anything in the area. In this regard the reduction in height between the three storey townhouses and the proposed flatted block to be sited closest to 2 All Saints Road, would not be sufficient to mitigate the visual increase in bulk that would arise and, in the absence of any levels information being provided it has to be assumed that as shown on the elevation drawings, the proposed development would have a continuous slab level. This would mean that the visual effect of the proposal would be more pronounced. The scale of the proposal in relation to both No.2 All Saints Road and No.70 Guildford Road would also be uncomfortable with the retained separation distances not sufficient to mitigate the visually unneighbourly form and scale of the proposal.
- 7.4.10 These concerns were relayed to the applicant team and the response provided indicates that, in their opinion, the scale of the development should be seen in context of existing 2 / 3 storey mixed use development in the area and moreover the Tesco development approved at appeal under the reference 12/0626. Whilst this context is noted of the existing or permitted development (or the reference to 'other sites' which may come forward) in the locale are similar in terms of plot coverage, height, massing, arrangement or their close siting to the highway. Reference is also made to the Council's lack of 5 year housing supply. However, none of these facts, in addition to the quasi enabling development argument also run (pertaining to the need to replace the existing poor quality club facilities to secure the on-going provision of this facility) are considered to outweigh the significant concerns raised in regards to the character impacts of the proposed built form.
- 7.4.11 Moreover, while the mix of uses proposed is in itself acceptable, the proposed layout means all of the residential development is accessed from within the body of the site, with the flat entrance to the frontage block to the rear of this block and, the remaining residential units being served from entrances off the inner communal areas. This communal hard surface area would have very little soft landscaping and would be dominated by bollards, bin stores, servicing and delivery areas. While it is noted that this arrangement would not, visually be experienced by the wider community, nevertheless this would give rise to a poor arrangement of built form, the character of which would be unduly urban and not characteristic of the locality.

- 7.4.12 In response to concerns regarding the greening of the environment the developer team has suggest that the proposal give rise in an increase in landscaping / greening, however it is not clear how this assessment has been undertaken, moreover the proposed layout clearly brings development forward from the existing and as such there will be a loss of space about the site frontage with built form sitting forward from where it does now. Therefore on the basis of the information provided with the application it is not considered the proposal would in fact increase the amount of soft landscaping to the site frontage nor take opportunities to soften what has the potential to become an unduly urban environment.
- 7.4.13 It is noted that the NPPF advises against imposing architectural style and tastes and should concentrate on scale, density, massing, height and landscape. However this advice is, in some respects, tempered by para 58 of the NPPF which advises that planning decisions should aim to ensure that developments respond to local character and are visually attractive as a result of good architecture and appropriate landscaping. The scale of the development however makes no meaningful provision for any greening of the environment. Moreover while the LPA does not object to the design response of Block B the design of Block A and the elements, such as the front projection and overhang at first floor would in particular appear out of place and alien to the area.
- 7.4.14 During the course of the assessment of this application officers have requested streets scene drawings to show how the proposed development could be accommodated on site without the scale of the development giving rise to visual injury. Plans showing the side elevations of the proposed development have not been forthcoming and due to this it has to be assumed that the slab level of the development will be uniform from the front to the back. This means that the visual impact of the development will be more pronounced with development along the side and rear boundaries appearing taller.
- 7.4.15 In summary, it is considered the proposal would give rise to an overdevelopment of the site. This overdevelopment is evidenced by the scale and massing, plot coverage (width and depth) and forward projection of Block B which would dominate the street scene and dwarf surrounding development. The height and form of Block A acting as a continuation of Block B, its proximity to the shared boundaries with No.72 and No.2 All Saints Road would give rise to a visually cramped and unneighbourly pattern of development. Concern is also raised in respect of the lack of landscaping and greening of the environment and, the design of Block A. It is therefore recommended that a character based objection be raised on the grounds that the development fails to comply with Policy DM9 (ii) of the Core Strategy and Development Management Policies 2012, Design Principles B1, B2 and B5 (a & d) and B6 of the Lightwater Village Design Statement 2007 and Principle's 7.1, 7.3, and 7.4 of the Residential Design Guide 2017.

## **7.5 Residential amenity**

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form. Principle 8.1 of the Residential Design Guide 2017 requires developments to provide a reasonable degree of privacy and advises that developments that have a significant adverse effect on the privacy of neighbouring properties will be resisted. Principle 8.2 is concerned with the provision of a reasonable outlook while 8.3 is concerned with the provision of good quality day and sunlight to both new and existing residents. Principle 8.4 sets minimum outdoor amenity space standards and this is interlinked with principles 8.5 and 8.6 which provide specific guidance for flatted developments.

- 7.5.2 Dealing first with the amenity provision and arrangements for the proposed occupants. Block B would provide 4no. 2 bed flats and 1no. studio flat at first floor four of the units would be provided with either a balcony or a terrace and this would be the minimum depth (1.5m) specified in the Residential Design Guide. One unit, (F10) a two bed flat, would however have no external amenity space. It is also noted that the balcony area to F8 would be directly above the entrance to the bin store and service / delivery area. At second floor a further 4no. units would be provided and only one of these would be provided with a small balcony. The remaining 3no. units would have no amenity space. In Block A, F1 would have access to a private garden area; however the unit above this (F7) would simply be served by 2no. Juliette balconies. Accordingly of the 11 flats to be provided only 5 would have access to any form of private amenity space and one would, by virtue the location of the balcony over the service/ delivery/ bin store area/ not provide for a reasonably high quality environment. No communal outdoor amenity space would be provided within the scheme. This lack of provision and or under provision fails to comply with Principle 8.5 and 8.6 of the Residential Design Guide 2017. The proposal also seeks to deliver No.3 3 bed town houses. These would be provided with rear gardens in the region of 18m<sup>2</sup>. This is far below the requirements of Principle 8.4 of the aforementioned guidance.
- 7.5.3 The internal living arrangement/configuration to each of the residential units is considered to be acceptable and would provide satisfactory standard of accommodation. The siting of the bin store serving the commercial/community and residential units in Block B is likely to give rise to some noise, disturbance and perhaps odours, however it is considered these concerns could be addressed by planning conditions requiring acoustic glazing / noise control / extraction and ventilation systems in addition to perhaps a condition to restrict the use class of the A use class unit.
- 7.5.4 The development would share a side boundary with the butchers shop at No.70 (George Arthur) and would be set approximately 1m off this boundary. The side elevation of Block B as proposed would start in line with the front elevation of this neighbouring building and would extend the depth of the shared boundary. The eaves height of the development here would be 7m and the overall height to the ridge between 11.2 and 10.5m. There would be a number of side facing windows offering outlook across the shared boundary however this would mainly look out upon the flank elevation and roof slope of the single storey building and its various extensions in commercial in use. While visually the relationship would be uncomfortable it would not be so harmful as to impact on any amenity the occupiers of this commercial building enjoy.
- 7.5.5 No.70a Guildford Road (as known as the land to the rear of) is located to the rear of the Butchers premises and comprises a two storey dwellinghouse. The bin store element of the proposed Block B and the two stories of accommodation over would be located approximately 1m of the shared boundary to this dwelling and Block A (3 storey town houses and a 2 storey flatted block) would be set 5m off this boundary. This distance would be formed by 4m deep rear gardens and 1m deep access path. The entire depth of this neighbouring plot would be flanked by built form at a maximum separation distance of 5m and to a predominately 3 storey height. The stated separation distances are far below that specified in at paragraph 8.4 of the RDG wherein it states the rear to side gaps maybe reduced to 15m. The proximity and scale of the development (both in terms of its height and its depth) would result in an overbearing form of development which would dwarf this dwelling and its curtilage. The proposed window placement would be to the rear elevation of this block would result in direct overlooking at short distance and would lead to a significant loss of privacy. It is also noted that the level changes across the site do not appear to have been addressed and as such the impact of the proposal may actually be greater than can be assessed on the information provided.

- 7.5.6 No.2 All Saints Road is located to the rear of the site and shares its side boundary with the rear boundary of the plot. This dwelling is a bungalow and has a front facing garage and conservatory behind. The closest part of the proposed development (this would be the flank wall of the proposed flatted development formed by Block A) would be set 0.4m off the shared boundary with this neighbour. This 0.4m pinch point would be approximately 3.6m past the rear elevation of the conservatory at this neighbouring property. The eaves height of the development proposed in this location is 5.9m rising to 6.8m. However, it is not clear whether the proposed layout has taken into account the change in levels between the rear of the application site and this neighbour, which seems to sit around 0.5m lower (and significantly lower than the frontage of the application site). The submitted block and site plans do not show this neighbour's conservatory, and it is also unclear whether the development proposed has taken into account the overbearing and unneighbourly effect the height and proximity of the proposed development is likely to give rise to.
- 7.5.7 The development would also share a site boundary with No.76 Guildford Road to the north and would both extend forward and to the rear of this neighbouring building. This building is in commercial use as an estate agents and the rear of the plot is used for parking. The development will have an uncomfortable relationship with this building however, this relationship would not, given the commercial use of the building, be harmful to amenity.
- 7.5.8 The proposed development would be sited sufficient distance as to not be harmful to the amenity of any other occupiers.
- 7.5.9 The development proposed provides for a mix of units with residential being the most susceptible to adverse impacts if those uses are not appropriate and or poorly controlled. The proposal to replace the club facility could give rise to noise disturbance for instance, as could the proposed retail unit. However, it is not considered the scale of these are such that serious or significant harm would result if appropriately worded conditions were imposed on any grant of planning permission.
- 7.5.10 For the reasons outlined above it is considered the proposed development would not provide acceptable levels of amenity for future occupiers, and would be harmful to the amenity of existing neighbours. The proposal is therefore contrary to Policy DM9 of the CSDMP 2012 and the stated principles of the RDG and the NPPF 2012.

## **7.6 Highways, Parking and Access**

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. Policy CP11 requires all new development to be appropriately located in relation to public transport and comply with the Council's car parking standards.
- 7.6.2 The submitted transport statement advises that the vehicular and cycle access will from directly from Guildford Road via the proposed arch entrance. Access will take users to the basement level car and cycle parking. This will be residents use only and access restricted by use of a fob / card reader issued to residents. Pedestrian access is also to be taken directly off Guildford Road.
- 7.6.3 The applicant team has applied parking's standards for a town centre location and this has been queried. The maximum parking provision for the development proposal is indicated below:

**Table 4.1 – Maximum Car Parking Standards**

Use Class	Maximum per sqm GFA	Maximum parking provision
<b>A1 Retail – Food or non-food retail eg: small parade of shops serving the local community (up to 500sqm)</b>	1 car space per 30sqm	5 spaces
<b>D1 Non-Residential Institutions – public halls licensed for entertainment, unlicensed youth and community centres and scout huts etc</b>	1 car space per 3 persons or per 3 seats or per 20sqm or individual assessment/justification	16 spaces (based on 1 space per 20sqm)
<b>C3 Residential 1 &amp; 2 bed flats</b>	1 space per unit	11 spaces
<b>C3 Residential 1,2 or 3 bed houses</b>	1 space per unit (town centre)	3 spaces
<b>Total</b>		<b>35 spaces</b>

However, the proposal does not seek to provide this level of parking and instead noting that the existing club provides no on-site parking, advises that there will be nil on site parking provision for the proposed replacement club facility or the proposed retail unit. With this in mind the submission proposes 21 parking spaces. There is some conflict within the submitted details as to how these spaces are to be allocated however by letter dated 28 September the applicant has advised 17 parking spaces will be allocated to the residential units, with 1 parking space allocated to the occupier of the retail unit and the remaining 3 parking spaces allocated to the replacement club and its 'ancillary' 2 bed flat.

- 7.6.4 The submission also advises that 15 cycle parking spaces should be provided as a minimum to service the development. The transport statement advises that 6 of these will be provided in sheds / the rear garden to the town houses with the remaining being located in the basement parking area or at ground floor. The applicant has been asked to confirm how the cycle parking can be provided in the rear gardens of the town houses given the very small rear amenity space to be provided. A response has been provided but this merely states that the bikes are to be stored either in the houses or the rear gardens. It is not considered this is a satisfactory response given the on-site constraints. Clarity has also been sought on whom may use the cycle stands located in the communal areas and the applicant has advised that these cannot be used by customers of the club or the retail unit and will only be available for use by residents via key(s) in the control of the club or management company.
- 7.6.5 Swept path analysis has been submitted showing that delivery vehicles will be able to access and egress the site in forward gear. Refuse vehicles will however have to reverse into the site to access the bin storage area and then leave the site in forward gear. The analysis undertaken incorporates a 4.8m car, a 7.5ct panel and box van and a 9.93m refuse vehicle.
- 7.6.7 The submitted details indicate that the proposed development would have little impact on the local highway network as a result of traffic generation with an increase in vehicle trips of 6 two way journeys for both the AM (0800-0900hrs) and PM (1700-1800hrs) peak.
- 7.6.8 The County Highways Authority initially sought further information from the applicant and some information was provided on 28 September. SCC highways reviewed this and suggested conditional approval. Clarification has been sought on some points raised and any comments provided will be reported by way of update. At the time of writing, however, no objection is raised in terms of DM11.

## **7.7 Housing Mix and Affordable Housing**

- 7.7.1 Policy CP6 of the CSDMP 2012 states that the Council will promote a range of housing types and tenures, and for market housing suggests that this should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+ bed units. This application proposes 3no. 3 bed town houses, 5no. 1 bed flats and 6no. 2 bed flats. It is considered this mix meets the overarching objective to provide a mix of dwellings type and sizes and does not offend the objectives of Policy CP6.
- 7.7.2 Policy CP5 of the CSDMP 2012 requires developments giving rise to a net increase in residential units of between 10 and 14 units to provide 30% on site affordable provision. The applicant has changed their initial position wherein the submitted details indicated 4 units were to be provided as affordable housing and by letter dated 28 September now submit that had the scheme only delivered 10 units no affordable housing would be due. A case is also made that the development proposal is an enabling development in which the re-provided club facility and one 2 bed flat will be gifted to the club should be given weight. It is also submitted that if one accepts that a scheme of up to 10 residential units would not need to provide affordable housing, and if one off sets this, the provision of the gifted 2 bed unit with the club facility is policy compliant. However, this submission fails to address the simple fact that there is no requirement to offset the initial 10 residential units to be provided, and, additionally that the provision of an 'ancillary' residential dwelling to the replacement club facility would not, in itself meet the definition of affordable housing. A final line of argument is that an affordable housing compliant scheme would not be viable. However this has not been demonstrated or tested in line with the Council's usual procedures. It is therefore considered the proposal fails to comply with Policy CP5 and a reason for refusal is recommended in this regard.

## **7.8 Impact on Infrastructure and drainage**

- 7.8.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.8.2 The CIL Charging Schedule came into force on 1 December 2014 and details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself. The new dwellings would be CIL liable at the rate of £220 per m<sup>2</sup> of additional floorspace, with the final figure being agreed upon completion of the relevant forms, if permission is granted. The proposed retail element would also be CIL liable at a rate of £100 per m<sup>2</sup>. An informative will be added to address this in the event an appeal is lodged.
- 7.8.3 From 6th April 2015 all planning applications (including outline submissions) for major developments will be required to show that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. This was first announced by a Written Ministerial Statement by the Secretary of State for Communities and Local Government on the 18th December 2014. Under these national arrangements, from the 15th April 2015 the Lead Local Flood Authority (LLFA) i.e. Surrey

County Council will be a statutory consultee on these applications. The LLFA has reviewed the information provided and considers this to be insufficient. A holding objection has therefore been raised and this is taken forward as a reason for refusal.

## **7.9 Impact on the Thames Basin Heaths SPA**

- 7.9.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.9.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 750m from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available and this development would be CIL liable, so a contribution would be payable on commencement of development. Informatives relating to CIL will be imposed should the application be granted permission.
- 7.9.3 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and depends on the sizes of the units proposed. This proposal is liable for a SAMM payment and the applicant team has advised this is to be secured by way of a unilateral undertaking. However at the time of writing this report this has not been provided. Therefore the application fails to comply with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD and a reason for refusal must be added to address this in principle objection.

## **7.10 Other matters**

- 7.10.1 The application has been reviewed by the Design Out Crime Officer who raises no objection to the development proposed subject to conditions. The objector comments are noted in this regard; however it is considered the matters raised by that officer could be accommodated within the scope of the existing plans and no objection is raised in this regard.

## **8.0 CONCLUSION**

- 8.1 The proposed development is considered to be unacceptable in character and amenity terms. The proposed development also fails to make provision for a SAMM contribution and for an affordable housing contribution. In addition, insufficient information has been provided to enable the LLFA to assess the surface water drainage requirements. Objections are therefore raised in respect of these matters. Clarification is being sought from SCC Highways, an update will be provided in respect of this matter.

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

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.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposed development as a result of its height, massing, siting and site coverage would result in a form of development which would enclose and dominate Guildford Road to the detriment of the character of the commercial village centre. Moreover, the site coverage proposed fails to provide any meaningful opportunities for and landscaping or softening of what otherwise will be an unduly urban design response in the commercial village centre. In addition, the depth of the development into the site, coupled with the height and its proximity to, in particular the shared boundaries with No.70 Guildford Road and No.2 All Saints Road, would result in visually dominant and incongruous development forming poor relationships with neighbouring buildings, and, harmful to the spatial characteristics of the area. This harm would be compounded by the design response of Block A which would give rise to development out of keeping with its setting. The proposed development is therefore contrary to Policy DM9 (ii) of the Surrey Heath Core Strategy and Development Management Policies 2012, Design Principles B1, B2 and B5 (a) and B6 of the Lightwater Village Design Statement



Supplementary Planning Document 2007 and Principle's 7.1, 7.3, and 7.4 of the Residential Design Guide Supplementary Planning Document 2017.

2. The proposed development would fail to provide any private amenity space for a number of the proposed flats, and the private amenity space to F8 would, as result of its location above the bin store and proximity to the service / delivery area, not provide a reasonably useable area of external amenity space. In addition, the proposed development does not make any provision for any communal external amenity space and the proposed development would not provide adequate or reasonable levels of private amenity space to the proposed 3 storey dwellinghouses. The development would therefore result in a poor quality living environment for prospective occupiers and fails to comply with the objectives of Policy DM9 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and Principle 8.4, 8.5 and 8.6 of the Residential Design Guide Supplementary Planning Document 2017.
3. The proposed development would, as a result of its scale and mass, together with its siting, give rise to an overbearing and unneighbourly form of development which would give rise to significant harm to the amenity the occupiers of No.70A Guildford Road would otherwise reasonably expect to enjoy. Moreover, the windows to the rear elevation of Block A would result in significant overlooking of the private amenity space serving this dwelling. The proposed development is therefore considered to be contrary to the aims and objectives of Policy DM9 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.
4. The proposed development would, as a result of its scale and mass, together with its siting, give rise to an overbearing and unneighbourly form of development which would give rise to harm to the amenity the occupiers of No.2 All Saints Road would otherwise reasonably expect to enjoy. The proposed development is therefore considered to be contrary to the aims and objectives of Policy DM9 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.
5. It has not been demonstrated to the satisfaction of the Local Planning Authority that the provision of affordable housing at this site would not be financially viable and as such the proposal is considered to be contrary to Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.
6. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or payment of the SAMM payment in advance of the determination of the application, 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 (Adopted January 2012).

7. In the absence of a satisfactory drainage strategy the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the development is appropriately flood resilient and resistant and whether a sustainable drainage system for the management of run-off is appropriate. As such the development fails to comply with Schedule 3 of the Flood and Water Management Act 2010, paragraph 103 of the National Planning Policy Framework and associated guidance in the Planning Practice Guidance and Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

Informative(s)

1. Advise CIL Liable on Appeal CIL3
2. The applicant is advised that any resubmission must to accompanied by:
  - Level plans showing existing and proposed site levels
  - Existing to scale floor and elevation plans
  - Street scene drawings showing all elevations

Please note that without this information an application will not be validated.