

**LOCATION:** 317 GUILDFORD ROAD, BISLEY, WOKING, GU24 9BB  
**PROPOSAL:** Erection of three storey building (containing six 3 bedroom terraced dwellings) and two 1 bedroom flats and 2 two storey buildings with front and rear dormers (containing 18 two bedroom flats and one 1 bedroom flat) with revised vehicular access off Guildford Road, bin and cycle storage and landscaping. (Amended plan rec'd 16/04/18) (Amended plans and information recv'd 20/7/18). (Additional information recv'd 7/9/18).  
**TYPE:** Full Planning Application  
**APPLICANT:** Dr Sulman  
Sun Contractors  
**OFFICER:** Ross Cahalane

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This application seeks planning permission for the erection of a three storey building (containing six 3 bedroom terraced dwellings) and two 1 bedroom flats and 2 two storey buildings with front and rear dormers (containing 18 two bedroom flats and one 1 bedroom flat) with revised vehicular access off Guildford Road, bin and cycle storage and landscaping.
- 1.2 It is accepted that the current proposal would provide 27 residential units within a brownfield site and in a sustainable location. However, it is considered that the overall quantum of proposed development and its layout, design and scale would lead to an unacceptably cramped layout and an over-dominant and incongruous impact upon neighbouring buildings and the surrounding area. Moreover, the scale and bulk of Blocks B and C would also fail to reflect the open characteristics of the adjoining Green Belt land. It is also considered that the proposed Block B building would lead to unacceptably adverse impact upon the amenity of No. 307 Guildford Road in terms of loss of privacy and No. 315 Guildford Road in terms of loss of privacy, overbearing impact and general noise and disturbance. Additionally, the rear gardens of the dwellings of Block A are considered to be of wholly insufficient size for the family dwellings in which they would serve.
- 1.3 Although the applicant has expressed willingness to secure a Section 106 legal agreement to secure Affordable Housing and a financial contribution towards SAMM, this has not been provided to date and therefore must form additional reasons for refusal as set out in Policies CP5 and CP14B of the CSDMP and Policy NRM6 of the South East Plan 2009.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site relates to a currently vacant light industrial unit on the east side of Guildford Road within the settlement of Bisley. The surrounding area is residential in character. Two private access roads off Guildford Road serve residential properties to the rear. One of these accesses runs along the southeast side boundary, with the former car and van rental premises at 325 Guildford Road beyond this now being redeveloped under planning permission 16/0961 for 6 two storey dwellings with dormers and a three storey block of 9 flats. Additional redevelopment has taken place further to the southeast, including terraced dwellings, flat buildings and a care home building.

- 2.2 The other older neighbouring properties in the immediate area are detached in the form of bungalows, dormer/chalet bungalows and two storey dwellings. The dwellings facing Guildford Road have fairly regimented building lines and some common spacing to the sides. These buildings share common traditional architectural forms and external materials.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 05/0909 Erection of 8 x 3 bedroom and 5 x 2 bedroom two storey houses with associated parking.

*Withdrawn*

- 3.2 06/0074 Erection of 8 three bedroom and 4 two bedroom two storey houses with associated parking.

*Refused*

- 3.3 12/0651 Redevelopment of 317-319 Guildford Road to provide 8 new residential units to comprise four 3 bed and four 4 bed, two storey detached dwellings with associated ancillary works to include new access road, landscaping and carports following demolition of existing buildings.

*Withdrawn*

- 3.4 13/0327 Redevelopment of 317-319 Guildford Road to provide 8 new residential units to comprise four 3 bed and four 4 bed, two storey detached dwellings with associated ancillary works to include new access road, landscaping and carports following demolition of existing buildings.

*Granted (not implemented – permission now expired)*

### **4.0 THE PROPOSAL**

- 4.1 Permission is sought for the erection of a three storey building (containing six 3 bedroom terraced dwellings) and two 1 bedroom flats and 2 two storey buildings with front and rear dormers (containing 18 two bedroom flats and one 1 bedroom flat) with revised vehicular access off Guildford Road, bin and cycle storage and landscaping.

- 4.2 The proposed building including the terraced dwellings (Building A) would be located to the front and would consist of pitched roof forms with barn-hip side elevations and front and rear dormers. Undercroft vehicular access to the rest of the development would be provided by through the middle of the building. This building would have a maximum width of approx. 34m, maximum depth of approx. 12.4m, two storey eaves height of approx. m, main ridge height of approx. 9.1m, and maximum height (above the vehicular entrance) of approx. 11.3m.

- 4.3 The proposed Building B would provide eight flats and would contain a crown roof form with front, side and rear dormers and rooflights. This building would have a maximum width of approx. 17.4m, maximum depth of approx. 20.7m, eaves height of approx. 6.1m, and maximum crown roof height of approx. 8.5m.

- 4.4 The proposed Building C would also provide eight flats and would also contain a crown roof form with front, side and rear dormers and rooflights. This building would have a maximum width of approx. 27.3m, maximum depth of approx. 14.1m, eaves height of approx. 6.1m, and maximum crown roof height of approx. 8.5m.
- 4.5 Pedestrian and vehicular access gates would be sited approx. 20m within the application site at the rear of the undercroft entrance.
- 4.6 In support of the application, the applicant has provided the following information, and relevant extracts from these documents will be relied upon in Section 7 of this report:
- Supporting Statement (including Design and Access)
  - Marketing Appraisal
  - Affordable Housing Statement
  - Ecological Impact Assessment
  - Affordable Housing Statement
  - Drainage Assessment and Surface Water Drainage Pro Forma
  - Arboricultural Report
  - Noise Assessment
  - Contaminated Land Phase 1 Desk Study Report
  - Geo-environmental Report
- 4.7 Amended plans have been received to seek to overcome concerns raised by the case officer in respect of the scale and design of the proposal and its impact on neighbouring amenity. All surrounding neighbours were re-consulted. An updated ecological appraisal has also been provided following concerns raised by Surrey Wildlife Trust.

## **5.0 CONSULTATION RESPONSES**

- 5.1 Surrey County Council Highway Authority: No objection raised, subject to conditions.
- 5.2 Council Arboricultural Officer: No objection raised, subject to conditions.
- 5.3 Surrey CC Lead Local Flood Authority: No objection raised, subject to conditions.
- 5.4 Council Scientific Officer: No objection raised, subject to conditions.
- 5.5 Council Environmental Health Officer: No objection raised.
- 5.6 Bisley Parish Council: Objection for the following reasons:

Proposed development within 400m of SPA;

Highway and road safety implications – access from A322, cumulative effect from other recent developments in the vicinity, together with poor state of footway and lack of cycle route provision;

Pressure on local facilities such as schools and the health service;

Detrimental effect on the amenities for the neighbouring properties.

## 6.0 REPRESENTATION

6.1 At the time of preparation of this report, objections from 19 residences have been received, raising the following concerns:

### Principle of the development

- Proposal would breach Council's Development Plan – would exceed Policy CP3 quota
- Bisley has already recently been oversupplied with new dwellings – no current strong demand
- No market assessment has been provided
- Existing site has been neglected by applicant – could be rented out to businesses  
*[Officer Comment: See Section 7.2]*

### Character

- Overdevelopment of site
- Cramped development
- Poorly connected to other sites
- Far greater scale, height and massing than existing development within the site
- Out of character with surrounding village
- Visually intrusive and out of scale
- Especially prominent on brow of a hill – would be tallest building for some distance
- Additional storey of Block A completely out of character
- Three storey buildings will dwarf neighbouring properties
- Does not respond to the size, shape, plot size and rhythm of surrounding buildings
- Trees within site should be made subject of a Tree Preservation Order.

*[Officer Comment: All mature trees are outside of the application site]*

- Not all trees are included in tree survey

*[Officer Comment: See Section 7.3]*

### Residential amenity

- Three storey buildings close to neighbouring garden boundaries
- Overbearing impact and loss of outlook
- Loss of privacy
- Inadequate screening along boundary
- Loss of light
- Noise generation from residents using barbeque, playpark areas and bin stores adjacent neighbour boundary
- Light, noise and pollution from parking spaces to the rear
- Insufficient outlook and internal space for future occupiers
- Inadequate provision of outdoor space

*[Officer Comment: See Section 7.4]*

- Does not comply with Council's Residential Design Guide
- Amended plans have not overcome concerns raised

*[Officer Comment: See Sections 7.3 and 7.4]*

### Highways

- Proposed main access and additional driveways off slip road would be a highway safety risk
- Increased traffic - A322 Guildford Road already congested
- Inadequate and unrealistic parking for residents and visitors – will lead to off-site parking including on the access road
- Cycle storage will not necessarily encourage use of bikes instead of cars
- Construction work will lead to obstruction of neighbouring accesses and shared service road

*[Officer Comment: See Section 7.5]*

### Infrastructure and Thames Basin Heaths SPA

- Additional strain on infrastructure – already inadequate for Bisley
- Within 400m of SPA

*[Officer Comment: See Sections 7.6 7.7]*

### Other matters

- Loss of natural habitat and proximity to SPA
- Disruption of water table from additional impermeable surface and neighbouring impermeable clay

- Should be served by adequate drainage and sewage connection
- Demolition will require removal of asbestos

*[Officer Comment: See Section 7.8]*

- Dust and noise nuisance during construction
- Concerned about length of build process

*[Officer Comment: Although the Council does not have any control over the time length of building projects, any statutory nuisances can be investigated under separate environmental health legislation]*

- Previous application for fewer units was refused

*[Officer Comment: Each application must be considered on its own merits based on the relevant extant planning policies]*

- Insufficient neighbour consultation and no local press notice

*[Officer Comment: Neighbour notification letters were posted and a local press notice was issued in accordance with statutory requirement.]*

- Application has been pre-determined through pre-application enquiry
- Neighbours had no knowledge of pre-application enquiry

*[Officer Comment: Pre-application advice is an informal process and does not bind the Local Planning Authority to a decision. Neighbour amenity impacts are assessed under Section 7.4 and all surrounding neighbours have been consulted.]*

- Breach of Article 8 Human Rights
- Loss of view
- Loss of right to light

*[Officer Comment: These are not material planning considerations]*

## **7.0 PLANNING CONSIDERATIONS**

7.1 The application site is located in Bisley, a settlement area as outlined in the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). The proposal is considered against the principles of Policies CP1, CP2, CP3, CP5, CP6, CP8, CP14, DM9, DM10, DM11 and DM13 of the CSDMP, and the National Planning Policy Framework 2018 (NPPF). The Residential Design Guide Supplementary Planning Document (RDG SPD) was adopted in September 2017 and therefore forms an additional material consideration in the determination of this application. The main planning issues in the determination of this application are:

- The principle of the development;
- The impact on the character of the area;
- The impact on residential amenities;

- The impact on highway safety;
- The impact on local infrastructure;
- The impact on Thames Basin Heaths SPA;
- Affordable Housing and housing mix and type and;
- Other matters

## **7.2 Principle of the development**

- 7.2.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes and to boost significantly the supply of housing. The NPPF is clear that housing applications should be considered in the context of the presumption of sustainable development and also requires Local Planning Authorities to have a 5-year supply of housing land. At present Surrey Heath does not have a five year housing land supply, with the latest figure being 3.95 years' supply against the annual figure of 382 dwellings. By providing 27 dwellings, this application would result in a significant contribution to the borough's housing numbers. Given the lack of 5 year housing land supply, Policy CP3 which sets out the scale and distribution of housing is considered to be out of date, as confirmed by various recent appeal decisions in the borough. The NPPF advises in paragraph 11 that where policies are out of date, permission should be granted unless it is in a protected area or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 7.2.2 The application premises is currently vacant and the proposal would lead to a loss of employment opportunity on this site. Although the last market assessment was undertaken in 2012 for the now extant 13/0327 permission, this stated that the premises was vacant for some time. For the reasons of viability and the location of the site in a smaller settlement location, the marketing assessment considered the site unsuitable and unviable for employment uses. In addition, it was stated that the building and site in general was in a poor condition and would need some improvement before it could function fully for employment use.
- 7.2.3 Although no updated marketing information has been provided, the site now appears to have been vacant for at least eight years. In this regard, there appears to be no material change in circumstance since the assessment of the 13/0327 application. It is therefore considered that the site is unlikely to come forward for employment use and as such, no objections are raised to the loss of this employment site to residential use.
- 7.2.4 It is considered that the proposal would be a sustainable form of development, being within the settlement area of Bisley served by some amenities, with a bus stop nearby leading to other settlements. As such, no objection is raised to the principle of the development.

## **7.3 Impact on character of the surrounding area**

- 7.3.1 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. The revised NPPF 2018 requires planning policies and decisions to ensure that new development makes efficient use of land, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping, whilst being sympathetic to local character and history, including the surrounding built environment and landscape setting. Permission should be refused for development of poor design that fails to take the

opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (paragraphs 122, 127 and 130 of the NPPF). Policies CP2 (iv) and DM9 (ii) of the CSDMP reflect these requirements.

- 7.3.2 Principle 7.4 of the Residential Design Guide (RDG SPD) advises that new residential development should reflect the spacing, heights and building footprints of existing buildings. Principle 7.5 advises that proposals to introduce roof forms on residential development that diverge from the prevailing character of residential development will be resisted unless it can be demonstrated that the proposals would make a positive contribution to the streetscape.
- 7.3.3 Concerns were raised at pre-application stage and during the course of the application regarding the bulk of the roof form of Building A (at the front facing Guildford Road) in relation to the lower two storey form of No. 315 immediately to the west and the dwellings facing Guildford Road beyond it. Furthermore, this building contains an effective four-storey front gable element above the shared vehicular undercroft entrance, which further accentuates the dominance of this building over those that surround it. The proposed Block A is clearly read as one building and although its width of approx. 34m is commensurate with the redeveloped care home to the southeast (Former Fox public house), this is considerably greater than the more immediate surrounding buildings and the care home is set back noticeably further from the highway. Amended plans have been received that introduce barn-hip side elevations and a lower roof form around the gable front. However, it is considered that the amended proposal still does not address these concerns, as its overall bulk, width, height and raised front gable form would lead to an unacceptably over-dominant impact upon the streetscene.
- 7.3.4 Whilst it is accepted that there are other examples of crown roof forms in the vicinity, Building B has a contrived polygon-shaped footprint that seems to be designed to maximise the number of units rather than to reflect its backland setting and the scale and form of the immediate buildings. This depth necessitating a large expanse of crown roof form would lead to an unacceptably overdominant and incongruous addition to the surrounding forms of development. It is not considered that the amended plans reconfiguring the western side elevation (See Para 7.4.3 below) materially diminish this harmful impact upon the character of the surrounding area. Although the proposed Block C is of a lesser depth, it has a significant maximum continuous width of approx. 27m which is noticeably greater than the immediate surrounding buildings and thus considered wholly inappropriate for its backland setting. The proximity of each building to the side boundaries also leads to an unacceptably cramped layout. Moreover, the scale and bulk of Blocks B and C would also fail to reflect the open characteristics of the adjoining Green Belt land.
- 7.3.5 A number of mature trees run along the site boundaries, but these are third party located outside of the site. A Tree Survey Report, Arboricultural Impact Assessment and Method Statement have been provided, which advises that there would be no additional incursion into their Root Protection Areas. The report proposes the specification of tree protection fencing around the RPAs. The Council's Arboricultural Officer has raised no objection to the proposal, subject to a planning condition requiring evidence of the implemented tree protection measures sent to and approved by the Arboricultural Officer for assessment. The Arboricultural Officer has also commented that landscape planting is a requirement. This could also be secured by means of a planning condition. In this respect the proposal would comply with CSDMP Policy DM9 (iv).
- 7.3.6 In summary, the layout, design and scale of the proposal as a whole would form poor relationships with neighbouring buildings and the wider character of the area, contrary to the design requirements of Policy DM9 of the CSDMP and Guiding Principles 7.4 and 7.5 of the

RDG SPD.

#### **7.4 Impact on amenities of neighbouring properties and future occupiers**

- 7.4.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. The thrust of one of the core planning principles within the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.4.2 Principle 8.1 of the Residential Design Guide SPD states that new residential development should be provided with a reasonable degree of privacy to habitable rooms and sensitive outdoor amenity spaces. Developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted. Paragraph 8.4 advises that a minimum distance of 20m is a generally accepted guideline for there to be no material loss of privacy between the rear of two storey buildings directly facing each other (i.e. a back to back relationship). For two storey rear to side relationships it may be possible to reduce the separation distance to 15m.
- 7.4.3 Paragraphs 8.5-8.6 of the RDG SPD advises that although there is no right to a view, residents should be able to enjoy good quality outlook to the external environment from habitable rooms, without adjacent buildings being overbearing or visually intrusive. A poor outlook relationship is caused when the height and bulk of a development significantly dominates the outlook of a habitable room or area. Para 8.12 of the RDG SPD further advises that potential design solutions to prevent material loss of daylight to neighbouring windows and overshadowing of habitable external spaces include ensuring that the centre of an existing window serving a habitable room does not fall within 60 degrees towards a proposed single storey development. A 45 degree rule is applicable to 2 storey development.
- 7.4.4 Both the proposed flat buildings would contain a number of upper floor front, side and rear windows/rooftlights serving habitable rooms. The proposed Block B would contain staggered side elevations sited up to approx. 1.6m from the side boundary with the rearmost area of the rear garden of No. 315 Guildford Road to the west. Block B would partially project beyond the rear boundary of No. 315 and would run along this neighbour's side boundary to a depth of approx. 8m. Following concerns raised by the case officer, amended plans were received to tilt the side elevations of Block B further away from this boundary and to reconfigure the side elevation openings. The site plan was also amended to reflect existing boundaries and built form relationships that were not shown on the Ordnance Survey overlay. First floor side elevation windows and second floor side elevation rooftlights on Block B still remain. The nearest first floor side elevation window serving a bedroom for Flat 4 is sited up to approx. 1.7m from the side boundary with No. 315, and the other side bedroom window is slightly beyond this side boundary. These windows are at a slight angle away from the boundary and it is also noted that the rear garden of No. 315 has a generous depth commensurate with many dwellings of its origin, with the separation distance from Block B to the main dwelling rear elevation being approx. 33m.
- 7.4.5 However, during the application site visit it was noted that the rearmost part of this garden is actively used as a private amenity area with patio area, seating and tables and children's play equipment to the west and southwest of Block B. Additionally, the nearest upper floor front elevation windows of Block B would be angled towards this active amenity area. It is therefore considered that the abovementioned habitable room windows would lead to unacceptably adverse impact upon No. 315 in terms of loss of privacy. The elevations projecting along the rear garden side boundary also contain rooftlights serving bedrooms and an obscure-glazed first floor window serving a bathroom. It is considered that these openings, although high-level or obscure-glazed, would lead to a sense of being overlooked. Although the site orientation would avoid adverse impact in terms of overlooking, these effects along with the proximity to the side boundary and projecting depth along it would also lead to an unacceptable

overbearing impact upon current and future occupiers of No. 315. Furthermore, a small private patio area is proposed on the ground floor for Flat 1 facing No. 315, along with a row of communal refuse bins. Given their proximity to the active amenity area of No. 315, it is considered that this would lead to an unacceptable amount of noise and disturbance.

- 7.4.6 The nearest upper floor side elevation window of Block B would be sited approx. 11m from the rear garden side boundary of No. 313 Guildford Road further to the west. The other detached dwellings facing Guildford Road further beyond have gardens of similar depths. Given these rear garden depths in combination with the separation distances, in this instance it is considered that the resultant relationships would not lead to adverse harm to the amenity of No. 313 and the other Guildford Road dwellings further beyond in terms of loss of light, outlook, privacy or overbearing impact.
- 7.4.7 An unused strip of land runs between the rear boundary of these dwellings and the detached dwelling of No. 307 Guildford Road to the northwest. The rear corner of Block B would be sited approx. 2.7m from the rear garden boundary of No. 307. Although the distance of approx. 28m to the main dwelling of No. 307 would comply with 20m recommended distance. This neighbour contains a patio area immediately to the west of its rear outbuildings shown on the proposed site plan. First and second floor external rear balconies are proposed for Block B, and it would also contain a first floor side elevation bedroom window serving Flat 2 angled towards No. 307's patio area. These features would be sited approx. 14m-17m the abovementioned patio area which is considered to form an active private amenity area. It is therefore considered that the resultant relationship with this patio area would lead to unacceptably adverse impact upon No. 307 in terms of loss of privacy. The additional first floor side obscure-glazed bathroom windows and second floor side rooflight would also lead to a sense of being overlooked. Given the separation distances to the main dwelling rear elevation and other external amenity areas, in this instance it is considered that no adverse impact would arise upon the amenity of No. 307 in terms of loss of light, outlook or overbearing impact.
- 7.4.8 Both Blocks B and C contain a number of additional upper floor external rear elevation balconies. The separation distance to the front elevation of the detached dwelling of No. 323 to the northeast would be approx. 28m and approx. 37m to the nearest elevation of No. 321 to the north. These separation distances are considered sufficient to avoid adverse harm to amenity in terms of loss of light, outlook, privacy or overbearing impact.
- 7.4.9 The proposed Block A at the front would be sited between approx. 3.4m – 3.7m from the side elevation of No. 315 Guildford Road to the west, and would project approx. 1.8m beyond this neighbour's rear elevation. No. 315 does not contain any side elevation windows serving habitable rooms and the proposed rear projection would not breach a 45 degree line of sight from this neighbour's rear elevation windows. It is therefore considered that Block A would not lead to adverse loss of light, outlook or overbearing impact upon the main dwelling of No. 315.
- 7.4.10 It is considered that the proposed development as a whole would be sited at sufficient distance from other neighbouring boundaries and elevations to avoid adverse harm to amenity.
- 7.4.11 The proposed rear garden amenity areas for each of the six terraced 3-bed dwellings would be north-facing. Principle 8.4 of the RDG SPD advises that such gardens should have a minimum size of 65 sq. m. However, the rear garden areas for these dwellings would vary in size between approx. 26m – 40m, all significantly below the recommended minimum size. Given the orientation and the size of the proposed 3-bed dwellings, it is considered that these gardens would be of wholly insufficient size for the family dwellings in which they would serve, contrary to Principle 8.5 of the RDG SPD.

- 7.4.12 The proposed ground floor flats would be served by private outdoor amenity space to the rear as advised by Principle 8.6 of the RDG SPD. Although the proposed rear communal amenity space for the flats is relatively shallow, it extends across the entire width of the site and given that all but one of the upper floor flats are served by external rear balconies, this communal space is considered sufficient. It is considered that sufficient internal living space and outlook would be provided for future occupiers of the proposed dwelling.
- 7.4.13 A noise assessment has been provided by the applicant, which recommends minimum attenuation levels for habitable room windows in order to protect the amenity of future occupiers. The Council's Environmental Health Officer has raised no objection and a planning condition could be imposed to ensure that the recommended attenuation is complied with.

## **7.5 Means of access and highways impacts**

- 7.5.1 Paragraph 108 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all users. Policy DM11 of the CSDMP 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 of the CSDMP states that new development that generates a high number of trips should be in sustainable locations or be required to demonstrate that it can be made sustainable, and that it should be appropriately located in relation to public transport and the highway network.
- 7.5.2 The proposal would involve a revised vehicular access off a private slip road running parallel with Guildford Road (A322) and the provision of new crossovers to provide seven parking spaces (one visitor) for the six proposed 3 bed dwellings. A shared pedestrian/cycle footpath runs alongside the slip road which would have to be amended to provide the revised access and additional crossovers. A further 22 spaces are provided to the rear, along with 54 cycle spaces (two per unit). The proposed car parking provision meets the County Highway Authority (CHA) recommended guidance, save for the six proposed 3-bed dwellings which are provided with one space each - whereas the CHA guidance recommends two spaces for 3-bed units.
- 7.5.3 Concerns have been raised in respect of this parking provision and the site traffic using access off the private slip road and across the footpath. However, the CHA has been consulted and has raised no objections on highway safety, capacity or policy grounds, commenting that although ideally two parking spaces could have been provided for each of the six 3-bed dwellings, the proposal is located close to bus stops on Guildford Road and proposes cycle parking spaces in excess of the minimum guidance.
- 7.5.4 A pre-commencement condition requiring a Construction Management Plan has been recommended by the CHA, along with pre-occupation conditions as outlined in the consultation response. On this basis, the Local Planning Authority is satisfied that the proposal would not conflict with the aims of Policy DM11.

## **7.6 Impact on local infrastructure**

- 7.6.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential developments involving one or more new dwellings through new build. As the proposal includes a new dwelling, the development is CIL liable. CIL is a land charge that is payable at commencement of works should permission be granted on appeal by an Inspector. An informative advising of this would be added.

## **7.7 Impact on Thames Basin Heaths SPA**

- 7.7.1 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. All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 states that no new residential development is permitted within 400m of the SPA. The application site is not within 400m of the SPA but 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.
- 7.7.2 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 SAMP (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SAMP is required. In this instance a payment of £13,689 is needed. No such payment or Section 106 unilateral undertaking to secure this has been provided. This constitutes an additional reason for refusal, as the lack of securement of the financial contribution towards SAMP would be contrary to Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

## **7.8 Affordable Housing and housing mix and type**

- 7.8.1 Policy CP5 requires 40% on site provision of affordable housing, for sites in excess of 15 units. Policy CP6 sets out the need for housing sizes in the borough, which is different for market and affordable housing, however indicates a strong need for 2 and 3-bed properties for both sectors. For social rented housing there is a stronger need for 1-bed properties. The Issues and Options Consultation Draft of the new Local Plan indicates that for market housing, there is still a strong need for 2-bed and 3-bed properties, and for affordable housing the need for 1, 2 and 3 beds is similar. While this should be given little weight at this stage, it is an indicator as to how housing built more recently has affected the need for certain housing sizes.
- 7.8.2 The Affordable Housing Statement states that the proposal will provide 40% on site affordable provision, in line with Policy CP5. However, to date a Section 106 legal agreement has not been provided to secure this Affordable Housing. As such, this must form an additional reason for refusal as set out in Policy CP5 of the CSDMP.

## **7.9 Other matters**

- 7.9.1 A Preliminary Ecological Appraisal was submitted with the application, which identified suitable habitat for foraging and commuting bats, badgers, hazel dormice, breeding birds and reptiles. Following concerns raised by Surrey Wildlife Trust (SWT), an Ecological Impact Assessment has been provided to further assess bat activity within the site and this did not find any active roosts within the site. SWT have now raised no objection, subject to a planning condition requiring compliance with the recommendations of the Ecological Impact Assessment.
- 7.9.2 The site is not located within Flood Zones 2 or 3 or areas of known risk from surface water flooding, according to Environment Agency data. A Drainage Assessment has been provided by the applicant, which proposes SuDS measures comprising permeable paving with sub-base storage and underground tanks that temporarily store water in the drainage system. Any surface water discharge generated by the proposal which cannot drain via infiltration shall be discharged to the culvert watercourse to the south of the site. The Local Lead Flood Authority

has not objected, subject to conditions requiring additional details and testing. On this basis, the proposal is considered to be acceptable in terms of its impact on flood risk and drainage.

- 7.9.3 A Contaminated Land Phase 1 Desk Study Report and a Geo-environmental Report have been provided. The report also identifies the presence of asbestos on the site. The Council's Scientific Officer has commented that documentation would therefore have to be submitted substantiating the removal and appropriate disposal of asbestos or asbestos containing materials in compliance with waste management legislation. The Council's Scientific Officer has also commented that it will be necessary to carry out intrusive investigations to determine the extent of contamination before submitting a Remediation Action Plan for agreement by the Council. This could all be secured by a planning condition.
- 7.9.4 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development will result in a local financial benefit, it has however been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm that would not be outweighed by the above financial consideration.

## **8.0 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 38-41 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 It is considered that the layout, design and scale would result in an overall quantum of development that would be cramped, over-dominant and incongruous. Poor relationships would be formed with neighbouring buildings in particular Block A's relationship alongside no.315 Guildford Road and this would be harmful in the streetscene. Moreover, Blocks B and C would also fail to reflect the open characteristics of the adjoining Green Belt land. It is also considered that the proposed Block B building would lead to unacceptably adverse impact upon the amenity of No. 307 Guildford Road in terms of loss of privacy and No. 315 Guildford Road in terms of loss of privacy, overbearing impact and general noise and disturbance. Additionally, the rear gardens of the dwellings of Block A are considered to be of wholly insufficient size for the family dwellings in which they would serve. These combined impacts would be contrary to Policy DM9 of the CSDMP and Principles 8.1, 8.4, 8.5, 8.6 and Paragraphs 8.5-8.6 of the RDG SPD. Although the applicant has expressed willingness to secure a Section 106 legal agreement to secure a Affordable Housing and SAMM, this has not been provided to date and therefore must form additional reasons for refusal as set out in Policies CP5 and CP14B of the CSDMP and Policy NRM6 of the South East Plan 2009.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal by reason of its layout, design and scale would result in an overall quantum of development that would be cramped, over-dominant and incongruous forming poor relationships with neighbouring buildings, in particular "Block A's" relationship alongside no.315 Guildford Road. Moreover, "Blocks B and C" would also fail to reflect the open characteristics of the adjoining Green Belt land. As such the proposal would be harmful to the visual amenities of the streetscene and fail to respect and improve the overall character and quality of the surrounding area contrary to Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principles 7.4 and 7.5 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2018.
2. The proposed "Block B" building, by reason of its height and siting including a ground floor patio, first floor side elevation windows and second floor side rooflights in close proximity to the rear garden and active amenity area of No. 315 Guildford Road, would lead to an adverse level of actual and perceived overlooking, overbearing impact and general noise and disturbance upon No. 315 Guildford Road, contrary to the residential amenity requirements of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principle 8.1 and Paragraphs 8.5-8.6 of the Residential Design Guide Supplementary Planning Document and the National Planning Policy Framework 2018.
3. The proposed "Block B" building, by reason of its height and siting including first floor side elevation windows, second floor side rooflights and a second floor rear external balcony in close proximity to the rear garden and active amenity area of No. 307 Guildford Road, would lead to an adverse level of actual and perceived overlooking, contrary to the amenity requirements of Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principle 8.1 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2018.
4. The proposed rear garden amenity areas to the dwellings of "Block A", by reason of their small size and orientation primarily to the north, would be of wholly insufficient size for the family dwellings in which they would serve, contrary to the amenity requirements of Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principle 8.4 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2018.
5. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the dwellinghouses proposed as affordable housing. The proposal therefore does not satisfactorily address the requirements of Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2018.

6. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 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. Advise CIL Liable on Appeal CIL3