

LOCATION: 45 GUILDFORD ROAD, BAGSHOT, GU19 5JW
PROPOSAL: Erection of two storey building comprising five 2 bedroom flats including dormer windows and rooflights, following demolition of existing dwelling and outbuildings, with revised vehicular access from Guildford Road, bin/cycle storage, landscaping and parking area. (Amended plans rec'd 18/10/2018.) (Amended plans rec'd 22/11/2018)
TYPE: Full Planning Application
APPLICANT: Mr Dean Worsfold
Homes By Warwick Ltd
OFFICER: Ross Cahalane

The application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Valerie White due to concerns regarding overdevelopment of the site and that highway issues have not been looked at properly.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of a two storey building comprising five 2 bedroom flats including dormer windows and rooflights, following demolition of existing dwelling and outbuildings, with revised vehicular access from Guildford Road, bin/cycle storage, landscaping and parking area for a total of 5 vehicles.
- 1.2 The 2018 refusal (18/0105) for a block of 5 flats is a material consideration. This application was refused on character and amenity grounds, and due to no bat survey nor financial contribution towards SAMM. It was not refused on the principle of development or highway grounds. This refusal also proposed 5 parking spaces.
- 1.3 The amended design from the 18/0105 refusal, including the removal of the side gable dormer and the introduction of a low brick wall and additional landscaping along the front highway boundary and side river bank boundary, is considered to sufficiently overcome the design and character reason for refusal. The increased separation distances from neighbouring properties and the removal of balconies and amendments to fenestration overcomes the amenity objections. The County Highways Authority have revisited the highway impacts with this proposal and again raise no objections on safety, parking or capacity grounds.
- 1.4 Surrey Wildlife Trust has now raised no objection subject to compliance with the lighting and ecological enhancement recommendations of the Bat Survey Report, which can be secured through a planning condition. The applicant has also paid the appropriate financial contribution towards SAMM. The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the northern side of Guildford Road opposite the junction with Bagshot Green, within the settlement area of Bagshot. The site comprises a two storey detached dwelling which has been vacant for some years in close proximity to Guildford Road, with a front outbuilding adjacent to Guildford Road. A larger outbuilding to the rear has now been demolished, but there remains substantial hardstanding coverage across the site behind closeboard fencing and gates along the highway boundary.
- 2.2 The surrounding area is mixed in terms of use and building type. Nearby properties consist of two storey detached and semi-detached dwellings, a single storey public house adjacent the site with two storey residential accommodation, two storey office buildings, a church building to the southeast and three storey flatted accommodation to the west adjacent the junction with Gloucester Road.

3.0 RELEVANT PLANNING HISTORY

- 3.1 18/0105 Erection of a two storey building comprising five 2 bedroom flats including dormer windows and enclosed balcony in the roofspace following demolition of existing dwelling and outbuildings, with revised vehicular access from Guildford Road, bin/cycle storage, landscaping and parking area.

Decision: Refused

In summary, the application was refused for the following reasons:

1. Harm to character due to the quantum of development that would have given rise to an unsatisfactory site layout with the visual impact and extent of unrelieved parking to the site frontage, and additionally the scale and massing of the proposal - in particular the prominent side gable.
 2. Harm to residential amenities due to unacceptable overlooking from the proposed side gable balcony towards No. 41 Guildford Road, and from the rear windows and balconies towards No. 13 Duval Place.
 3. Lack of bat emergence and re-entry surveys to demonstrate that the proposed development would not result in harm to or loss of these legally protected species.
 4. Lack of financial contribution towards SAMM measures.
- 3.2 18/0513 Terrace of 3 two-storey dwellings including front dormers following demolition of existing dwelling and outbuildings, with revised vehicular access from Guildford Road, bin/cycle storage, landscaping and parking area.

Decision: Pending

4.0 THE PROPOSAL

- 4.1 Permission is sought for the erection of a two storey building comprising five 2 bedroom flats including dormer windows and enclosed balcony in the roofspace following demolition of existing dwelling and outbuildings, with revised vehicular access from Guildford Road, bin/cycle storage, landscaping and parking area. This submission seeks to overcome the reasons for refusal of 18/0105.
- 4.2 The proposed building would consist of a crown roof with front dormers, side rooflights and a mixture of hipped and gabled lower pitched roof forms to the front and side. The proposal would have a maximum width of approx. 14.5m, maximum depth of approx. 11.7m, eaves height of approx. 6.2m and maximum ridge height of approx. 9.5m.
- 4.3 The proposal would include a flat roofed bin and cycle store to the front with a maximum width of approx. 5m, maximum depth of approx. 3.5m and flat roof height of approx. 2.8m.
- 4.4 The proposed flats would be served by five car parking spaces to the front with a revised access from Guildford Road. There would be also a separate pedestrian access leading to a communal amenity space to the rear. Landscaping and a low brick wall is proposed along the front of the proposed building and car parking area, and replacement screen planting up to 4m in height is proposed along the rear boundary.
- 4.5 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:
- Planning Statement
 - Design and Access Statement
 - Preliminary Ecological Appraisal and Bat Survey/Re-entry Survey Report
 - Flood Risk Assessment
 - Arboricultural Report
 - Contaminated Land Phase 1 Desktop Study Report.
- 4.6 The main differences with the refused 18/0105 scheme can be summarised as follows:
- The removal of the second floor side gable end containing a balcony
 - The introduction of a low brick wall and additional landscaping along the highway boundary
 - Increased separation distances to the rear of No. 13 Duval Close (approx. 1m to its ground floor and approx. 2m to its first floor), including removal of rear balconies
 - The submission of a Bat Survey/Re-entry Survey Report.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority: No objection, subject to conditions *[See Section 7.5]*
- 5.2 Environment Agency: No objection, subject to conditions *[See Section 7.9]*
- 5.3 Surrey Wildlife Trust: Comment: No objection, subject to compliance with Bat Emergence/Re-entry Survey Report *[See Section 7.8]*
- 5.4 Council Arboricultural Officer: No objection *[See Section 7.3]*
- 5.5 Council Scientific Officer: No objection, subject to condition *[See Section 7.9]*
- 5.6 Windlesham Parish Council: Objection - The Committee wishes to re-iterate its previous objection in respect of this application - The Committee objected based on insufficient parking and also commented on access issues - that whilst the development intends to use existing vehicular access, this access has not been used in the last 30 years and traffic movements have increased beyond all recognition since that time and the existing access would now be insufficient. This new application does not address any of these problems, merely adds some soft landscaping to the proposed parking area.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, three objections have been received (including from a representative of the Bagshot Society), raising the following concerns:

- Overdevelopment
- Insufficient space for landscaping
[See Section 7.3]
- Overlooking
- Overshadowing
- Security issues from proposed pathway
[See Section 7.4]
- Insufficient parking
- Residents likely to have more than one car
- Parking provision should be more than the minimum required – off-street parking is already strained

[See Section 7.5]

- *Site is environmentally sensitive – adjacent stream*
[See Section 7.6]
- Any blockage of stream could cause problems for nearby lower-lying housing
[See Section 7.9]

7.0 PLANNING CONSIDERATION

7.1 The application site is located in Bagshot, 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 CP2, CP3, CP5, CP6, CP14, DM9, DM10 and DM11 of the CSDMP. The National Planning Policy Framework (NPPF) is also a material consideration. 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 ecology;
- The impact on local infrastructure;
- The impact on Thames Basin Heaths SPA, 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. Within the settlement area such as this site is located, the principle of residential development is acceptable, and it is accepted that Surrey Heath does not currently have a 5-year housing land supply. Policy CP6 shows that within Surrey Heath there is the greatest need for 2- and 3-bed houses and a lesser requirement for 4+ bed houses.

7.2.2 It is considered that the proposal would be a sustainable form of development and that the principle of redevelopment for additional residential use is acceptable.

7.3 Impact on character of the surrounding area

7.3.1 Policy DM9 (Design Principles) states that development will be acceptable where it achieves 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 The current proposal has been redesigned to seek to overcome the first reason for refusal of 18/0105 - concerning the quantum of development that lead to an unsatisfactory site layout with unrelieved parking to the site frontage and a prominent side gable. The principle changes undertaken are the removal of the side gable end and the introduction of a low brick wall and additional landscaping along the highway boundary. The Planning Statement supporting this proposal advises that the design for this amended five flat scheme, along with the alternative 18/0513 proposal for a terrace of three dwellings, has taken into account the concerns raised regarding the scale and appearance of the flat building refused under 18/0105, in anticipation that one or both applications will now be acceptable.
- 7.3.3 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. The proposed flat building would be set back between approx. 6.6m – 8.7m from the highway boundary, considerably set back from the existing vacant dwelling. The proximity to each side boundary would be up to approx. 1.1m. These separation distances increase to approx. 1.9m at the front corners. The proposed streetscene shows that the flat building would be sited approx. 6m from the nearest point of the White Hart Public House to the east and approx. 24m to No. 41 Guildford Road to the west. Given this context, it is considered that the proposed building would not appear cramped within its plot.
- 7.3.4 The current proposed building would remain significantly deeper than the detached dwelling of No. 41 Guildford Road to the west and the surrounding semi-detached residential dwellings. However, the building would sit behind the front elevation line of the adjacent public house on the other side, which is of greater overall depth. Although the building would also be of overall greater height than those at either side mentioned above, the eaves levels would only be marginally higher. Given this and the significant separation distances from these buildings and from the highway as already outlined above, it is considered that the proposed height and depth would not lead to an over-dominant relationship with the surrounding buildings and streetscene, or a discordant plot layout.
- 7.3.5 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. The current proposal would still include hipped roof forms and small front dormer windows also with hipped pitched roofs. The proposed external materials would consist of clay roof tiles, face bricks and

tile hanging, which would reflect the palette of many of the surrounding buildings. Although the proposed building would still contain a crown roof form, given that it would remain wider than it is deeper and would have also have several hipped roof forms, it is still considered that the proposed crown roof would not lead to adverse harm to the character of the surrounding area. It is also noted that the streetscene further to the west surrounding the junction of Gloucester Road contains buildings at 2.5-3 storey in height.

- 7.3.6 The overall scale and traditional design approach is therefore supported as an appropriate response in this location, and it is considered that the removal of the prominent side dormer refused under 18/0105 would now create a balanced roof form. Although this would lead to less articulation on the side elevation visible from Guildford Road, it is considered that this would be offset by the proposed additional landscape buffer zone along the adjacent river bank.
- 7.3.7 Principle 6.7 of the RDG SPD advises that parking layouts should be high quality and designed to, *inter alia*, reflect the strong heathland and sylvan identity of the borough, ensure developments are not functionally and visually dominated by cars, and be spaces that are visually and functionally attractive in the street scene. Principle 6.8 further advises that where front of plot parking is proposed, this should be enclosed with soft landscaping and not dominate the appearance of the plot or the street scene with extensive hard surfacing.
- 7.3.8 The current proposed parking area is now further away from the front highway boundary, as there will now be a low brick wall and landscaping hedges along the highway boundary. An additional ecological landscape buffer along the western side boundary with the river bank is also proposed. The proposal is also supported by a Tree Survey Report, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. The Council's Arboricultural Officer has raised no objection subject to a pre-commencement condition requiring evidence of the implemented tree protection measures as recommended to be sent to the Arboricultural Officer for assessment. It is considered that this revised layout containing landscaping provisions along the front and side no longer gives rise to an unacceptable prominence of parking in the streetscene. The proposed bin/cycle store would contain a flat roof form adjacent the highway boundary. However, given the scale of the existing disused outbuilding at a similar location, in this instance it is considered that no adverse additional impact upon the surrounding streetscene would arise.
- 7.3.9 In light of all the above, it is considered that the current proposal sufficiently overcomes the first reason for refusal of 18/0105.

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. Principle 8.1 of the Draft 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 further 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).

- 7.4.2 The second reason for refusal of 18/0105 related to unacceptable overlooking from the proposed side gable balcony towards No. 41 Guildford Road, and from the rear windows and balconies towards No. 13 Duval Place. As already outlined, the side gable dormer has now been removed and will be replaced by five rooflights. The first floor rear balconies facing No. 13 Duval Place have also been removed.

Impact on No. 13 Duval Close

- 7.4.3 The proposed site plan and cross sections show that the first floor rear elevation living room window serving Flat 4 (on the western side) would be sited 18.5m from the extended ground floor rear elevation of the semi-detached dwelling of No. 13 Duval Place to the north (an increase of approx. 1m from the refused 18/0105 scheme), and the separation to the first floor rear elevation of this neighbour would be approx. 22m (an increase of approx. 2m). The separation distances from the first floor rear living room window of Flat 3 (on the eastern side) to No. 13 would be approx. 18.2m at ground floor level (an increase of approx. 1m) and approx. 22m at first floor level (an increase of approx. 2m).
- 7.4.4 The submitted cross section plans demonstrates that views from the first floor rear windows towards the ground floor extension of this neighbour would be restricted by the proposed 4m screening shrubbery along the rear boundary of the application site, to leave a line of sight to the first floor only at a depth of 22m to meet the above SPD guidance. Although such proposed landscape screening is normally considered insufficient to maintain neighbouring amenity in perpetuity, the proposal now no longer includes any balconies or second floor rear openings. It is considered that the steep angle from within the proposed rear windows down towards the rear extension of No. 13, although at a distance of 18.2m-18.5m, would be sufficient to avoid adverse direct overlooking.
- 7.4.5 As such, although the separation distance to the neighbouring ground floor rear extension would remain below the minimum recommended distance of 20m advised under the RDG SPD, it is considered that the resultant internal-only angle of view would not lead to adverse harm to the amenity of current and future occupiers of No. 13 Duval Close in terms of overlooking. It is therefore considered that the current proposal sufficiently overcomes the second reason for refusal of 18/0105 in terms of impact upon this neighbour.

Impact on No. 41 Guildford Road

- 7.4.6 The current proposed building would now contain five side elevation rooflights on the second floor serving a kitchen/living room area, facing the front/side garden of the detached dwelling of No. 41 Guildford Road to the west. The submitted cross-section plan shows that these rooflights would be 1.8m above finished floor level. The separation distance from these rooflights towards the dwelling of No. 41 would be approx. 26m at an angle to the northwest. The resultant relationship is considered sufficient to avoid adverse harm to the amenity of No. 41 in terms of loss of light, outlook, or overbearing impact. The pathway along the river bank to

the proposed communal rear amenity area has now also been removed, as an improved buffer zone was requested by the Environment Agency.

- 7.4.7 No. 41 is sited in an irregular-shaped plot as although it has a conventional frontage and enclosed rear garden, it also benefits from a generous side garden amenity area which is well-screened from Guildford Road and therefore also serves as a private amenity area. The existing dwelling of No. 45, albeit vacant, contains a first floor side elevation window facing this area to a distance of approx. 11.5m to the boundary with No. 41. The proposed side elevation rooflights would be sited at a noticeably closer proximity of approx. 4.5m at the closest point to the garden boundary. However, it is considered that the height of the rooflights above finished floor level and their angle in the roof slope would be sufficient to avoid an adverse level of overlooking towards this neighbouring garden area of No. 41 Guildford Road. It is therefore considered that the current proposal sufficiently overcomes the second reason for refusal of 18/0105 in terms of impact upon this neighbour.

Impact on other neighbours

- 7.4.8 The proposed building also contains upper floor side elevation rooflights facing the adjacent public house to the east, which appears to contain first floor residential accommodation. However, its first floor side elevation window appears to be obscure-glazed. Given the site orientation and the relationship with the existing application site building, it is considered that no adverse harm would arise upon this neighbour in terms of loss of light, outlook, privacy or overbearing impact.
- 7.4.9 The proposed separation distances to the other semi-detached dwelling immediately to the rear, No. 14 Duval Close (attached to No. 13 but does not have a rear extension) would be approx. 21m to its ground floor and approx. 22m to its first floor. These distances are considered sufficient to avoid adverse harm in terms of loss of privacy, light or overbearing impact.
- 7.4.10 The proposed front elevation windows would be sited approx. 31m from the front elevations of the semi-detached dwellings of Nos. 30 and 32 Bagshot Green, facing the opposite side of Guildford Road. These distances are considered sufficient to avoid adverse harm in terms of loss of privacy, light or overbearing impact. The proposal as a whole would be sited at sufficient distance from other neighbouring boundaries and elevations to avoid material harm to amenity.

Amenities of future occupiers

- 7.4.11 The proposed five flats would each be provided with communal private amenity space to the rear for the other three flats. It is stated on the site plan as having an area of 80 sq m. Although this area is somewhat limited, in this instance it is considered to be adequate for the proposed flats, as it would be well-enclosed and would also benefit from a riverside setting. The overall floorspace and storage provision for each flat would meet the requirements as set out in the national minimum space standards and it is also considered that future occupiers would be afforded with sufficient outlook.

7.5 Impact on highway safety

- 7.5.1 Policy DM11 (Traffic Management and Highway Safety) 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 and mitigate such impacts to acceptable levels can be implemented.
- 7.5.2 The proposal would involve the provision of a total of five off-street parking spaces for the five flats and a revised vehicular off Guildford Road. Cycle parking spaces would be accommodated within a separate enclosed building to the front. The proposed development would be accessed via a well-used route linking the A30 to the A322 and M3. However, the County Highway Authority (CHA) has been consulted and has not objected on safety, capacity or policy grounds, subject to conditions including provision of appropriate access sight lines, commenting that it is not considered that the proposal will give rise to any significant highway issues. It should also be noted that the 18/0105 five flat proposal was not refused on highway safety grounds.
- 7.5.3 The proposed provision of one parking space per two-bed flat is considered sufficient given their location in a settlement area and near to bus routes and Bagshot rail station. It should also be noted that the 18/0105 five flat proposal was not previously refused for having five vehicle spaces and that this is consistent with the Surrey County Council Parking Guidance for Development (January 2018), which recommends a maximum of one space per 1/2-bed flat within a suburban or village location. The Local Planning Authority is therefore satisfied that the proposal would not conflict with the aims of Policy DM11.

7.6 Impact on ecology

- 7.6.1 A Preliminary Ecological Appraisal has been provided, which identified Building B1 as having high potential to support roosting bats, a legally protected species. Surrey Wildlife Trust (SWT) raised objection as further bat surveys were required. A Bat Survey/Re-entry Survey Report was subsequently provided. SWT has now raised no objection subject to compliance with the lighting and ecological enhancement recommendations of the Bat Survey Report, which can be secured through a planning condition. Subject to this condition, it is considered that the third reason for refusal of 18/0105 has been overcome.

7.7 Impact on local infrastructure

- 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. 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.
- 7.7.2 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 five new dwellings, the development is CIL liable. CIL is a land charge that is payable at commencement of works should permission be granted on appeal. An informative advising of this would be added.

7.8 Impact on Thames Basin Heaths SPA

- 7.8.1 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.
- 7.8.2 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 SAMM (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SAMM is required. In this instance a payment of £2,435 is needed. This has been by paid by the applicant.

7.9 Other Matters

- 7.9.1 The application site is mainly within Flood Zone 2, with parts of the site adjacent the Windle Brook (designated by the Environment Agency as a main river) within Flood Zone 3. Only the proposed bike and bin storage would be located within Flood Zone 3. A Flood Risk Assessment has been provided, which concludes that the risk of flooding from these sources can be managed so additional flood resistance and resilience measures are therefore not required. Following discussions between the applicant and the EA, an amended proposed site plan and cross-section plan was submitted to relocate the hard path away from the water course, remove the concrete retaining wall to the rear (to be replaced by a planted slope at 1:3 gradient to enhance the immediate environment), and to provide a landscape buffer zone along the river bank, predominantly of native species. The EA has now raised no objection, subject to a planning conditions requiring additional information to outline the provision and management of the buffer zone, and compliance with the flood risk assessment.
- 7.9.2 A Contaminated Land Phase 1 Desktop Study Report has been provided which includes potential sources of contamination. Under the 18/0105 application, the Council's Scientific Officer raised no objection to the proposal, subject to a planning condition requiring a contaminated land desk survey, site investigation and subsequent remediation action plan, discovery strategy and verification report to demonstrate that the agreed remediation has been carried out.
- 7.9.3 Paragraph 63 of the revised NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments (ten or more dwellings or sites of 0.5 hectare or more). This is a material planning consideration in the determination of planning applications. On

the basis of this Officers are of the opinion that no financial contribution in lieu of affordable housing can be sought for this development.

- 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 this is not a matter that needs to be given significant weight in the determination of this application.

8.0 CONCLUSION

- 8.1 The proposal overcomes the reasons for refusing 18/0105 on character, amenity and ecology grounds and is considered to comply with adopted policies and the NPPF. The application is therefore recommended for approval.

9.0 WORKING IN A POSITIVE/PROACTIVE MANNER

- 9.1 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.

10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

Proposed site plan (Drawing No. 4963 3 22 Rev C); Proposed floor plans (Drawing No. 4963 3 23 Rev B); Proposed elevations (Drawing No. 4963 3 24 Rev B); Proposed streetscene, site section and bin/bike store elevations (Drawing No. 4963 3 25 Rev A) - all received on 22 November 2018, unless the prior written approval has been obtained from the Local Planning Authority.

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

3. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile and fenestration. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report and Method Statement prepared by PJC Consultancy [Peter Davies] and dated 05 June 2018. No development shall commence until digital photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of any facilitation tree works and the physical tree and ground protection measures having been implemented and maintained in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

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

5. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS]. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**.

Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**

Reason: To preserve and enhance the visual amenities of the locality in

accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

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

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

7. No development shall take place until a scheme for the provision and management of a buffer zone alongside the Windle Brook, as shown on the proposed site plan (Drawing No. 4963 3 32 Rev C received on 22 November 2018), has been submitted to and agreed in writing by the local planning authority. The buffer zone shall be a minimum of 3.5m wide along the site's northern boundary and a minimum of 1m wide along the western boundary. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and should form a vital part of green infrastructure provision. The scheme shall include:

- Plans showing the extent and layout of the buffer zone in relation to the rest of the site.
- Details of the proposed planting scheme, which should enhance the site for wildlife. The planting scheme should aim to create a mosaic of shaded and more open areas and should consist of a mix of native (of local provenance) trees and shrubs along the top of the bank and marginal planting along the slope of the re-profiled banks. The Communal Amenity Space should also be sown with a native wildflower mix.
- Details demonstrating how the Windle Brook will be protected during development, giving particular consideration to pollution prevention measures.
- Details demonstrating how the Windle Brook buffer zone will be managed/maintained over the longer term to enhance its value for wildlife. This should include adequate financial provision and named body responsible for management plus production of detailed management plan (i.e. establishment and maintenance regimes for each habitat to be retained/created). Management should aim to create a

zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself.

- Details of fencing to protect the buffer zone. This should have a wildlife friendly design (e.g. post and rail fencing) that allows species such as hedgehogs to pass through/under it whilst preventing residents from managing the buffer as an extended garden. The fencing should have a gate installed to enable access for management of the buffer zone.
- Details of any ecological enhancements, e.g. the provision of bat/bird boxes within the new building.

Reason: Land alongside watercourses is particularly valuable as a corridor for wildlife. This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy, to accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

8. No development shall take place until a scheme for the provision and management of compensatory habitat creation has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme. Detailed existing and proposed cross section and plan view drawings (showing dimensions) will be required to support this scheme. These should be based on the details provided in the proposed site plan (Drawing No. 4963 3 32 Rev C received on 22 November 2018).

Reason: Land alongside watercourses is particularly valuable as a corridor for wildlife. This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy, to accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, prepared by Dr Paul Garrad, dated 21 May 2018, and the following mitigation measures:
 - Finished floor levels are set no lower than 54.95 metres above Ordnance Datum.

The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular, to reduce the risk of flooding to the proposed development and future occupants.

10. The development hereby approved shall be undertaken in accordance with the mitigation and enhancement recommendations in Paragraphs 4.1.6 and 5.1.1 of the submitted Bat Emergence/Re-entry Survey Report [PJC Consultancy, dated July 2018].

Reason: To ensure the protection of protected species in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Guildford Road has been constructed in accordance with the proposed site plan (Drawing No. 4963 3 22 Rev C - received on 22 November 2018), and thereafter shall be permanently maintained.

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

12. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with Drawing No. 4963 3 32 Rev C, for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

13. The development hereby approved shall not be first occupied unless and until existing access from the site to Guildford Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

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

National Planning Policy Framework.

14. The development hereby approved shall not be occupied unless and until at least two of the available parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply), in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

15. No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) measures to prevent the deposit of materials on the highway

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

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

16. (i) The development hereby approved shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

(ii) The above scheme shall include :-

- (a) a contaminated land desk study and suggested site assessment methodology;
- (b) a site investigation report based upon (a);
- (c) a remediation action plan based upon (a) and (b);
- (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;

(e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c), and d), and;

(f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out

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

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

Informative(s)

1. Decision Notice to be kept DS1

2. CIL Liable CIL1

3. Environmental Permit

This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK

website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

4. Highway Informatives

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.

When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.

The developer is advised that as part of the detailed design of the highway

works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

5. For the avoidance of doubt, the following definitions apply to the above condition (No: 16) relating to contaminated land:

Desk study- This will include: -

- (i) a detailed assessment of the history of the site and its uses based upon all available information including the historic Ordnance Survey and any ownership records associated with the deeds.
- (ii) a detailed methodology for assessing and investigating the site for the existence of any form of contamination which is considered likely to be present on or under the land based upon the desk study.

Site Investigation Report: This will include: -

- (i) a relevant site investigation including the results of all sub-surface soil, gas and groundwater sampling taken at such points and to such depth as the Local Planning Authority may stipulate.
- (ii) a risk assessment based upon any contamination discovered and any receptors.

Remediation action plan: This plan shall include details of: -

- (i) all contamination on the site which might impact upon construction workers, future occupiers and the surrounding environment;
- (ii) appropriate works to neutralise and make harmless any risk from contamination identified in (i)

Discovery strategy: Care should be taken during excavation or working of

the site to investigate any soils which appear by eye or odour to be contaminated or of different character to those analysed. The strategy shall include details of: -

(i) supervision and documentation of the remediation and construction works to ensure that they are carried out in accordance with the agreed details;

(ii) a procedure for identifying, assessing and neutralising any unforeseen contamination discovered during the course of construction;

(iii) a procedure for reporting to the Local Planning Authority any unforeseen contamination.