

2018/0951

Reg Date 23/10/2018

Bagshot

LOCATION: 46-50 LONDON ROAD, BAGSHOT, GU19 5HL
PROPOSAL: Outline application of the erection of a three storey residential block to provide up to nine No. 2 bed flats with parking and access, (access to be determined), following the demolition of existing buildings. (Amended plan rec'd 16.05.2019).
TYPE: Outline
APPLICANT: Hunterville Ltd
OFFICER: Duncan Carty

This 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 White because of concerns about possible overdevelopment of the site, insufficient parking facilities and its access.

RECOMMENDATION: GRANT subject to conditions and the completion of a legal agreement

1.0 SUMMARY

- 1.1 This application relates to a commercial site on land on the south side of London Road within the settlement of Bagshot. The land comprises 0.13 hectares and relates to a vehicle hire business/depot located adjacent to Jack's Fish and Chip shop. The proposal is to erect a three storey residential block of up to 9 No. two bedroom flats with parking and access following the demolition of existing buildings. The application is in outline only and only the matters of access are to be determined.
- 1.2 There is no objection to the access, which is to be positioned central to the site frontage. However, it is also a requirement of the Local Planning Authority to assess whether the proposal can be accommodated on the site. The applicant has provided a schematic layout for this development, which has been revised during the consideration of this application. On the basis of the revised layout, it has been demonstrated that the development could be provided with sufficient setback, parking and amenity provision without detriment to local character, residential amenity and/or highway safety. In addition, contributions towards SAMM can be secured through the completion of a legal agreement and there is no objection on SPA grounds. As such, the application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 These sites comprise 0.13 hectares located on land on the south east side of London Road within the settlement of Bagshot. No. 44 London Road, a fish and chip restaurant (i.e. Jack's), lies to the north east flank with 52 London Road, a vehicle hire business/depot, to the south west flank. Properties fronting the High Street and Half Moon Street lie to the rear. These properties lie within the Bagshot Conservation Area.
- 2.2 The site includes a two storey car parts building to the front (including sales) with a workshop building to the rear. The remainder of the site is hardstanding. The application site is relatively flat. The site lies within Flood Zone 1 (low risk) and Flood Zone 2 (medium risk) lies just beyond the north east boundary of the site. Access to the site is from London Road.

3. RELEVANT PLANNING HISTORY

- 3.1 SU/88/1167 – Change of use from petrol filling station with related workshops, car servicing/repairs/body spraying and car sales to car sales with workshops for servicing/repairs/spraying and use of former MoT bay to accommodate display of cars for sale.

Approved in February 1989.

4.0 THE PROPOSAL

- 4.1 This outline application relates to the erection of a residential development for which only the access is to be determined under this application. Details of scale, appearance, layout and landscaping, the reserved matters, would be determined under a separate (future) application, if approved. However, to enable to demonstrate to the Local Planning Authority that the proposal could be accommodated on the site, the applicant has provided a layout with a confirmation of the quantum of development (as reflected in the proposal description). This layout (and quantum of development) has been amended and now includes the erection of a three storey residential block of up to 9 No. two bedroom flats with parking (of 11 spaces) to the front and access onto London Road following the demolition of existing buildings. The proposed access would use the existing access onto London Road, to the east side of the road frontage.
- 4.2 The proposed schematic layout would position the residential flatted block to the site frontage, behind the car parking and access, with private amenity space to the rear. The schematic layout indicates set-ins of the residential block from the flank site boundaries.
- 4.3 The original schematic layout/proposal was to provide 4 No. houses and 5 No. residential flats with the provision of 11 parking spaces (reduced to 10 spaces provided for a superseded second option).

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections to the revised proposal. |
| 5.2 | Scientific Officer | No objections, subject to condition. |
| 5.3 | Environmental Health Officer | No objections. |
| 5.3 | Windlesham Parish Council | No objections. |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, no representations in support or raising an objection have been received.

7.0 PLANNING CONSIDERATION

- 7.1 The application site falls within the settlement of Bagshot. The application is therefore considered against Policies CP1, CP2, CP5, CP6, CP8, CP11, CP12, CP14, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP); Policy E8 of the Surrey Heath Local Plan 2000 (as saved) (SHLP); and the National Planning Policy Framework 2019 (NPPF) as well as advice within the Residential Design Guide SPD 2017 (RDG) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (SPAAS).
- 7.2 The current proposal relates to an outline proposal for which only the access arrangements are to be determined at this stage. However, it is also incumbent upon the Local Planning Authority to undertake a wider assessment as to whether it has been demonstrated if the proposal can be accommodated upon the application site. The following main issues therefore need to be addressed:
- Principle for the development;
 - Impact of the proposed access on highway safety;
 - Impact on local character;
 - Impact on residential amenity;
 - Impact of the proposed development on highway safety;
 - Impact on infrastructure and the SPA; and
 - Other matters.

7.3 Principle for the development

7.3.1 Policy CP8 of the CSDMP indicates that in areas outside of the core employment areas, such as the application site, the loss of employment land will only be permitted where the wider benefits to the community can be shown. Policy E8 of the SHLP encourages the redevelopment of the application site, as a part of a wider area, for a variety of uses including residential. In this case, it is considered that the principle for the current proposal is acceptable with the proposal complying with Policy CP8 of the CSDMP and Policy E8 of the SHLP.

7.4 Impact of the proposed access on highway safety

7.4.1 This outline proposal requires the assessment of the proposed access arrangements on highway safety. The proposed access would be provided central to the site frontage, rather than the existing site access arrangements which are located closer to the east flank of the road frontage. The layout would indicate that vehicles could enter and leave the site in forward gear. It is not anticipated that the proposal would result in any significant increase in traffic movements and adequate visibility splays can be provided to this access point. The County Highway Authority has raised no objections to these arrangements.

7.4.2 As such, no objections are raised to the proposed access with this element of the proposal complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

7.5 Impact on local character

7.5.1 Policy DM9 of the CSDMP indicates that development will be acceptable where it respects and enhances the local or historic character of the environment. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising local character. In addition, Principle 6.7 of the RDG indicates that parking layouts should be softened with generous soft landscaping and should ensure that developments are not functionally and visually dominated by cars. Principle 6.9 of the RDG indicates that car parking courts should be attractive places with high quality hard and soft landscaping and dwellings with frontages should not have their main frontage to rear parking courts.

7.5.2 Notwithstanding the current (poor) condition of the site there would be an expectation that a residential development should provide opportunities for soft landscaping to soften its appearance and to provide an acceptable setting and improve the visual appearance of the site. The layout would provide a three storey building, set back behind the adjoining buildings, which could be accommodated without detriment to local character, particularly noting the size of the adjoining and nearby buildings, including the three storey offices at 56 London Road, which is set much further forward and provides a dominant built form in that location. In addition, the layout would provide a reasonable amount of rear amenity space for the proposed flats which would soften the appearance of the site. The parking for the proposal would be provided to the front but with scope for some soft landscaping to enclose and soften this parking area.

- 7.5.3 It is considered that it has been demonstrated that the proposal could be provided without leading to conditions prejudicial to local character complying with Policy DM9 of the CSDMP; and the RDG.

7.6 Impact on residential amenity

- 7.6.1 Policy DM9 of the CSDMP indicates that developments should provide sufficient private and public amenity space and respect the amenities of the occupiers of neighbouring properties and uses. Principle 6.4 of the RDG also indicates that housing development should seek to achieve the highest density possible without adversely impact on the amenity of neighbours or residents. Principles 8.4 and 8.5 of the RDG set out the requirements to provide private amenity space for house and flats. In the case of flats, outdoor amenity should be provided for each flat with communal open space also provided. Principle 8.6 of the RDG indicates that such accommodation should directly accessible to the flats, have a minimum depth of 3 metres and have the same width as the dwelling it serves, and clearly identified by boundary treatments, with a privacy screen between dwellings.
- 7.6.2 The site is surrounded by commercial properties, with the nearest residential properties (within the upper floors of the High Street accommodation and in Half Moon Street) set further away. Noting the size of the existing building at the rear of this site, and the separation distances of the proposed building from these dwellings, it is not considered that the development, in itself, would have any significant impact upon the residential amenity of occupiers of neighbouring dwellings.
- 7.6.3 The proposal would provide residential accommodation close to noise generating uses – fish and chip shop, car repair business and A30 London Road. No noise report has been received. The Council's Environmental Health Officer has indicated that both traffic and commercial noise is likely to affect future residents but a noise impact assessment (demonstrating compliance with internal/external noise standards) could be required by condition. However, the rear amenity space, being provided to the rear of the proposed building, would shield this provision from the A30. As such, it is not considered that the noise climate would be so extreme to prevent the provision of private usable amenity space to the rear of the proposed buildings.
- 7.6.4 The proposal would provide amenity space (of about 250 square metres) for the proposed flats, at the rear of the frontage building, which would be a level which exceeds the standards set out in the RDG so resulting in acceptable living conditions for future residents.
- 7.6.5 It is considered that it has been demonstrated that the proposal could be provided without leading to conditions prejudicial to residential amenity complying with Policy DM9 of the CSDMP and the RDG.

7.7 Impact of the proposed development on highway safety

- 7.7.1 The schematic layout indicates that the proposal could provide 11 parking spaces for up to nine dwellings, which would meet County's parking guidelines. The site lies adjacent to the A30 London Road but in a fairly sustainable location close to

Bagshot village centre.

The access could be provided onto A30 London Road without detriment to highway safety. The County Highway Authority has raised no objections to the amended proposal on these grounds. As such, it is considered that it has been demonstrated that the proposal could be provided without leading to conditions prejudicial to highway safety, and would comply with Policies CP11 and DM11 of the CSDMP; and the NPPF.

7.8 Impact on infrastructure and the Thames Basin Heaths Special Protection Area

- 7.8.1 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council in July 2014. There are a number of infrastructure projects which would be funded through CIL. As the CIL Charging Schedule came into effect on 1 December 2014, an assessment of CIL liability would normally be undertaken. The amount of floorspace to be provided would only be confirmed at the reserved matters stage and in this regard whilst CIL would be required, this can be secured outside of this application and at a later stage. CIL is a land charge that is payable at commencement of works. An informative advising of this is to be added.
- 7.8.2 Policy CP14 of the CSDMP indicates that development will only permit development where it is satisfied that this will not give rise to any likely significant adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA). All new (net) residential development within 5 kilometres will need to contribute towards the provision of Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring (SAMM) measures. The application site lies a minimum of 440 metres from the Thames Basin Heaths Special Protection Area (SPA). Contributions towards SANGs would be provided through the CIL regulations.
- 7.8.3 The proposal would provide up to nine dwellings on this site. To secure funding for SAMM, a legal agreement is required to include a requirement to provide the contribution in accordance with the requirements of the SPAAS. Subject to the completion of this agreement, an objection is therefore not raised to the proposal on SPA grounds with the proposal complying with Policies CP12 and CP14 of the CSDMP; Policy NRM6 of the SEP; the NPPF and advice within the SPAAS.

7.9 Other matters

- 7.9.1 Policy CP5 of the CSDMP indicates that development of 5-9 (net) dwellings require to provide 20% on-site provision. However, Paragraph 63 of the NPPF confirms that affordable housing provision should not be sought for developments which provide a gain of less than 10 dwellings, as in this case. As such, no objections are raised on these grounds.
- 7.9.2 The proposal relates to land previously developed for which land contamination is expected due to the existing vehicle hire depot use and former petrol station/car repair use of the site. The Scientific Officer has advised the taking of a precautionary approach such that a process needs to be undertaken if any contamination is encountered or suspected during the operations relating to this

use. This process is to be considered by condition.

- 7.9.3 The applicant has indicated that due to the Council's current housing supply position, this adds more credence to supporting this application. Whilst, this should not be at the expense of the character of the area, residential amenity and highway safety, it is noted that the applicant has demonstrated that a form of development could be accommodated without detriment on these grounds. As such, the application is recommended for approval.

8.0 CONCLUSION

- 8.1 The access would be acceptable and the quantum of development can be provided on the site without prejudice to local character, residential amenity and/or highway safety. Subject to the completion of a legal agreement to secure SAMM funding, the application is 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, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included the following:
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

10.0 RECOMMENDATION

GRANT, subject to the completion of a Section 106 legal agreement for the provision of a contribution towards SAMM by 20 July 2019, or any longer period as agreed with the Executive Head of Regulatory, and the following conditions:-

1. Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - (a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.

(b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the Compulsory Purchase Act 2004.

2. The access for the proposed development shall be constructed in accordance with the following approved plans: 1729SK06 received on 17 April 2019, 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. Development 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.

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;
- and (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d)
- (f) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out.

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. CIL Liable CIL1
2. For the avoidance of doubt, the following definitions apply to the above condition (No: 3) 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

Verification of remediation report

This will include:-

- (i) a strategy for verification of remediation
- (ii) all information and data relating to contamination to evidence and substantiate the remediation action plan has been followed and completed.

If the Section 106 legal agreement is not completed, the application is to be REFUSED for the following reasons:

1. 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 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).