

2018/1083

Reg Date 07/01/2019

Bagshot

LOCATION: 42-44 LONDON ROAD, BAGSHOT, GU19 5HL
PROPOSAL: Erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings. (additional info & plan rec'd 21/01/2019) (Additional information recv'd 23/1/19 & 11/03/2019). (Amended plans and information rec'd 15/07/2019 & 29/07/2019.)
TYPE: Full Planning Application
APPLICANT: Your Life Management Services Ltd.
OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to conditions and a legal agreement

1.0 SUMMARY

- 1.1 This application relates to the erection of a building to provide 46 no. extra care (Class C2) apartments including associated facilities, car parking and landscaping following the demolition of existing buildings. The site lies within the settlement of Bagshot, adjoining the Bagshot Conservation Area. The site lies on the south west side of A30 London Road, including the Jacks Fish & Chip shop/restaurant, a bungalow and associated land/buildings.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity, for the occupiers of adjoining and nearby properties, highway safety, surface water and flood risk, and local infrastructure. Subject to the completion of a legal agreement to secure contributions towards SAMM and limit occupation to those requiring a minimum care package, no objections are raised. The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site falls within the settlement of Bagshot. The site lies on the south west side of London Road. The Windle Brook lies to the north east flank boundary with the BP Garage and 1 Brookside Cottages beyond, and Half Moon Street to the south east (rear) boundary and the rear of High Street properties beyond. 2-3 Half Moon Street lies to the south west flank boundary (beyond an access road) with 46-50 London Road, a commercial property. Tanners Yard lies on the opposite side of London Road.
- 2.2 The 0.47 hectare site is irregular in shape and currently contains a fish and chip shop/restaurant (44 London Road) and its car park fronting London Road, a dwelling (42 London Road) behind this car park and with associated outbuildings, and a vacant building, previously known as 4/4a Half Moon Street). There are a number of trees close to the north east boundary, with the Windle Brook, none of which are protected under a Tree Preservation Order. Part of the application site lies within Flood Zone 2 and part within Flood Zone 3. The site lies within the Land at Half Moon Street site, an area of high archaeological potential and adjoins the Bagshot Conservation Area (Half Moon Street).
- 2.3 The site falls a minimum of about 470 metres from the Thames Basin Heaths Special Protection Area (SPA).

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/89/0654 – Erection of 5 no Class B1 buildings and 3 no mews houses with ancillary car parking, access road, footpath alongside Windle Brook and associated landscaping. Refused in September 1989.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of a part single, two and three storey building with accommodation in part of the roof. The proposal has been amended from its original form of a part three storey, part four storey form and the proposal has reduced this form but with no reduction in the level of accommodation.
- 4.2 The proposed building would be a three storey (with accommodation in the roof) to the London Road frontage. This would step down to the rear with an active frontage in the north east flank provided at right angles to the London Road frontage. At the rear of the site would be a spur to the building providing a single storey to the Half Moon Street frontage. The proposed building would comprise 17 no one bedroom and 29 no two bedroom units (each unit including living room, kitchen, bathroom and bedroom), with reception, kitchen, dining/lounge facilities, laundry room, wellbeing accommodation, refuse store and staff accommodation. The application proposal would provide extra care accommodation for which an element of care for future residents is to be provided.
- 4.3 The proposed building, in its amended form, would have a roughly elongated L-shape with a maximum width of 41.5 metres and a maximum depth of 65.5 metres. The building span generally would be about 18 metres (i.e. a double span). The proposed building would have a maximum height of 12.1 metres (8.3 metres at the eaves) at the London Road frontage, falling to a maximum height ranging between 6.2 and 7.1 metres (between 3.8 and 4.0 metres at the eaves) at the Half Moon Street frontage.
- 4.4 The proposed access would be provided from London Road, with separate in and out access points, with some parking to the front but most to the north east flank. A pedestrian access would be provided to Half Moon Street at the rear. The principal amenity space would be provided to the rear of the building and rear spur (toward the south west part of the site) with smaller areas in the north east corner of the site.
- 4.5 The proposed building would have a principally traditional design and form with the inclusion of a series of flat roof dormers to all elevations. The main external material would be brick in a series of “panels” but with recessed cladding links. However, a more contemporary design would be provided for the entrance at the north east corner of the building (between the London Road and north east frontages) with a flat roof and use of vertical wooden slats as cladding. Balconies are to be provided principally to the flank elevations and rear elevation of the frontage element.
- 4.6 The proposal has been the subject to amendment during its consideration, which has:
- Amended the angled rear spur so that it runs at right angles to the London Road front elevation;
 - Reduce the maximum height (removing the fourth storey);
 - Reduce the rear element (down to two and single storey); and

- Re-design the elevation treatment.
- 4.7 This application has been supported by:
- Planning Statement;
 - Design and Access Statement;
 - Affordable Housing statement;
 - Need report;
 - Transport and Travel Plan Statements;
 - Tree Report;
 - Heritage Assessment and Archaeological Report;
 - Ecological Assessment with Bat Emergence and reptile Surveys;
 - Land Contamination Desk Top Study; and
 - Flood Risk Assessment, Flood Risk Sequential and Exception Tests and Drainage details.

The assessment in Paragraph 7.0 below has taken into consideration the content of these reports.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections on safety, capacity and policy grounds (see appended response) |
| 5.2 | Senior Environmental Health Officer | No objections |
| 5.3 | Environment Agency | No objections |
| 5.4 | Local Lead Flood Authority | No objections. |
| 5.5 | Scientific Officer | No objections. |
| 5.6 | Natural England | No objections subject to appropriate mitigation being secured. |
| 5.7 | SCC Archaeological Officer | No objections. |
| 5.8 | Surrey Wildlife Trust | No objections. |
| 5.9 | Thames Water | No objections. |
| 5.10 | Urban Design Consultant | No objections. |
| 5.11 | Conservation Consultant | An objection is raised to the impact on the conservation area. |

5.12 Windlesham Parish Council Raise an objection on the basis of the height of the development not being in keeping with the streetscene; inadequate levels of parking (residents/staff/visitors) in a location which cannot cope with overspill; and other locations in the Borough should be considered for this type of provision (Bagshot already has a number of retirement developments).

6.0 REPRESENTATIONS

At the time of preparation of this report, 32 representations have been received in support and 45 representations, including an objection from the Bagshot Society, have been received.

6.1 In relation to the objections, the following issues are raised:

6.2 Character/Conservation

- The village should be protected (as a Conservation Area?) and kept as a smaller village [*Officer comment: The application site adjoins the Bagshot Village Conservation Area. In addition, see paragraph 7.4*]
- There is an abundance of housing/care homes in the area and this will add to the destroying of the village [*Officer comment: This would not be a reason, in itself, to refuse this application*]
- Visual impact [See paragraph 7.4]
- Building is too big (four storeys) [See paragraph 7.4]
- Overdevelopment of the site and domineering appearance [See paragraph 7.4]
- Impact on Bagshot Conservation Area [See paragraph 7.4]
- Care to protect the one-room house in Half Moon Street is required [See paragraph 7.4]
- Design is bland, ugly and unimaginative [See paragraph 7.4]
- Insufficient accommodation for outdoor space [See paragraph 7.5]
- Modern architecture does not add value to the historic village [See paragraph 7.4]
- Developer unwilling to amend scheme following suggestions from residents to reduce impact (e.g. green walls) [*Officer comment: This would not be a reason in itself to refuse this application*]
- Impact on Bagshot skyline and will dominate view of the village from Bagshot Park [See paragraph 7.4]
- Use of nearby building (Seal (now Lquent) House, 55-57 London Road) should not be used as a precedent for proposal [See paragraph 7.4]
- Impact on (unnamed) listed building [See paragraph 7.4]

6.3 Residential Amenity

- Impact of construction on sleep patterns (night shift worker) [*Officer comment: There would be an expectation that any construction would take place during normal working hours as required under Environmental Health legislation. However, whilst this impact is noted, it would not be a reason in itself to refuse this application*]
- Loss of light to kitchen and garden [See paragraph 7.5]
- Inadequate shielding from noise, light and air pollution generated by staff, visitors and residents and vehicle movements in car park located close to residential property [See paragraph 7.5]
- Loss of passive solar heating [See paragraph 7.5]
- Overlooking e.g. balconies [See paragraph 7.5]
- Loss of sunlight and overshadowing [See paragraph 7.5]
- Impact of air pollution on future residents [See paragraph 7.5]

6.4 Highway safety

- Buildings being built, but the traffic on the A30 is not being resolved. The area is grid locked daily [See paragraph 7.6]
- Exacerbation of existing parking problems in the village (in addition to other schemes currently under construction in this area) and reduced capacity for businesses/shops/custom [See paragraph 7.6]
- Parking problems associated with such developments (Station Road/Lory Ridge from Sunrise and Bagshot Park care homes) [See paragraph 7.6]
- Overspill parking on side streets leading to more parking restrictions. In addition, local village/rail car parks are often full [See paragraph 7.6]
- Lack of parking for family accommodation [*Officer comment: This is not family accommodation*]
- Parking spaces are too small for modern cars [*Officer comment: The parking spaces meet the minimum space standards*]
- Risk of unsafe exit onto A30 London Road [See paragraph 7.6]
- Indiscriminate parking in the new car park will cause access problems, including increased accident risk, which could affect the flow of traffic on A30 London Road [See paragraph 7.6]
- Higher existing car parking (49 spaces) than indicated by developer [See paragraph 7.6]
- Safety risk for pedestrians using Half Moon Street [See paragraph 7.6]
- Insufficient parking for residents/staff and lack of parking for visitors/service and emergency vehicles, acknowledged by appointment of a travel plan co-ordinator and promotion of public transport, walking and car sharing [See paragraph 7.6]

- Disruption and congestion from construction traffic and displacement of traffic onto High Street [See paragraph 7.6]
- Overspill parking on London Road leading to highway safety issues [See paragraph 7.6]

6.5 Other matters

- Lack of infrastructure [See paragraph 7.9]
- Loss of businesses/restaurant [See paragraph 7.3]
- Impact on sewers [See paragraph 7.8]
- Increased flood risk from the impact from discharging of surface water in Windle Brook [See paragraph 7.8]
- Loss of restaurant/community facility e.g. discounts for seniors and weekly bike meet [*Officer comment: This would not be a reason to refuse this application*]
- Impact on local services (schools, doctors, dentists, hospital, pharmacy, etc.) [*Officer comment: With the proposed accommodation, no impact on local schools is envisaged. In relation to impact on other local services, it is not considered that these impacts would be a reason to refuse this application*]
- Impact on pollution from traffic [See paragraph 7.5]
- Displaced housing will be bought by incomers adding strain to local services [*Officer comment: This would not be a reason to refuse this application*]
- Impact on wildlife [See paragraph 7.7]
- Impact on flood risk [See paragraph 7.8]
- Other developments (Connaught Lodge) could cater for any perceived desire to move to the area [*Officer comment: This would not be a reason to refuse this application*]
- Too much accommodation for the elderly, insufficient affordable housing for young people [*Officer comment: This would not be a reason to refuse this application*]
- Management charges/depreciation in property value for future residents [*Officer comment: This is not a material planning consideration*]
- Vacancies at other care facilities in this area [*Officer comment: This would not be a reason to refuse this application*]
- Reduced permeability of the site (and increase in flood risk) [See paragraph 7.8]
- Nature of past flood events not taken into consideration [See paragraph 7.8]
- Inadequate environmental surveys have been undertaken [See paragraphs 7.7 and 7.8]
- Species surveys undertaken out of season (Newts/Natterjack Toads) [*Officer comment: Natterjack toads are very rare and are now only found at a few coastal locations. In addition, see paragraph 7.7*]

- Detrimental impact on the balance of the population [*Officer comment: This would not be a reason to refuse this application*]
- Loss of tool hire and MoT station [*Officer comment: These businesses are not affected by this proposal*]
- Impact of construction on quality of life [*Officer comment: This would not be a reason to refuse this application*]
- Impact from dust and debris during construction [*Officer comment: This matter could be considered by condition, under a method of construction statement, if minded to approve*]
- Unlikely local residents would be able to afford such accommodation [*Officer comment: This would not be a reason to refuse this application*]
- A thorough archaeological on-site survey is required (and not just a desk-top study) [*See paragraph 7.10*]

6.6 In respect of the representations in support, the following was raised:

- Shortage of care homes so is much needed
- Proximity to village centre allows those with adequate mobility to have many services and retail facilities close at hand, helping residents maintain their independence
- Increase in jobs
- Improvements in the aesthetics of this section of A30 London Road and village
- Need to develop such sites rather than build in the Green Belt
- Development is in character with the more recent surrounding properties
- Upgrade of existing site
- Understand the need for this development
- Welcome development when compared with previous Tesco proposal [*Officer comment: This was a pre-application proposal only*]
- Landscaping benefits of the proposal
- Allows residents to remain in the village and releasing existing homes for sale
- More care for the elderly
- Supports the local community and the older generation
- Benefits for local businesses
- Prefer to commercial development
- Close to (rail) station and buses
- Improvements to the proposal have been proposed

7.0 PLANNING CONSIDERATIONS

- 7.1 The application site falls within the settlement of Bagshot. The current proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP5, CP9, CP11, CP14, DM9, DM10, DM11, DM13 and DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy E8 of the Surrey Heath Local Plan 2000 (as saved) (SHLP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Residential Design Guide SPD 2017 (RDG); the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (SPAAS); and the Bagshot Village Conservation Area Appraisal and Management Proposals 2015 (BVCAA) are also relevant.
- 7.2 The main issues in the consideration of this application are:
- Principle of the development;
 - Impact on local character and conservation;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on the Thames Basin Heaths Special Protection Area;
 - Impact on land contamination, flooding and drainage;
 - Impact on affordable housing provision;
 - Impact on local infrastructure; and
 - Impact on archaeology.

7.3 Principle of the development

7.3.1 Saved Policy E8 of SHLP indicates that within the Land at Half Moon Street site, the redevelopment will include uses such as industrial (Class B1c only), offices (Class B1a or A2), retail and residential. The application site relates to about two thirds of this wider site. As such, the proposal would provide a residential scheme on a larger part of the wider allocated site and the principle for the development is acceptable subject to the following assessment, complying with Policy E8 of the SHLP.

7.3.2 Policy DM13 of the CSDMP indicates that the loss of employment sites may be permitted provided that it does not adversely affect the employment opportunities of the settlement where the loss occurs. The proposal would result in the loss of the restaurant and an estimated 15 jobs (4 full-time and 11 part-time). However, the new use is expected to result in the employment of 17 jobs (7 full-time and 11 part-time) and as such there would be no adverse impact on employment generation thereby complying with Policy CP8 of the CSDMP.

7.4 Impact on local character and conservation

7.4.1 Policy DM9 of the CSDMP requires development to respect and enhance the local character paying particular regard to scale, materials, massing, bulk and density. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising local character, the environment or the appearance of the area. Principle 6.6 of the RDG indicates that new residential

development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Principle 7.8 of the RDG indicates that designers should use architectural detailing to create attractive buildings that positively contribute to the quality and character of an area. Buildings which employ architectural detailing which is unattractive, low quality or which is not legible will be resisted.

- 7.4.2 The existing site has a significant depth with two very different frontages at the front and rear of the site. The small scale, fine grain, historic character of Half Moon Street contrasts sharply with the rather open, disjointed, commercial frontage and coarser grain onto London Road. A redevelopment of this site would need to consider both of these characters within its design and form.
- 7.4.3 The existing site is in a relatively poor condition with the restaurant car park dominating the London Road frontage and a fragmented collection of buildings (former dwelling and outbuildings) onto the Half Moon Street. None of the buildings on the site have any significant architectural merit and do not significantly enhance the character of the site or wider area. The site forms a part of a wider redevelopment proposal site (Policy E8 of SHLP) and a comprehensive approach to redevelopment would be expected. In addition, it is considered that the redevelopment could act as a catalyst for the regeneration of this part of the village. Under these circumstances, a large building for this site would be expected.
- 7.4.4 The London Road frontage, with its wider plots and larger built form would require a building with presence onto this frontage, without overwhelming it. The proposed building at a maximum three storey height (with accommodation in the roof) and with a large set-in for the east flank (generally about 15 metres, with a pinch point of about 10 metres) and setback (about 14 metres) has provided an acceptable relationship with this street. Noting the recent three storey approved residential scheme (subject to the completion of a legal agreement) on the adjoining site, 46-50 London Road, and the three storey office developments beyond (Liquent House, 55 London Road and Knightway House, Park Street, which also fronts London Road), the proposed building would fit into this environment without overwhelming it.
- 7.4.5 The Half Moon Street frontage with its narrower plots and smaller (predominantly two storey) built form and Conservation Area status (as well as nearby listed buildings) requires a very different design solution. In this regard, the proposed development scales down to this frontage to provide a single storey form which is more reflective of this character and the adjoining building, 3a Half Moon Street. Whilst the higher built form would clearly be visible from this frontage, this element is set further into the site. It is considered that the proposal would enhance and invigorate the character and appearance of this streetscene in a respectful manner.
- 7.4.6 Policy DM17 of the CSDMP requires development which affects any heritage asset should take into account its significance and seek to promote the conservation and enhancement of the asset and its setting. The BVCAA indicates that the Bagshot Village Conservation Area is focussed around The Square and higher density of the historic development along the roads (High Street and Guildford Road) running from this central point of the village with a high concentration of both listed and locally listed buildings and structures in the northern part of the High Street and around The Square. The application site adjoins Half Moon Street to the rear of the northern part of the High Street. 3a Half Moon Street is currently vacant and adjoins the application site. This single storey building has been more recently included within the Conservation Area. This building is included because of its relatively unaltered state and condition and historic use

connected with, and servicing of, the High Street. The BVCAA also reflects upon the last main uplift in commercial (principally office) development in the wider village in the 1980's and the negative impact that such developments have had on not just the Conservation Area but the wider village (including its approaches).

- 7.4.7 The objections of the Conservation Consultant to this proposal are noted. However, in terms of the impact on the Conservation Area and listed buildings it is not considered that the proposal would harm their setting. The focus of the Conservation Area is to the village centre and the nearby listed buildings face into the village centre and face away from Half Moon Street. The reduction in building scale and the more simple design of the element of the proposal which faces Half Moon Street reflects the more historically supporting role of this street to the wider village.
- 7.4.8 Whilst the High Street provides an uninterrupted built frontage, there is a gap in the frontage to the north east of the High Street in Bridge Road. The amendments to the proposal links the rear of the building more closely with Half Moon Street such that the more open views across the site from this vantage point would be retained. The longer elevation of the proposed building towards the car park would be visible from this position, but a more open view towards London Road would be retained and the proposal would have an acceptable relationship with this viewpoint.
- 7.4.9 The proposed building would extend to a great depth within the site with a large building span. The design approach has been to provide a series of brick elevations with neutral cladding linkages, set back from these brick elevations to break up the building mass and add interest to the building. The impact of the large span is reduced by the use of separate gable roofs to either frontage with a linking roof in between to assist in reducing overall height and mass. The dormers provide accommodation in the roof which also assists in reducing the scale/height. These dormers have been broken-up in the principal elevations and have flat roofs providing a contemporary, crisp finish in contrasting grey slate and matching metal cladding.
- 7.4.10 The key element of the proposed building is at the north east corner which addresses both the London Road frontage and car park. This corner represents the main entrance to the proposed building and provides the reception area. The proposal is to provide wood cladding in the form of narrow wooden slats alluding to the wooden, rustic details in the historic village centre and would provide a contrasting, contemporary finish to this element of the development which successfully stands out and marks the arrival to the building.
- 7.4.11 Principle 6.7 of the RDG indicates that parking layouts should be high quality and designed to reflect the strong heathland and sylvan identity of the Borough with parking arrangements softened with generous soft landscaping and breaking up of groups of three parking spaces with intervening landscaping. Principle 6.8 of the RDG indicates that on-plot parking should be generally to the side and rear with Principle 6.9 indicating that car parking courts should be designed with active frontages and attractive places with high quality soft and hard landscaping.
- 7.4.12 The proposed parking would be provided within a parking area to the side with some limited parking to the front of the building. Noting the building setback, there would be opportunities to provide soft landscaping to enhance the site frontage. The parking would be arranged principally in groups of three spaces (complying with the RDG) and would be provided with soft landscaping to break-up these parking areas. These arrangements are considered to be acceptable in design terms.

- 7.4.13 The main rear amenity areas would provide significant landscaped areas including opportunities for tree and shrub planting which would enhance the setting of the proposed building.
- 7.4.14 The Urban Design Consultant has supported this amended proposal which has been the subject to extensive review and amendment. The Urban Design Consultant considers that the revised scheme would provide a positive contribution to the existing rather fragmented townscape in the immediate area and complete the build context along London Road. The revised proposal will also contribute towards the character of the Half Moon Street by representing a respectful addition to the currently fragmented townscape and partly disused piece of land.
- 7.4.15 As such, it is considered that the proposed development does satisfactorily integrate into its context and would improve and enhance the character of the area, including the adjoining conservation area, complying with Policies DM9 and DM17 of the CSDMP and the NPPF; and advice in the RDG and BVCAA.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.
- 7.5.2 No. 1 Brookside Cottages lies to the north east corner of the application site, on the opposite side of the Windle Brook. This property is a narrow Victorian/Edwardian property with kitchen windows in its flank elevation facing the application site and is orientated such that the south flank boundary of this property is with the Windle Brook (and application site beyond). The proposed building would be located 19 metres from the flank boundary of this property and at this point would have a single storey side profile, increasing to a separation distance of 27 metres to the nearest two storey element of the proposed building. The larger two storey height, with accommodation in the roof and with rooms and balconies of the proposed building facing this boundary, is set about 30 metres from this boundary. As such, this relationship is considered to be acceptable.
- 7.5.3 No. 2/3 Half Moon Street is located to the south west corner of the application site, beyond an existing access road. This dwelling is orientated such that its flank elevation faces the application site. This elevation includes a number of windows at ground and first floor level which are secondary windows to habitable rooms or solely serve non-habitable rooms. The proposed building at a two storey height, with accommodation in the roof, and with rooms and balconies facing this boundary, is set 17.5 metres from the flank boundary of this property. As such, this relationship is considered to be acceptable.
- 7.5.4 The rear of properties on High Street, south east of Half Moon Street, face the application site. There are a number of residential flats in this group of buildings and these are set a minimum of about 10 metres at single storey height and 13.5 metres at a two storey height, relationships which are considered to be acceptable.
- 7.5.5 The site lies adjacent to the A30 London Road, a noise generating source. The main rear amenity area is sheltered from this highway by the proposed building and it is the windows in the north and, to a degree, east elevation which face this noise source. The Environmental Health Officer has indicated that a noise assessment and mitigation would be required and can be considered by condition.

- 7.5.6 The main rear amenity area is to be located to the south west portion of the site behind the principal elevations to the north and east (London Road frontage and Windle Brook) and would be sheltered from the main noise source (A30 London Road) by the proposed building and a more formal sitting out area and gardens with a smaller informal area to be provided to the south east corner. This would provide about 900 square metres, at a maximum depth of about 42 metres, of private amenity area which would exceed minimum requirements set out in the RDG.
- 7.5.7 As such, no objections are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of CSDMP and advice in the RDG.

7.6 Impact on highway safety

- 7.6.1 The new access would be provided onto London Road. The proposed access would be provided with an adequate level of visibility. The proposal would add 46 dwellings to the highway network in this area, replacing a commercial (restaurant) use. A balance has to be struck between the level of traffic movements expected to be generated by the development proposal against the existing use. The Transport Statement indicates that, when compared with the existing (restaurant) use, there would be a reduction in net movements during the peak travel hours (08:00 to 09:00 and 17:00 to 18:00 hours) of about 60 arrivals and 60 departures per day. The County Highways Authority has reviewed this and agrees that there is likely to be a decrease in traffic movements (see appended response).
- 7.6.2 The Transport Statement indicates that with this type of accommodation there would be an expectation that a proportion of residents may own a car but the ratio of residential car use would be much lower than for a flatted development (Class C3) scheme of this scale, for example, because many residents will have given up their use of a car due to health, age, etc. In addition, the site is sustainable being located close to the Bagshot village centre including shops, bus stops and rail station. In this regard, the applicant is providing a pedestrian/buggy store access onto Half Moon Street. This street is narrow but has correspondingly low traffic speeds such that there would be a very low increased risk of accident from any increased pedestrian movements on this street.
- 7.6.3 The Surrey County Council Vehicle and Cycle Parking Guidance (2018) indicates that for such (Class C2) uses, an individual assessment is required. The Transport Statement indicates that the level of parking provision is approximately 0.63 car spaces per unit across the number of their similar development in the South East. The proposal would provide 32 parking spaces, amounting to about 0.70 spaces per dwelling to serve the proposed dwellings (25 spaces) with accommodation for visitors and staff (7 spaces). In addition, the site is close to the village centre (and public car park). This level of provision is considered to be acceptable to the County Highway Authority indicating that this would be sufficient to accommodate all parking on the site.
- 7.6.4 The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway safety, capacity and policy grounds, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

7.7 Impact on the Thames Basin Heaths Special Protection Area and ecology

- 7.7.1 The application site partly lies about 0.47 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The SPAAS advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity.

- 7.7.2 Policy CP14 of the CSDMP indicates that "*developments of 10 or more net new dwellings will only be permitted within the identified catchment areas of SANGs.*" The application site lies within the catchment of Windlemere SANG where there is capacity available for the proposed development. Contributions are normally secured through the CIL process. However, as indicated in paragraph 7.9 below, CIL would not be liable and under such circumstances a separate SANG contribution would be required. Following an Executive resolution which came into effect on 1 August 2019, due to the currently limited capacity available for public SANGs in parts of the Borough, applications for development which reduce SANG capacity, as in the case of this application will be valid for one year (rather than three years) unless there are reasons why the development cannot be commenced within this shorter timescale.
- 7.7.3 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. This project does not form part of the CIL scheme and a separate contribution is required through an upfront payment or a planning obligation to secure this contribution for the scale of this development. Subject to the securing of this contribution through a legal agreement or upfront, no objections are raised on these grounds.
- 7.7.4 The proposal has been supported by an ecological report which concludes that following desk top studies and surveys, no protected species were to be found on the site. However, there are some limited habitats which could provide potential for bats and reptiles, and water voles in the environs of the Windle Brook adjoining the adjoining site. Whilst a Natural England licensing procedure would be required if protected species were to be uncovered at any stage of works, no objections are raised by Surrey Wildlife Trust to the proposal.
- 7.7.5 As such and subject to the required legal agreement, no objections to the proposal on these grounds are raised with the proposal complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the National Planning Policy Framework and advice in the SPAAS.

7.8 Impact on land contamination, flooding and drainage

- 7.8.1 The site has been used, in part, for commercial purposes, and there are adjacent commercial uses, for which some contamination of the site is possible. The Council's Scientific Officer has indicated that for the proposed use remediation is likely to be required and these matters can be dealt with by condition. No objections have been raised by the Scientific Officer on these grounds. The proposal is therefore considered to be acceptable on these grounds.
- 7.8.2 The proposal would fall within an area of medium/high flood risk (Zones 2 and 3, respectively, as defined by the Environment Agency). The proposed development sets the finished floor levels of the proposed building above the flood plain and provides floodable voids under the building as well as on-site compensatory floodwater storage. The Environment Agency has raised no objections to the proposal on this basis. As such and subject to conditions in this respect, the proposal is considered to be acceptable on flood risk grounds.
- 7.8.3 The LLFA have considered the impact of the proposal on surface water drainage, with on-site storage provided (to reduce off-site flows during periods of peak rainfall), and considered the proposal to be acceptable. No objections are therefore raised to the proposal on surface water grounds.

7.8.4 As such, no objections are raised on land contamination, flooding and drainage grounds, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

7.9 Impact on local infrastructure and affordable housing provision

7.9.1 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council in July 2014. As the CIL Charging Schedule came into effect on 1 December 2014, an assessment of CIL liability has been undertaken. This Council charges CIL on Class C3 residential developments where there is a net increase in floor area (of such uses). However, the proposal relates to Class C2 development and CIL is not applied to such development.

7.9.2 The proposal would deliver 45 (net) residential dwellings. However, the proposal would include extra care provision for elderly housing falling with Class C2, and accordingly, the affordable housing would not be required to comply with Policy CP5 of the CSDMP.

7.9.3 The proposal relates to accommodation more akin to residential flats than more traditional Class C2 bedroom/en-suite accommodation and to be truly Class C2 development, the provision of a minimum level of care for future residents is required. As such, so long as this provision is secured through a legal agreement, no objections would be raised on these grounds and the proposal would comply with Policies CP5 and CP12 of the CSDMP and the NPPF.

7.10 Impact on archaeology

7.10.1 Policy DM17 requires a prior assessment of the possible archaeological significance of a site where it is over 0.4 hectares in area and/or lies in an area of high archaeological potential. In this case, the applicant has provided a desk top assessment to which the County Archaeological Officer has raised no objection subject to the implementation of a programme of archaeological work (in accordance with a written scheme of investigation) by condition. Under these circumstances, no objections are raised with the proposal complying with Policy DM17 of the CSDMP.

8.0 CONCLUSION

8.1 The proposed development is considered to be acceptable in relation to its impact on character and conservation; residential amenity; local infrastructure; affordable housing provision; land contamination, drainage and flood risk; SPA and ecology; and highway safety. As such the application is recommended for approval.

9.0 WORKING IN A POSITIVE MANNER

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 the on-site provision of affordable housing and a SAMM contribution by 8 November 2019, or any longer period as agreed with the Executive Head of Regulatory, and the following conditions:-

1. The development hereby permitted shall be begun within one year 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: 1454-SE-2385-RL-PL1110 Rev. B, 1454-SE-2385-RL-PL1111 Rev. B, 1454-SE-2385-RL-PL1112 Rev. B, 1454-SE-2385-RL-PL1210 Rev. B, 1454-SE-2385-RL-PL1221 Rev. B, 1454-SE-2385-RL-PL1222 Rev. B, 1454-SE-2385-RL-PL1223 Rev. B, 1454-SE-2385-RL-PL1214 Rev. B, 1454-SE-2385-RL-PL1310 Rev. B, 1454-SE-2385-RL-PL1311 Rev. B and 1454-SE-2385-RL-PL1312 Rev. B received on 15 July 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. 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, cladding, windows, guttering and fenestration. Notwithstanding the approved plans, no windows in the extension shall be installed until details have been submitted to, and approved in writing by the local planning authority. The details shall include:-
 - a) Plans to identify the windows in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
 - b) 1:20 elevation and plan;
 - c) 1:10 section with full size glazing bar detail;
 - d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
 - e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: In the interests of visual amenities of the area including the adjoining Bagshot Village Conservation Area and to accord with Policies DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy SuDS hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.
 - b) Detailed design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc.).
 - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - d) Details of drainage management responsibilities and maintenance regime for the drainage system.
 - e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure that the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on and off the site and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

5. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates dated July 2019 [Ref: 43792/4001 Rev. A] and received on 29 July 2019 and the following mitigation measures it details:
 - a) Finished floor levels shall be set no lower than 57.71 metres above Ordnance Datum (APD).
 - b) Floodable voids shall be incorporated in accordance with Section 6.2.3 of the FRA. The underside of the void shall be set no lower than 57.42 metres above Ordnance Datum (AOD).
 - c) Compensatory storage shall be provided in accordance with Proposed Flood Compensation Scheme drawing Ref: 43792/4001/103 rev. B dated 19.11.2018.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

6. An evacuation strategy for future residents in the event of a flood event shall be submitted to and approved by the Local Planning Authority. This strategy shall be approved prior to occupation and undertaken in the event of a flood event emergency.

Reason: To reduce the future risk for future occupants from any flood event and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

7. 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 2019.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of conservation and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

9. The development hereby approved shall not be first occupied unless and until the proposed modified access to London Road, as shown on Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 have been constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

10. The premises shall be used for extra care apartments (and associated uses) and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that sufficient parking is provided for the use of the site and limit the impact on local infrastructure and affordable housing provision and to comply with Policies CP5, CP11, CP12 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

11. The parking spaces shown on the approved Drawing No. 1454-SE-2385-RL-PL1110 Rev. B received on 15 July 2019 shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles. The parking spaces should be marked such that a minimum of 7 spaces are provided and made available for staff and visitors.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. The development hereby approved shall not be occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority for:

- a) The secure parking of a minimum of 7 bicycles with the development site,
- b) Travel information packs are to be provided to residents/staff/visitors regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car club.

and thereafter the approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote alternative methods of transport and reduce the use of the motor car and to comply with Policies CP2, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

13. The development hereby approved shall not be occupied unless and until at least six of the approved car parking spaces (to be provided under the requirements of Condition 11 above) have been provided with a fast charge socket (current minimum requirement 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: To reduce the vehicle emissions and to comply with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

14. 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) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding
- (f) hours of construction
- (g) a method of keeping the local highway network clean
- (g) a method to protect the banks of Windle Brook

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, CP14 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

15. 1. No development above slab level 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].
2. All hard and soft landscaping works shall be carried out in accordance with the approved details. 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**
3. A landscape management plan including maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

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.

16. 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.

17. No demolition, site clearance or building operations shall commence until tree and ground protection has been installed in accordance with British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction" in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Tree and ground protection to be installed and retained during the course of the development.

Reason: To ensure the retention of trees in the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

18. No development shall take place until a scheme for protecting the proposed dwellings from noise from A30 London Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the affected dwellings are occupied.

Reason: In the interests of the amenities enjoyed by the occupiers of the dwellings and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

19. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including access and parking areas, rear amenity areas, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place on or within 8 metres of a main river.

For further guidance, please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact National Customer Contact Centre of the Environment Agency on 03708 508 506 (Mondays to Fridays 8am to 6pm) or by emailing enquiries@environmental-agency.gov.uk.

2. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to three months in advance of the intended start date, depending upon the scale of the works proposed and the classification of the road.

Please see:

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licence/the-traffic-management-permit-scheme>

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991.

Please see:

www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice

3. In relation to Condition 13 above, 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.

4. 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 Highway Service.
5. Party Walls (etc) Act 1996 DE3
6. 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 uncleared wheels of badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Sections 131, 148 and 149 of the Highways Act 1980).

7. In considering the levels details required for Condition 18 above, the finished floor level requirements should be proposed in compliance with the requirements of Condition 6 above.

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 2019.
2. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the on-site delivery of extra care housing (Class C2). The proposal would not provide sufficient on-street parking, infrastructure and affordable housing therefore does not satisfactorily address the requirements of Policies CP5, CP12 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.