

**LOCATION:** 134 & 136 LONDON ROAD, BAGSHOT, GU19 5BZ  
**PROPOSAL:** Outline planning application for the erection of 26 residential units (Class C3) following demolition of both existing dwellings with new vehicular access off London Road. Access, appearance, layout and scale to be considered with landscaping reserved. (Amended & additional plans & docs rec'd 12/07/2019)  
**TYPE:** Outline  
**APPLICANT:** Halebourne Group  
**OFFICER:** Ross Cahalane

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This application seeks outline planning application for the erection of 26 residential units (Class C3) following demolition of both existing dwellings, with a new vehicular access off London Road. Access, appearance, layout and scale are to be considered, with landscaping reserved.
- 1.2 The principle of residential development in a sustainable location is supported. However, the bulk and maximum height of the proposed larger front building (Block A) along London Road and its continuous unrelieved depth, bulk and footprint along the southwest side boundary of the site would lead to an unacceptable overdominant and incongruous impact upon the surrounding buildings and streetscene. The overall quantum of proposed development would lead to an inadequate standard of communal amenity space due to the proximity to TPO tree canopies, which would in turn lead to unacceptable pressures for the removal of these trees. This would also mean that ten of the proposed 26 flats would be provided with no amenity space. This lack of suitable amenity space is a further indicator that the overall proposed quantum of built form would result in a density that would unacceptably intensify and over develop the existing site.
- 1.3 The proposed proximity of Block B to the rear of Nos 9 and 11 Allbrook Close is also considered to result in unacceptably adverse impacts in terms of loss of light and overbearing impact. The proposed relationship with No. 11 and 13 Allbrook Close would also lead to unacceptable perceived overlooking upon their rear gardens and elevations. Surrey Wildlife Trust has requested additional bat surveys, which have not been provided. Additional information requested from Surrey County Council as the Lead Local Flood Authority has also not been provided. The required financial contribution towards SAMM has also not been secured to date.
- 1.4 The application is therefore recommended for refusal for all the above reasons.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is located on the eastern side of London Road, within the settlement area of Bagshot. The site includes two detached two-storey dwellings. No. 134 to the north appears to be of late-Victorian/Edwardian origin but is not Listed at statutory or local level. No. 136 is of 1950s origin but has been substantially updated.

- 2.2 Existing properties in the immediate area consist of two storey detached, semi-detached and terraced properties facing London Road, many of which are of Victorian/Edwardian origin and design. The adjacent site to the east and south has been recently redeveloped to comprise a housing estate (former Notcutts Nursery) containing a mixture of dwelling types up to three storey in height, along with a large supermarket building that also contains several smaller retail units.

### **3.0 RELEVANT PLANNING HISTORY**

- 2.1 05/0806 Erection of a 2 storey building with accommodation within the roof to contain 12 two bedroomed apartments. Erection of 2 detached 4 bedroomed and 3 terraced 3 bedroomed dwelling houses and associated parking, access to be considered, following the demolition of 134 and 136 London Road

*Decision: Refused 09/02/2006 for the following summarised reasons:*

1. *Unacceptable impact on the character and appearance of the area and amenity because of:*
  - a. *Unduly harsh visual environment arising from proposed hardstanding and cramped appearance of the rear dwellings, and*
  - b. *Future pressure to remove TPO trees*
2. *Adverse effect on the integrity of the Thames Basin Heaths SPA, and*
3. *Insufficient garden areas for two of the dwellings due to overshadowing from TPO trees.*

- 3.2 05/0807 Erection of a two storey building with accommodation in the roof to contain 12 two bedroomed apartments and erection of 2 detached 4 bedroomed and 3 terrace 3 bedroomed dwellinghouses and associated parking, access to be considered, following demolition of 134 and 136 London Road.

*Decision: Appeal against non-determination - dismissed on 26 April 2006 for the following summarised reasons:*

1. *Cramped appearance of proposed rear dwellings*
2. *Harsh environment created by hard surfacing*
3. *Unacceptable pressure to remove/lop two rear (southeast) TPO trees*
4. *Insufficient garden areas for two of the dwellings due to overshadowing from these TPO trees, and*
5. *Adverse effect on the integrity of the Thames Basin Heaths SPA.*

- 3.3 07/0263 Outline application for the erection of 2, two storey buildings with accommodation in the roof to provide a total of 19, two bedroom flats with associated parking following demolition of existing dwellings. (Access, layout and scale to be considered).

*Decision: Refused and appeal dismissed (April 2008) on grounds of lack of mitigation against adverse impact upon Special Protection Area.*

## 4.0 THE PROPOSAL

- 4.1 Outline planning permission is sought for the erection of 26 residential units (Class C3) following demolition of both existing dwellings, with a new vehicular access off London Road. Access, appearance, layout and scale are to be considered, with landscaping reserved. The proposed accommodation would comprise 8 one-bed flats and 18 two-bed flats.
- 4.2 The proposed development would be provided in the form of two buildings. Both would be 2.5 storey in eaves height, comprising crown roof forms of varying heights with front dormers, lower and pitched roof gables, rooflights and a mixture of pitched and flat roof dormers. Internal bin and cycle storage would be provided within each building.
- 4.3 The larger building (Block A) to the front would contain 15 flats across three floors and would have a maximum width of approx. 50m, maximum depth of approx. 16.7m, maximum eaves height of approx. 7.8m and maximum roof height of approx. 12.1m. The proposed Block B to the rear would contain 11 flats across three floors and would have a maximum width of approx. 17.8m, maximum depth of approx. 17.4m, maximum eaves height of approx. 7.2m and maximum roof height of approx. 11.1m.
- 4.4 Block A would be provided with a separate communal private amenity space of approx. 270 sq m, located across the access road to the north. Block B would be provided with a more immediate south-facing communal private amenity space of approx. 267 sq m.
- 4.5 The proposed flats would be served by 26 car parking spaces located throughout the site, including ten undercroft spaces within Block A. A revised vehicular access off the A30 London Road is proposed, between the existing separate vehicular entrances to the two dwellings proposed for demolition.
- 4.6 In support of the application, the applicant has provided the following information, and relevant extracts from these documents will be relied upon in Section 7 of this report:
- Planning Statement
  - Design and Access Statement
  - Arboricultural Report
  - Transport Statement
  - Preliminary Ecological Appraisal
  - Flood Risk Assessment
  - Development Viability Appraisal Executive Summary

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority: No objection on safety, capacity or policy grounds, subject to conditions *[See appended response and Section 7.6]*
- 5.2 Surrey County Council Lead Local Flood Authority: Comment: The proposed surface water discharge rate has not been demonstrated to be the practical minimum achievable. Justification should be provided as to why small-scale SuDS features cannot be provided. Additionally,

no maintenance information, or proof of permission to connect to the adjacent private surface water network, has been provided. *[See Section 7.7]*

- 5.3 Surrey Wildlife Trust: Comment: Further surveys are required to ascertain the status of bats the site. The LPA does not as yet have sufficient information to fully assess the possibility of adverse effect to these legally protected species resulting from the proposed development *[See Section 7.8]*
- 5.4 Council Arboricultural Officer: No objection, subject to condition *[See Section 7.4]*
- 5.5 Council Environmental Health Officer: No objection, subject to conditions *[See Section 7.5]*
- 5.6 Council Scientific Officer: No objection, subject to condition *[See Section 7.12]*
- 5.7 Council Urban Design Consultant (UDC): Objection - overall scale, height and bulk of the proposed development, including the unbroken length and massing of the front elevation of Block A along the south-western boundary.
- 5.8 Windlesham Parish Council: Objections due to overdevelopment of the site and serious concerns with the proposed access onto the A30 which is an already busy and over-congested route.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, two letters of support and nine objections have been received.

The letters of support includes the following comments:

- Suitable corner plot
- Surrey Heath in desperate need for houses
- Takes a good advantage of a brownfield site
- There are not many quality apartments in Bagshot

- 6.2 The objections raise the following concerns:

### Character

- Overdevelopment – very high density
- Out of character with neighbouring houses

*[See Section 7.3]*

### Residential amenity

- Overlooking
- Loss of sunlight

- Views from neighbouring homes will be diminished
- Noise and dirt pollution during construction

*[See Section 7.4]*

#### Highways

- Waterers Way/A30 junction is extremely busy – adding extra vehicles not sensible – this junction should be improved if permission is granted – drivers ignore road signs – already accidents on entrance to Costa opposite
- Traffic congestion is already appalling – proposed access will further slow traffic and increase chance of accidents
- Proposed access will not allow right hand exits, so cars will turn around at Waterers Way roundabout
- Insufficient parking – most households now have at least two cars – no room on already well-used side roads
- Cumulative impact with other future planned developments
- Village is turning into a town
- During construction, builders will need to park on nearby residential roads

*[See Section 7.5]*

#### Ecology

- Impact on wildlife and habitat

*[See Section 7.8]*

#### Other

- Local facilities (schools, doctor surgeries), cannot cope with current demand which should also be addressed

*[See Section 7.9]*

- Impact on property prices

*[This is not a material planning consideration]*

## **7.0 PLANNING ISSUES**

- 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 CP1, CP2, CP3, CP5, CP6, CP14, DM9, DM10 and DM11 of the CSDMP; Policy NRM6 of the South East Plan 2009 (as saved) (SEP); and the National Planning Policy Framework 2019 (NPPF). Other relevant guidance includes the Residential Design Guide SPD 2017 (RDG), and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019. Details of appearance, scale, layout and access are chosen by the applicant for consideration under this outline

application, with landscaping retained as a reserved matter. 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;
- Means of access and highway impacts;
- The impact on trees;
- The impact on flood risk;
- The impact on ecology;
- 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. Following the publication of its Interim 5 Year Housing Land Supply 2019-2024, Surrey Heath can now demonstrate a 5.32 year housing land supply. It is nonetheless accepted that the proposal would be a sustainable form of development, being within a settlement area and close to Bagshot Centre and its rail station.
- 7.2.2 The proposed redevelopment would involve the loss of one dwelling (No. 134) of late-Victorian/Edwardian origin. However, this dwelling is not Listed at statutory or local level. The other dwelling No. 136 is of 1950s origin. There are no local or national policies that resist the principle of the loss of these dwellings for additional residential use.
- 7.2.3 It is considered that the proposal would be an efficient use of land and a sustainable form of development. The principle of redevelopment at this site is therefore 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 National Planning Policy Framework also seeks to secure high quality design, as well as taking account of the character of different areas.
- 7.3.2 It is accepted that Paragraph 122 of the NPPF continues to require planning policies and decisions to ensure that new development makes efficient use of land. It is also accepted that since the latest appeal decision at this site in 2008, the immediate context of the site has since become more urbanised, with the redevelopment of the Nottcutts Nursery for a number of residential units, supermarket and car park areas. However, Paragraph 122 of the NPPF also states that decisions must also take into account the desirability of maintaining an area's prevailing character and setting.

- 7.3.3 The Council's Urban Design Consultant has commented that although the proposed density of 86 dwellings per hectare (dph) exceeds the average density in the area (70 dph), some increase in density would be supported given the sustainable location and the requirement for efficient use of land, provided that the existing local character of the area can be retained and enhanced. Principle 6.4 of the RDG advises that new development should achieve the highest density possible without adversely impacting on the amenity of neighbours and residents or compromising local character, the environment or the appearance of an area.
- 7.3.4 Paragraphs 127 and 130 of the NPPF also state that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, whilst being sympathetic to local character, 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. Policies CP2 (iv) and DM9 (ii) of the CSDMP also reflect these requirements.
- 7.3.5 Principle 7.4 of the RDG advises that new residential development should reflect the spacing, heights and building footprints of existing buildings. Principle 7.5 advises that proposals to introduce roof forms on residential development that diverge from the prevailing character of residential development will be resisted, unless it can be demonstrated that the proposals would make a positive contribution to the streetscape. Principle 7.8 advises that designers should use architectural detailing to create attractive buildings that positively contribute to the character and quality of an area. Buildings that employ architectural detailing that is unattractive, low quality or is not honest or legible will be resisted.
- 7.3.6 The surrounding Victorian/Edwardian buildings are all fully two storey in form, containing pitched roofs and with a mixture of hipped ends and gabled frontages. The Council's Urban Design Consultant (UDC) has commented that the proposed architectural design cue, which includes built details such as decorative stringcourses and quoins, is supported and considered suitable in principle for the location. However, concerns have been raised with regards to the overall scale, height and bulk of the proposed development. In particular, the unbroken length and massing of the front elevation of Block A along the south-western boundary of the site, which will be highly visible from the public streetscene. Although the proposed eaves height is just below three storey level, the UDC considers that this main building, with a front elevation maximum height of approx. 12.1m along London Road, will be rather imposing as seen from the south-west, especially given the building's significant total length of approx. 50m.
- 7.3.7 The depth and bulk of the proposed Block A flat building facing London Road would necessitate the use of crown roof forms, which would be widely visible from public views. There are no other such examples of crown roof forms in the immediate vicinity. What is also of significance is the substantial maximum height, overall width/depth and continuous bulk of the building – as raised above by the UDC. It is accepted that some of the residential buildings within the redeveloped Notcutts Nursery site have significant widths and are closely set to each other. However, none have the same prominent and unrelieved building span and bulk as that currently proposed for Block A. It is also not considered appropriate to use the supermarket building to the south as a design cue for the proposal, given its intensive commercial use.

- 7.3.8 Although the area adjacent the tree to the north of Block A is proposed to be used as a communal amenity area, as set out in Section 7.4 below this is not considered suitable for this propose. The only other proposed communal amenity area is behind Block B. The lack of suitable amenity space for Block A is a further indicator that its proposed quantum of built form would result in a hard urban form of development with a density that would unacceptably intensify and over develop the existing site.
- 7.3.9 Given the above context along with the objectives of Principles 6.4, 7.4 and 7.5 of the RDG quoted above, it is considered that the height, scale and footprint of the proposed larger front building, together with the building's contrived crown roof form, would lead to an overdominant and incongruous impact upon the surrounding buildings and streetscene. It is not considered that the reduced eaves level and roof heights to the rear would sufficiently mitigate this adverse harm to the character of the area.
- 7.3.10 The proposed Block B building to the rear would have a slightly lower 2.5 storey eaves level and roof height of approx. 11.1m. It would also have a significantly smaller footprint utilising the lower ground level as it declines from the A30 towards the Notcutts redevelopment, as shown on the streetscene drawing. Although this building also contains crown roofs, it would be significantly inset from the northwest and southeast site boundaries facing the A30. Additionally, the two TPO trees to the south would restrict some views and on the other side of this shrubbery, the additional height of approx. 1.5m above the 2.5 storey entrance dwelling to the redeveloped Notcutts Estate is considered to form an acceptable height transition at higher ground level. The proposed cross-section plan shows that the height increase above and behind the two storey Allbrook Close dwellings to the north would be very limited. In light of the above built form and boundary relationships, it is considered that Block B would not lead to an overdominant or incongruous addition to the surrounding area.
- 7.3.11 Principle 6.7 of the RDG 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. In respect of on-street parking, Principle 6.10 advises that it should not dominate the street scene or accommodate more than a cluster of 3 cars.
- 7.3.12 A continuous line of six car parking spaces is proposed along the north eastern boundary, near to the entrance. However, additional planting is proposed to the front and it is considered that the substantial decline in ground level from the highway would be sufficient to avoid a prominence of hard standing in the streetscene. There would also be two other continuous rows to the rear, comprising six and four parking spaces. However, landscaping is proposed around these spaces which would restrict wider views. The other proposed ten spaces would be within the undercroft of the proposed Building A, and would therefore also be secluded. It is therefore considered that the proposed parking layout as a whole would comply with the overall aims of the abovementioned SPD advice governing parking layouts.

## **7.4 Impact on trees**

- 7.4.1 There are two Holm Oak and Red Oak TPO trees (ref: 6/00) within the site towards the southeast corner, and one further Oak TPO tree (same ref) dissecting the northern boundary. An arboricultural assessment, method statement and tree protection plan has been provided, which advises that 17 trees and 5 tree groups are to be removed. An additional 6 trees are categorised as unsuitable for retention and need removal for

management reasons irrespective of any development proposals. Tree and ground protection measures and replacement planting is proposed, although no specific replacement planting scheme is provided.

- 7.4.2 The Council's Arboricultural Officer has raised no objection in respect of impact on root protection areas. The proposed tree and ground protection measures are considered appropriate for the location and could be secured by a planning condition to include a pre-commencement site meeting. Additional tree management surgery works have been specified, including the crown lifting of the TPO trees to provide a 3-4m ground clearance for the two proposed communal amenity areas for each flat building. The Council's Arboricultural Officer has commented that although this is acceptable in respect of good management to increase light penetration beneath the canopies, there will be long term pressure to remove at least two of these trees (Holm Oak and Red Oak adjacent the proposed southeast Block B amenity space) due to potential long term pressures to excessively reduce or remove the dominant TPO trees to abate light restriction, leaf litter and debris, perception of threat, physical nuisance etc. This is because the vast majority of both proposed communal amenity areas would be within the TPO canopies.
- 7.4.3 The proposed development is therefore considered to lead to unacceptable impact on the interests of visual amenity, due to the likely future pressure to remove the Red Oak and Holm Oaks trees, owing to their orientation and proximity to the proposed southeast Block B amenity space. It is accepted that landscaping is being held as a reserved matter. However, the current quantum of development and layout proposed cannot avoid future pressures on the TPOs as outlined above. This issue therefore forms an additional recommended reason for refusal.

## **7.5 Impact on residential amenities**

- 7.5.1 Policy DM9 of the CSDMP states that the amenities of the occupiers of the neighbouring properties and uses should be respected by proposed development. Principle 8.1 of the RDG advises 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).
- 7.5.2 Principle 8.3 advises that developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted. Developments should not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access. Paragraphs 8.5-8.6 of the RDG state that although there is no right to a view, residents should be able to enjoy good quality outlook to the external environment from habitable rooms, without adjacent buildings being overbearing or visually intrusive. A poor outlook relationship is caused when the height and bulk of a development significantly dominates the outlook of a habitable room or area. Topographical changes can also create overbearing relationships and poor outlooks.
- 7.5.3 The proposed larger building (Block A) at the front would be sited approx. 20m from the side elevation of the detached dwelling of No. 132 London Road to the northeast. The inset elevation of Block A to the rear would be sited between approx. 18m – 20m from the rear garden side boundary of No. 132, with a TPO tree on the boundary restricting some views. Given these separation distances along with the site orientation and existing relationship with No. 134 to be demolished at closer proximity, it is considered that the proposed building A would not lead to adverse harm upon the amenity of this neighbour in terms of

loss of light, privacy or overbearing impact. The separation distances to the front elevations of the dwellings on the opposite side of London Road would range between approx. 23m-28m, which is also considered sufficient to avoid adverse harm. The proposed southern elevation would face the Waitrose overflow carpark.

- 7.5.4 However, Block B towards the rear would be sited up to approx. 14m from the two storey semi-detached pair of Nos 9 and 11 Allbrook Close to the northeast. Although this proposed elevation would contain no upper floor openings facing these neighbours, it would be sited at higher ground level as outlined in the proposed cross-section drawing. The resultant relationship would breach the 25 degree vertical line of sight test. It is also considered that the site orientation of the proposed building to the southwest would lead to a significant amount of loss of sunlight. As such, it is considered that Block B would lead to unacceptable harm to the amenity of the rear gardens and elevations of Nos 9 and 11 Allbrook Close in terms of loss of light and overbearing impact.
- 7.5.5 Block B would also contain an inset upper floor elevation sited approx. 18-19m from the rear elevation of No. 11 Allbrook Close and the end-terrace dwelling No. 13 further to the northwest. The separation distances would increase up to approx. 24m further to the north along the terrace containing Nos 15, 17, 19 and 21. This inset elevation however contains two window openings on the first floor, and on the second floor, facing directly towards No. 11 and 13. Although these windows would serve communal hallways, given their size, positioning and amount, it is considered that they would lead to unacceptable perceived overlooking upon the rear gardens and elevations of Nos 11 and 13, contrary to Principle 8.4 of the RDG SPD. The increased separation distances of approx. 20m-24m at an angle further along the terrace are however considered sufficient to avoid adverse harm to amenity.
- 7.5.6 The northeast of Block B would be sited approx. 15m from the terraced rear elevations Nos 1, 3, 5 and 7 Allbrook Close to the northeast. The proposed southern corner of this building would be sited approx. 17m toward the rear elevation and rear garden side boundary of the detached dwelling of No. 1 Waterers Way. It is considered that these separation distances and juxtaposition between the buildings would be sufficient to avoid adverse harm in terms of loss of light, outlook, or overbearing impact. No windows would face directly towards these Allbrook Close neighbours. The proposed side elevation would however contain first and second floor windows serving habitable rooms, the nearest of which would be sited approx. 20m at an angle away from the rear elevation of No. 1 Waterers Way. Given the angle of these windows away from the rear elevation of No. 1, in this instance it is considered that no adverse impact would arise in terms of overlooking.
- 7.5.7 The separation distances to the other neighbouring elevations beyond (Nos 3, 5, 7, 9 and 11) would range from approx. 24m – 36m, with a communal parking courtyard sited in between. The northernmost side windows would also be sited approx. 23m at an angle away from the rear elevation of No. 1 Allbrook Close to the east. These separation distances and built form relationships are all considered sufficient to avoid adverse harm to neighbouring amenity.

#### Amenities of future occupiers

- 7.5.8 An Acoustic Evaluation Assessment has been provided, which comments that the proposed communal amenity area furthest from the A30 (adjacent to Block B) would fall within an acceptable noise environment. In order for the other proposed amenity areas nearer to the A30 to also be acceptable, the report recommends a 2m high acoustic fence around the boundary perimeter. Minimum attenuation levels provided by windows and acoustic trickle vents are also recommended, to mitigate against traffic noise. The

Council's Environmental Health Officer has raised no objection, subject to planning conditions to secure the minimum sound insulation and ventilation performance of all flat windows, along with the specification of the proposed 2m high fence.

- 7.5.9 Three of the four ground floor flats of Block A would be provided with directly-accessible private amenity space that would meet the guidance of Principle 8.6 of the RDG concerning provision of private amenity space for flats. Eight of the upper floor flats would contain south-facing external balconies to also meet Principle 8.6. This would however leave six upper floor flats without any private amenity space. Only five of the other proposed eight flats within Block B would be provided with sufficient private garden/balcony space.
- 7.5.10 Principle 8.5 of the RDG advises that for flatted developments, communal open space will also be expected. This should be: connected to the building, easily accessible to all residents, screened from public view, free of vehicles, located to receive sunlight for a substantial part of the day, and actively overlooked to provide surveillance and security. Block A would be provided with a separate communal private amenity space of approx. 270 sq m, located across the access road to the north. Block B would be provided with a more immediate south-facing communal private amenity space of approx. 267 sq m. However, as already outlined in Section 7.4 above both these areas would be mostly covered by mature TPO tree canopies. It is not considered that this arrangement, even with the proposed 3-4m canopy lifting, would be able to provide sunlight to these amenity areas for a substantial part of the day, contrary to Principle 8.5 of the RDG.
- 7.5.11 As such, seven of the proposed flats within Block A, along with three proposed flats within Block B, would be provided with no appropriate communal or private amenity space, contrary to the abovementioned Principles 8.5 and 8.6 of the RDG and thus forming an additional recommended reason for refusal.

## **7.6 Means of access and highway impacts**

- 7.5.12 Principle 7.6 of the RDG SPD advises that as a minimum, the Council will expect new housing development to comply with the national internal space standards. The overall floorspace 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.
- 7.6.1 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.
- 7.6.2 Paragraph 108 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.6.3 The proposal would involve the provision of one off-street parking space for each flat (8 one-beds and 18 two-beds). A revised vehicular access off the A30 London Road is proposed, between the existing separate vehicular entrances to the two dwellings proposed for demolition. Cycle parking spaces and bin storage would be accommodated within the proposed flat buildings. The Transport Statement advises that pre-application

advice from the County Highway Authority (CHA) was received in respect of the access arrangement and parking provision were acceptable in principle. The CHA requested that the footway along the site frontage with the A30 be widened to 3m, in order to extend the existing shared cycle/footway to the south of the site access (see appended). Amended plans were provided accordingly.

- 7.6.4 The proposed development would be accessed via a very well-used route linking Camberley and Bagshot, and towards the A322 and M3. However, the CHA has not objected on safety, capacity or policy grounds, subject to conditions (see appended). It is therefore not considered that the proposal will give rise to any significant highway issues.
- 7.6.5 The proposed provision of one parking space per one/two-bed flat is considered sufficient given their location in a settlement area and near to bus routes, and approx. 600m walk to Bagshot Centre and approx. 1.3km walk from Bagshot rail station. It is therefore considered that the proposal would not conflict with the aims of Policy DM11.

## **7.7 Impact on flood risk**

- 7.7.1 Policy DM10 of the CSDMP states that the Borough Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development. The proposal is not within Flood Zone 2 or 3, but several areas within the site are classified by the Environment Agency as being of low risk of surface water flooding.
- 7.7.2 A Flood Risk Assessment has been provided, which includes a surface water management strategy. Surrey County Council as the Lead Local Flood Authority (LLFA) has commented that they are not satisfied that the proposed drainage scheme meets the requirements of the NPPF, the Planning Practice Guidance and the Non-Statutory Technical Standards for sustainable drainage systems. The LLFA considers that the proposed surface water discharge rate has not been demonstrated to be the practical minimum achievable at this site. The LLFA has also commented that justification should be provided as to why small-scale SuDS features cannot be provided. Additionally, no maintenance information, or proof of permission to connect to the adjacent private surface water network, has been provided.
- 7.7.3 In light of all the above, it is considered that it has not been adequately demonstrated that the proposed development would reduce the volume and rate of surface water run-off through the incorporation of appropriately designed SuDS, contrary to Policy DM10 of the CDSMP and the NPPF. It is also considered that it has not been demonstrated how the proposed surface water drainage system meets the minimum requirements of the Non-Statutory Technical Standards for sustainable drainage systems.

## **7.8 Impact on ecology**

- 7.8.1 A Preliminary Ecological Appraisal has been provided, which identified the dwelling of No. 134 London Road as having high potential to support roosting bats, a legally protected species. Surrey Wildlife Trust (SWT) has commented that further surveys are required to help ascertain the status of bats within the site and consequently, the Local Authority does not as yet have sufficient information to be able to fully assess the possibility of adverse effect to these legally protected species resulting from the proposed development.

- 7.8.2 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath. Developments that result in harm to or loss of features of interest for biodiversity will be resisted. Paragraph 170 of the NPPF requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity.
- 7.8.3 In light of all the above, it is considered that it has not been adequately demonstrated that the proposed development would not adversely impact upon legally protected species. This therefore forms an additional reason for refusal.

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

- 7.9.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 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 large proposals of more than 100 units), or for smaller proposals; a financial contribution towards SANG, provided that sufficient SANG is available and can be allocated to the development. There is currently sufficient SANG available, which is now collected as part of CIL.
- 7.9.2 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 £11,608 is needed. This has not been paid by the applicant. The lack of financial contribution towards SAMM would be contrary to Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD, and therefore must form an additional reason for refusal.

## **7.10 Other matters**

- 7.10.1 Concerns have been raised in respect of school and doctor spaces already limited in the Bagshot area. There is, however, no evidence to necessitate this size of development making a contribution to health or education. Nevertheless, this development would be liable for the Community Infrastructure Levy (CIL), used to fund projects including open space, transport projects, pedestrian safety improvements among others. The estimated liable amount has been calculated as £386,980.00.
- 7.10.2 Policy CP5 of the CSDMP requires 40% on site provision of affordable housing, for sites in excess of 15 units. A viability appraisal report has been provided by the applicant, as summarised in the Development Viability Appraisal Executive Summary, which concludes that the proposed scheme would be unviable if it provided Affordable Housing. The Council's Viability Consultant has formally reviewed this report and has identified a number of potential cost savings. However, the development profit would still fall significantly below the agreed benchmark land value, meaning that the scheme would remain unviable if it provided Affordable Housing. The Council's Viability Consultant has commented that it is likely that a combination of high site assembly costs and relatively high build costs are having an impact on the viability of this scheme. It is however commented that the Council could request a review mechanism within a Section 106 agreement, in order to capture any potential uplift in viability should the scheme progress.

7.10.3 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development will result in a local financial benefit, it has however been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm that would not be outweighed by the above financial consideration.

7.10.4 The Council's Scientific Officer has commented that as the site was formerly part of a very large nursery, a planning condition would be required to secure a contaminated land desk survey, site investigation and subsequent remediation action plan, discovery strategy and verification report to demonstrate that the agreed remediation (if required) has been carried out.

## **8.0 CONCLUSION**

8.1 The bulk and maximum height of the Block A along London Road and its continuous unrelieved depth, bulk and footprint along the southwest side boundary of the site, would lead to an overdominant and incongruous impact upon the surrounding buildings and streetscene. The overall quantum of proposed development would also lead to an inadequate standard of communal amenity space due to the proximity to TPO tree canopies, which would in turn lead to unacceptable pressures for the removal of these trees. The resultant lack of suitable amenity space is a further indicator that the overall proposed quantum of built form would result in a density that would unacceptably intensify and over develop the existing site. Block B would result in unacceptably adverse impacts upon neighbouring residential amenities. Surrey Wildlife Trust has requested additional bat surveys, which have not been provided. Additional information requested from Surrey County Council as the Lead Local Flood Authority has also not been provided. The required financial contribution towards SAMM has also not been secured to date. The application is therefore recommended for refusal.

## **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**

REFUSE for the following reason(s):-

1. Block A by reason of its bulk and maximum height along London Road; its continuous unrelieved depth, bulk and massing and footprint along the southwest side boundary of the site; together with the building's contrived crown roof form, would result in an overdominant and incongruous form of development that would form poor relationships with surrounding buildings and be harmful to the visual amenities of the streetscene. The proposal would fail to respect and improve the character and quality of the area contrary to the design requirements of Policies CP2 (iv) and DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principles 6.4, 7.4 and 7.5 of the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2019.
2. The overall quantum of proposed development would lead to an inadequate standard of communal amenity space for future occupiers, due to the proximity to the TPO (ref: 06/00) tree canopies (Holm Oak T2, Red Oak T4 and Oak T7), which would in turn lead to unacceptable long-term pressures for the removal of these trees (to abate light restriction, leaf litter and debris, perception of threat, physical nuisance etc). This would also lead to ten of the proposed 26 flats having no suitable amenity space. These unsuitable communal amenity spaces and associated future pressures on the TPO trees are also indicators that the overall proposed quantum of built form would result in a density that would unacceptably intensify and over develop the existing site. The proposed development as a whole would therefore be contrary to the design and amenity requirements of Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principles 8.5 and 8.6 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2019.
3. Block B, by reason of its height, bulk and proximity at higher ground to the rear elevations and garden areas of Nos 9 and 11 Allbrook Close, would result in adverse impacts upon the amenity of current and future occupiers of these neighbours in terms of loss of light and overbearing impact, contrary to Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principle 8.3 and Paragraphs 8.5-8.6 of the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2019.
4. Block B, by reason of the size, positioning and proximity of its first and second floor windows towards the rear elevations and garden areas of Nos 11 and 13 Allbrook Close, would result in adverse impacts upon the amenity of current and future occupiers of these neighbours in terms of perceived overlooking, contrary to the amenity requirements of Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies 2012, Principle 8.1 of the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework 2019.
5. The submitted ecological appraisal has recommended that further bat emergence and re-entry surveys should be undertaken. No such survey information has been provided and it has therefore not been demonstrated that the proposed development would not result in harm to or loss of these legally protected species. The proposal therefore fails to demonstrate compliance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012, The Conservation of Habitats and Species Regulations 2017, Government Circular: Biodiversity and Geological Conservation -Statutory obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005), and the National Planning Policy Framework 2019.

6. It has not been adequately demonstrated that the proposed development would reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS). It has also not been demonstrated how the proposed surface water drainage system meets the minimum requirements of the Non-Statutory Technical Standards for sustainable drainage systems. The proposed development therefore fails to demonstrate compliance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.
7. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019.

Informative(s)

1. Advise CIL Liable on Appeal CIL3
2. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner.