

2019/0235

Reg Date 19/03/2019

Bagshot

**LOCATION:** WOODSIDE COTTAGE, CHAPEL LANE, BAGSHOT, GU19 5DE

**PROPOSAL:** Residential development of 44 dwellings comprising 7 No. two bedroom, 9 No. three bedroom, 16 No. four bedroom two storey homes and 7 No. one bedroom and 5 No. two bedroom flats within a three storey building along with access, parking/garaging, and landscaping, following the demolition of existing dwelling and associated outbuildings. (amended & additional plans & info rec'd 02/07/2019 & 10/07/2019 & 29/07/2019). (Additional & Amended Docs & Plans - Rec'd 31.10.2019).

**TYPE:** Full Planning Application

**APPLICANT:** Julian, Charles & Julie-Ann & S. Korn; N. Hall & Kentish Barnes CALA Homes (Thames) Ltd

**OFFICER:** Duncan Carty

**RECOMMENDATION: GRANT subject to conditions and a legal agreement**

## 1.0 SUMMARY

- 1.1 This application relates to residential development to include the erection of 44 dwellings (including 7 no one bedroom, 12 no two bedroom, 9 no three bedroom and 16 no four bedroom units) in the form of 32 two storey dwellinghouses and a three storey flatted block. Other works include two vehicular accesses onto Chapel Lane in Bagshot, parking/garaging, landscaping, and associated works following the demolition of existing dwelling and associated outbuildings.
- 1.2 The application site falls within part of a housing allocation site and as such the principle for this development is acceptable. The County Highway Authority raises no objections on highway safety, capacity and sustainability grounds (see Annex A). The proposal is also considered to be acceptable in terms of its impact on local character, residential amenity, for the occupiers of adjoining and nearby properties, surface water and flood risk, and local infrastructure. Subject to the completion of a legal agreement to secure affordable housing provision and contributions towards SAMM and off-site highway works (required under a Traffic Regulation Order) and dedication of on-site footpath/footway, no objections are raised. The application is therefore recommended for approval.

## 2.0 SITE DESCRIPTION

- 2.1 The application site falls within part of a Housing Allocation Site (under saved Policy H3 of the SHLP), along with the adjoining Earlswood Park, within Bagshot. The site is to the south west of Chapel Lane, a narrow lane which has two-way traffic. Chapel Lane forms a part of road loop (rotating clockwise from Lambourne Drive, Chantry Road, School Lane and Chapel Lane) with its principal access onto London Road (A30) at Lambourne Drive with an extension to Chapel Lane (which also forms Public Footpath FP62) which links to A30 further to the south west.

- 2.2 Residential properties in Chapel Lane, Marlis Close and Gomer Road lie to the west and south west with some residential properties lying on the north west (opposite) side of Chapel Lane (some fronting onto Lambourne Drive). There is woodland to the south east (under the control of the applicant) rising to a rail embankment (serving the Ascot to Camberley rail line) further south. A public footpath (FP24) lies to the north east which connects Chapel Lane/School Lane with Bagshot Green and Connaughts Park (beyond the rail line). Beyond the footpath (further to the north east) includes a recreation ground including a pond and further woodland. A chapel, a locally listed building, and its burial ground lies to north west (opposite) of part of Chapel Lane.
- 2.3 The application site relates to former agricultural land, now meadow land, with a watercourse (stream) bisecting the site and running from south west to north east before culverting under the public footpath (and draining into the pond within the recreation ground). The existing bungalow and its garden lies to the north part of the site, with a drive way and aces onto Chapel Lane. The application site extends to 4.5 hectares and generally gently shelves towards the stream to either side, with the exception of a steeper descent behind the dwellinghouse to the meadow land.
- 2.4 The site falls a minimum of about 550 metres from the Thames Basin Heaths Special Protection Area (SPA). There is a Tree Preservation Order (No. 6/00) including three individual trees (located towards the north west corner of the site), six groups (located both to the north east corner, including the Chapel Lane frontage, and on the banks of the stream). This TPO includes the woodland (as a woodland order) and there are also protected trees on adjoining sites.

### **3.0 RELEVANT PLANNING HISTORY**

The relevant planning history for the site is as follows:

- 3.1 SU/03/0228 – Outline application for the erection of 17 dwellinghouses and associated works following the demolition of existing (matters of siting and access to be considered only). Withdrawn in November 2000.
- 3.2 SU/03/0229 - Outline application for the erection of 46 dwellinghouses and associated works following the demolition of existing (matters of siting and access to be considered only). Withdrawn in November 2000.
- 3.3 SU/15/0994 – Residential development of 40 dwellings (comprising 1 no one bedroom, 14 no two bedroom, 8 no three bedroom, 15 no four bedroom and 1 no five bedroom units) with garaging/parking, access roads (with two Accesses onto Chapel Lane), and landscaping following the demolition of existing buildings and provision of an area of Suitable Alternative Natural Greenspace (SANG). Withdrawn in March 2018.

The following planning history on an adjoining site (land at former Notcutts Nursery) is also relevant:

- 3.4 SU/07/0702 – Erection of 183 residential units comprising 115 dwellinghouses, 59 flats and 8 maisonettes together with the change of use from nursery land to public open space (SANG) and landscaping, alterations to access and associated highway works to London Road (A30) and retention of existing garden centre buildings with amended parking layout and external sales area. Approved in September 2007 and implemented.

## 4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of residential development to include the erection of 44 dwellings (including 7 no one bedroom, 12 no two bedroom, 9 no three bedroom and 16 no four bedroom units), including 11 affordable units, in the form of 32 no two storey dwellinghouses and a three storey flatted block for 12 no flats. Other works include two vehicular accesses onto Chapel Lane, parking/garaging, landscaping, and associated works following the demolition of existing dwelling and associated outbuildings.
- 4.2 The proposal would provide a cul-de-sac development of housing with a flatted block located towards the south west corner of the site (adjacent to properties in Marlin Close). The principal access leads to a central spine road, which is parallel with Chapel Lane and, to its immediate south east, the stream. This spine road is to be provided with residential properties on its north west side (Plots 10-11 and 38-44) facing this road (and stream beyond) with residential properties on the opposite side of the stream perpendicular to this access road/stream either provided within small cul-de-sacs to each end of this road (Plots 26-28 and 35-37) or with a footpath access within the central portion (Plots 29-34). A second access provides a separate cul-de-sac for 6 dwellings (Plots 1-6) to the north west corner of the site.
- 4.3 The parking provision would include 104 car spaces, provided as on-plot (integral, attached and detached) garage and drive spaces, off-plot resident parking and (5) visitor parking spaces. The proposal would result in the loss of trees, many of which are protected under a Tree Preservation Order (No. 6/00). The proposal includes a landscape strategy to include replacement hedge for the Chapel Lane frontage, landscaping around the stream, replacement trees and retention of the major trees particularly to the Chapel Lane frontage.
- 4.4 The proposed houses would have a maximum ridge height of between 8.7 and 9.3 metres, reducing to eaves height of 5.2 metres. The proposed design of the buildings is traditional in design and materials, including bay windows, leaded windows, window hoods and sill details, tile hanging, wood cladding, soldier courses, open pitched roof porches, forward gable details and slate/clay tiled roofs. Some of the dwellings have single storey rear projections with rooflights within the gabled roof over.
- 4.5 The proposed flatted block would have a ridge and eaves heights of 12.5 and 8.3 metres, respectively. The proposed flatted block would include many of the features to be provided for the houses (see Paragraph 4.4 above) but would provide wood cladding details in panels provided around the brickwork, above ground level, and with Juliet balconies to the principal elevations.
- 4.6 The proposal has been the subject to amendment during its consideration, which has included the following amendments:
  - Adding more trees and vegetation to the central part of the site, either side of the stream, and amended the parking layout in this regard;
  - Reduced the amount of hardstanding for drives for the plots in the north west corner (Plots 1-6) and around the main access point (Plots 7 and 8);
  - Provision of a Woodland Management Plan for the adjoining woodland (controlled by the applicant); and
  - Provision of a traffic management scheme for Chapel Lane (to be secured by contribution through a S106 legal agreement in part and partly with a S278 legal agreement with SCC, required by condition).

4.7 This application has been supported by:

- Planning Statement;
- Design and Access Statement (including addendum);
- Daylight & Sunlight Report;
- Ecological Assessment (as amended) and ecology letter;
- Flood Risk Assessment and SuDS Assessment (as amended);
- Archaeological Desk-Based Assessment;
- Geo-Environmental Site Assessment;
- Transport Statement (as amended);
- Woodland Management Plan (as amended);
- Biodiversity Net Gain Assessment; and
- Arboricultural Implications Report.

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

## 5.0 CONSULTATION RESPONSES

5.1	County Highway Authority	No objections subject to conditions and securing of funding towards traffic scheme [See <i>Annex A for a copy of their comments</i> ].
5.2	Senior Environmental Health Officer	No objections
5.3	Environment Agency	No comments
5.4	Local Lead Flood Authority	No objections.
5.5	Scientific Officer	No objections subject to condition
5.6	SCC Archaeological Officer	No objections subject to condition
5.7	Surrey Wildlife Trust	No objections subject to condition
5.8	West Surrey Badger Group	Further details requested and now received. Any further comments will be provided on the update.
5.9	SCC Education	Contribution towards education infrastructure required
5.10	Urban Design Consultant	No objections.
5.11	Arboricultural Officer	No objections.
5.12	Windlesham Parish Council	Raise an objection on the basis that the proposal constitutes a gross overdevelopment of the site, insufficient parking

provision, no provision for supporting infrastructure (e.g. new roads) and impact on local highway network and resulting pollution, loss of trees (including 26 covered by a TPO); impact on protected species/habitats, impact on schools and health care from increased population

## 6.0 REPRESENTATIONS

6.1 At the time of preparation of this report, 1 representation has been received in support and 347 representations, including objections from the Bagshot Society, Bagshot Matters Residents' Association and the Chapel Lane Action Group, have been received. In relation to the objections, the following issues are raised:

6.2 Character/Conservation [See section 7.5]

- Impact on rural character/amenity
- Impact of traffic calming (coloured tarmac/paint and features such as build-outs, road signs, cushions, etc.) on Chapel Lane on character
- Loss of one of the last green spaces in the village
- Overdevelopment of the site and urbanising impact
- Impact on village character
- Site is unsuitable for such development
- Loss of an area of urban landscape quality [*Officer comment: This relates to the status of such land within Policy UE3 of the SHLP, the current status of which is considered at section 7.5*]
- Loss of trees (including protected trees under a Tree Preservation Order)
- Impact on peace and tranquillity of immediate area (e.g. chapel of rest)
- Significant overdevelopment compared to HLSP 2015-2020 capacity of site (14 dwellings) [*Officer comment: The revised SHLP indicates an increased capacity of the site to 44 dwellings. In addition, see sections.4 and 7.5*]
- High density (too tight), and amount, of housing
- Access to Chapel Lane rejected on appeal by Inspector on character grounds [*Officer comment: There is no such record*]
- Loss of trees to form access points
- Sufficient housing has already been provided on the wider site (Notcutts Nurseries/Woodlands Cottage site) compared with Policy H3 requirement
- Three storey flats are out of keeping
- Impact on peaceful and tranquil graveyard
- Unattractive development

- Fails to meet the requirements of Planning Brief [See sections 7.3 and 7.5]

### 6.3 Highway safety and parking provision [See section 7.6]

- Conflict between pedestrians/cyclists and vehicular traffic on Chapel Lane (a single lane carriageway without pavements) and increased accident risk
- Unsustainable form of development
- Impact on A30 London Road, which already suffers congestion/grid lock at peak times (including backing up from nearby traffic lights with resulting increases in journey times), and wider road network (e.g. A322/M3)
- Insufficient parking for the development (compare with the lack of parking at Earlswood Park) and a lack of visitor parking spaces and increase risk of parking on the lane and resulting reduction in road width and risk to highway safety and anti-social parking
- Impact would exacerbate existing school drop off and pick up on School Lane (with insufficient visitor parking and overspill parking in Chapel Lane and School Lane)
- Chapel Lane is too narrow to provide acceptable road calming measures. Speed cushions will be ineffective when speed is generally controlled by the bends in the road, Chapel Lane is unsuitable as a shared (vehicular/pedestrian) surface
- Lack of provision of new roads (outside of the site)
- Impact on pedestrians on Chapel Lane (including school children, dog walkers, disabled and the elderly and used by residents as an access to Waitrose shopping park) particularly with its pinch points and blind spots exacerbated by poor street lighting and poor junctions to the west end of Chapel lane (close to junction with Lambourne Drive)
- Traffic statement does not propose an effective solution to the safety of pedestrians especially with the likely traffic speeds on Chapel Lane. Traffic calming measures will be ineffective
- Road widths reduce at school drop off and pick up due to level of on-street parking (especially on Lambourne Drive, Chantry Road and School Lane)
- Accesses in Earlswood Park (Gower Road and Marlis Close) should be used rather than currently proposed access point. Historical planning advice reflected this requirement. Council should consider a compulsory purchase of ransom strip [Officer comment: *The current application has to be determined on its own merits*]
- Limited access available for emergency/service vehicles and deliveries
- Increased difficulty in exiting Lambourne Drive onto A30
- Chapel Lane cannot accommodate two-way traffic and needs to be widened to accommodate extra traffic
- Lack of additional public transport (bus/rail services) or such funding to offset traffic increase

- Impact from construction traffic (limited width of Chapel Lane and insufficient room to turn) and insufficient space for on-site parking during construction
- Lack of improvement to local roads (e.g. Lambourne Drive/A30 junction); made worse by Costa traffic
- Increased use of local roads as a rat-run
- Chapel Lane is only used for one-way traffic on an informal basis by parents at local schools. Proposal would not support “Safe Routes to School” initiative
- Chapel Lane is part of a designated footpath [*Officer comment: The Public Footpath No. 62 relates to the west end of Chapel Lane, not to the loop road part of Chapel Lane closer to/ in front of the application site*]
- Conflict between school traffic and from the development underestimated by traffic report
- Permanent one-way system is not practicable for all residents
- Difficulty for larger vehicles to enter and leave the site in forward gear
- Two points of access onto Chapel Lane would be too much
- Proposal does not deal with pedestrian access beyond the site (to the west) on Chapel Lane
- Footpath access close to Chapel Lane is proposed to be too narrow (minimum 1 metre) to allow wheelchair or parent with pushchair to pass and likely conflict for pedestrians from the footpath onto Chapel Lane (including the access onto School Lane junction). Footpath will not be adopted and will deteriorate over time and hidden between hedge and boundary fences such that users will not feel secure
- Manual for Streets notes that shared surfaces work satisfactorily for lower amounts of traffic (100 movements per hour) than would be provided cumulatively on Chapel Lane by the proposal (with existing traffic levels) [*Officer comment: This requirement is for proposed new roads and not existing roads*]
- “Surrey Design Technical Appendix” indicates that there is a general requirement for two way traffic to be provided for more than 55 dwellings (current proposal along with existing dwellings on Chapel Lane would equate to 56 dwellings) [*Officer comment: Surrey Design is County-wide guidance which was never formally adopted by this Council but nevertheless has now been superseded by the RDG (for this Borough) and Manual for Streets (County-wide)*]
- Use of TRICS figures in transport report does not reflect high car ownership in the area (Surrey)
- Failure to meet the requirements of “Development Affecting Roads Town and Country Planning General Order 1992” [*Officer comment: This Order provides the mechanism for CHA to comment on applications only*]

#### 6.4 Residential amenity [See section 7.7]

- Impact from increased cars on pollution generally and particularly when idling (when caught on A30)

- Impact from car/noise, air and light pollution
- Traffic calming measures will increase air pollution
- Impact from disturbance
- Proximity to rail line for new residents
- Impact from pollution on conditions especially for children (asthma, eczema, allergies, etc.)
- Loss of amenity
- Loss of privacy
- Impact on family life/quality of life

#### 6.5 Other matters

- This site does not need to be developed to meet housing target [See section 7.4]
- Amendments are cosmetic and have not overcome earlier concerns/objections [*Officer comment: This comment as been noted*]
- Site should be removed from development in the development plan [*Officer comment: A review of the local plan cannot be addressed through the processing of this application*]
- Loss of water meadow, a valuable green space and green lung for the village [See sections 7.4, 7.5 and 7.8]
- Loss of wildlife from holly hedge (at boundary with Chapel Lane) removal [See section 7.8]
- Loss of wildlife corridor [See section 7.8]
- Impact on biodiversity including wildlife habitat in woodland and other habitats – waterways, trees, wild flowers, grassland [See section 7.8]
- Impact in wildlife (birds (including owls, woodpeckers, song thrushes, red kites), bats, foxes, badgers (there is a live sett on the site), deer (including monk jacks), insects, hedgehogs, squirrel, bees, butterflies, water voles, frogs, newts, shrews, rabbits, stag beetles, reptiles (including snakes), and ducks) [See section 7.8]
- Impact on drainage/flood risk and floodplain; land is prone to flooding [See section 7.9]
- Overdevelopment of wider village [*Officer comment: Each application is considered on its own merits*]
- Impact on infrastructure [See section 7.10]
- Cumulative impact, with other developments, on local infrastructure [See section 7.10]
- Impact on schools, pre-school/nurseries, sure start centre [See section 7.10]

- Impact on doctors surgeries, social services and hospitals and other local facilities (e.g. local tip/recycling centre and resulting fly tipping) [*Officer comment: the impact on these services is not a material consideration for a development of this scale*]
- Replacement should be on a one-for-one basis only (like other parts of the village) [*Officer comment: It is assumed that this relates to other parts of the Bagshot village which fall within 400 metres of the SPA, where any net increase in residential units is resisted under Policy CP14 of the CSDMP*]
- Impact on water supply and sewage system [See section 7.9]
- SANGs are not a sufficient benefit to offset the harm of the development [Officer comment: The need to contribute towards SANG provision relates to the requirement to offset any harm to the integrity of the SPA and not to any ecological loss at the application site. In addition, see section 7.8]
- Other sites, e.g. with derelict buildings/brownfield, should be redeveloped first [See section 7.4]
- Loss of wildlife corridor between Earlswood Park and recreation ground [See section 7.8]
- The Woodland Management Plan (WMP) would result in tree loss in woodland which, with the tree loss on the overall site [See section 7.8]
- Whether the WMP follows best practice [See section 7.8]
- Impact on wildlife in woodland by providing access, picnic benches, etc. (WMP) and increased risk of fly tipping, bonfires, etc. [*Officer comment: The WMP has been amended to remove open access. In addition, see section 7.8*]
- Loss of trees in woodland (under the WMP) would reduce screening to the rail line [See section 7.8]
- Previous schemes were less destructive, and provided a lower density than the current proposal, and were rejected [*Officer comment: Each application is considered on its own merits*]
- Inadequate surveys (e.g. drainage survey undertaken during driest summer (2018)) [See section 7.9]
- Long term risk of issues with the tanks as a part of drainage system leading to flood risk [See section 7.9]
- Indistinguishable from withdrawn scheme (SU/15/0994) [*Officer comment: Each application is considered on its own merits*]
- Chapel Lane carriageway is in need of repair/future impact on road surfaces [*Officer comment: This would not be a reason to refuse this application*]
- Land is contaminated [See section 7.9]
- Anti-social behaviour from affordable housing [*Officer comment: The provision of affordable housing in developments of this scale is set out in Policy CP5 of the CSDMP. In addition, see paragraph 7.10*]

- Increased flood risk downstream (St Marys Gardens/Waverley Road/Guildford Road)/elsewhere. Bagshot is in a flood risk area [See section 7.9]
- Destruction of natural habitat [See section 7.8]
- Development is not carbon neutral [Officer comment: This would not be a reason to refuse this application]
- Loss of open space [See section 7.4]
- Financial stream for this development should be discounted (e.g. council tax) [Officer comment: This is not a material planning consideration]
- Cumulative impact of development in the area on local infrastructure [See section 7.10]
- Archaeological study has not taken into consideration the history of the site as a Pest House (and related burials) [See section 7.9]
- Risk of contamination of watercourse with foul sewage system (e.g. pumping stations) [See section 7.9]
- Government need to be more ecologically friendly [See section 7.8]
- Differing advice between developers and individuals to TPO applications [Officer comment: Each application is considered on its own merits]
- Investment should be to making the village more welcoming instead of adding buildings the community do not want [See section 7.5]
- Increase in anti-social behaviour [Officer comment: This is not a reason to refuse this application]
- Holly hedges are protected by covenants [Officer comment: This is not a material planning consideration]
- Plan showing tree loss is not provided [Officer comment: This is provided as a part of the application information]
- There are no positive benefits for the proposed development – it is driven by financial gain of property developers [Officer comment: Financial gain is not a material planning consideration]
- No nearby SANG is available [See section 7.8]
- Until all empty/unsold dwellings (elsewhere in the Borough) are occupied, there should be no further development [See section 7.4]
- Does not meet the targets/objectives set out in Site Allocations Technical Background Paper [Officer comment: The implications of these targets and objectives are considered in local and national policies]
- Further investigation into land contamination is required [See section 7.9]
- Bagshot does not need any more development/other sites should be promoted/developed first. An “out of the box” approach to deliver housing e.g. Crown and MoD land should be undertaken [Officer comment: Each application is

*considered on its own merits. The development of other land that is not known to be available/developable is not a material consideration for the assessment of this application]*

- Affordable housing is not truly available for those in need (e.g. key workers) [*The application is considered against Policy CP5 of the CSDMP in relation to the delivery of affordable housing. In addition, see section 7.10]*
- Questions increase from 14 to 40 houses allocated to this site (in the SHLAA) [*See section 7.4]*
- Sequential test for cumulative impact of housing development in the local area needs to be undertaken [*Officer comment: Each application is considered on its own merits]*
- Impact on climate change during as National Climate Emergency [*Officer comment: This impact is not a material consideration for a development of this scale]*
- Commitment to housing greater than commitment to reduce carbon [*Officer comment: This impact is not a material consideration for a development of this scale]*
- Impact on well-being and mental health [*Officer comment: This impact is not a material consideration for a development of this scale]*
- Affordable housing will be a dumping ground for more vulnerable members of society segregating them and resulting in “no-go” areas [*Officer comment: The provision of affordable housing in developments of this scale is set out in Policy CP5. In addition, see section 7.10]*
- Local residents/community should be listened to [*Officer comment: The assessment of this application includes an assessment of all comments made by all parties]*

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

- There is adequate open space (e.g. local playing fields) available elsewhere locally
- Need to provide more housing
- Land does not fall in the Green Belt
- The proposal would not make much difference to local highway congestion (e.g. A30)
- If refused, is likely to be allowed on appeal
- Accident risk on local roads would not be materially increased by proposal

## **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, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy H3 of the Surrey Heath Local Plan 2000 (as saved) (SHLP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP).

7.2 In addition, advice in the National Design Guide MHCLG 2019 (NDG); the Residential Design Guide SPD 2017 (RDG); the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (AS); and the Interim Housing Land Supply Paper 2019-2024 (Addendum Report October 2019) (HLSP) are also relevant. Whilst a Design Brief for the Notcutts Nursery/Woodside Cottage site was adopted in 2000, this predates the residential development at Earlswood Park (i.e. the Notcutts Nursery element of this wider housing allocation site), and subsequent changes to national and local policies and is therefore afforded limited weight.

7.3 The main issues in the consideration of this application are:

- Principle of the development and housing supply;
- Impact on local character, locally listed building and trees;
- Impact on parking provision and highway safety, capacity and sustainability;
- Impact on residential amenity;
- Impact on the Thames Basin Heaths Special Protection Area and ecology;
- Impact on land contamination, flooding and drainage;
- Impact on affordable housing provision and housing mix;
- Impact on local infrastructure, play space and education provision; and
- Impact on refuse arrangements and renewable energy and efficiency.

#### **7.4 Principle of the development and housing supply**

7.4.1 Saved Policy H3 of the SHLP indicates that within the Notcutts Nursery and Woodside Cottage site, housing development is allocated. This was allocated for the period 2001-2006 for 150 dwellings. However, whilst the Notcutts Nursery element has provided 182 houses (under permission SU/07/0702) within the Earlswood Park development, the remainder of the housing allocation site (i.e. the application site) remains allocated for housing. In addition, the housing allocation of 150 units for the wider site, as set out in saved Policy H3, was a minimum (and not a maximum) for the wider site.

7.4.2 In considering the application site as a part of the housing allocation site (under saved Policy H3 of the SHLP), the Inspector for the SHLP review considered that the site is a pleasant feature, which adds to the tranquil atmosphere of this part of Bagshot. However, the Inspector considered that the site is part of a semi-rural environment at the urban fringe and is not so special to warrant permanent protection.

7.4.3 The HLSP indicates that the Council can demonstrate a five year supply of housing (plus buffer). The HLSP indicates that total anticipated provision for the application site is 44 units. As such, the proposal would provide a residential scheme on the remainder of this allocated site, which would contribute towards meeting the five year supply (plus buffer) within the Borough and the principle for the development is acceptable subject to the following assessment, complying with Policy H3 of the SHLP.

## **7.5 Impact on local character, locally listed building and trees**

- 7.5.1 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.
- 7.5.2 Paragraph 7.2 above sets out the limited weight afforded the 2000 Design Brief for the wider site. This Brief originally envisaged a lower number of houses (14) on the Woodside Cottage due to the Area of Urban Landscape Quality designation and the expectation that a part of that application site would provide the public amenity space for the whole of the allocations site (i.e. including the Notcutts Nursery element, the Earlswood Park development delivered under permission SU/07/0702). However, that development was considered separately and separately provided its own public amenity space on that site. The assessment of the public open space provision for the current proposal is set out in paragraphs below. Policy UE3 of the SHLP, which designated the immediate area as an Area of Urban Landscape Quality, was deleted during the review of the SHLP and subsequent adoption of the CSDMP in 2012. As such, this status of the land no longer has any weight.
- 7.5.3 Whilst the character of the nearby roads, such as School Lane, is suburban in nature, much of Chapel Lane has a more open, rural character provided in part by the narrowness of, and bends within, the road; the boundaries with this road (principally hedging) and the major trees close to this highway; and, the lower density of development to the west of the application site and very limited development on the application site and other sites principally to the east/north, i.e. the cemetery and the recreation ground (at the east end of Chapel Lane). Clearly, an important characteristic of this environment is this more open, rural character. This character is extended north of the lane with the grounds of the cemetery providing a spacious, rural setting for the chapel. The continuous green link from the chapel/cemetery through the application site to the woodland forms a part of the local distinctiveness and is an important spatial consideration.
- 7.5.4 The current proposal would result in an urbanisation of the application site and this would have a knock-on impact on this acknowledged Chapel Lane and wider open, rural character of the area. Two accesses would be provided from Chapel Lane which would allow more open views into the site and the presence of the dwellings would be noticeable from points on the lane. However, the scheme has been designed to reduce the level of interaction with this highway, with the dwellings predominantly not fronting this highway and with many turning its back on this road (Plots 38-44). In addition, the proposal seeks to retain the major trees on this frontage and, where it is not retained, replace the understorey (including hedging) to this frontage to retain the softer, more rural character of this lane. A footpath link would be predominantly provided behind this frontage.
- 7.5.5 The dwellings provided at the principal access point (Plots 7-9 and 44) have been carefully considered in this context such that they are either provided with a dual aspect (e.g. Plots 9 and 44) which front both the main access and spine roads to provide active frontages to both of these roads, or are orientated to have a principal elevation (Plot 7) such that activity to Chapel Lane is reduced. This approach is also provided for the two dwellings (Plots 1 and 6), accessed from the second access with a flank wall facing

Chapel Lane.

- 7.5.6 The less dense form of residential development on Chapel Lane (8 to 15 dwellings per hectare) contrasts sharply with the denser form of development within the closest part of the Earlswood Park development (46 to 90 dwellings per hectare). The current proposal provides a gradation in density providing less dense development close to Chapel Lane (20 dwellings per hectare) to a more dense form of development towards the south west corner adjacent to Earlswood Park (36 to 76 dwellings per hectare) to reflect these variations.
- 7.5.7 The dwellings to be provided which front the spine road are to be detached or linked detached providing a suburban appearance to the north side of the street, but retaining a spaciousness in this setting, with gaps at first floor level provided by the drives/garages with other gaps provided between the buildings. The dwellings accessed off the second access (Plots 1-6) would be provided in a similar layout. The dwellings on the south side of the stream are arranged principally as semi-detached dwellings (Plots 35-36) or short terraces (Plots 25-34) with the larger flatted block (Plots 14-25) located in the south west corner of the site provide a denser form of development. The elements of the proposal are furthest from Chapel Lane and have a closer relationship with the denser form of development (longer terraces and flatted blocks, with courtyard and on-street parking arrangements) on the adjoining Earlswood Park development. The flatted block would be L-shaped providing a deep span to the rear of the building which would be disguised from the spine road by the residential houses immediately to the north.
- 7.5.8 Policy DM9 of the CSDMP indicates that developments will be acceptable where they protect trees and the vegetation worthy of retention and provides high quality hard and soft landscaping where appropriate. The proposal would result in the loss of trees, some of which are protected by TPO 06/00. The trees to be lost are smaller in scale and lower in quality. The proposal seeks to replace these trees around the site such that the overall loss of tree cover will be more limited.
- 7.5.9 The layout of the western enclave (Plots 1-6) has been improved in terms of the position of the building and the provision of frontage lawns and planting. However, high quality landscaping materials will be important to avoid a harsh and domineering appearance. The forecourt would benefit from some additional unifying landscaping to create a stronger sense of place. This is expected to be provided through the implementation of the proposed soft landscaping scheme by condition.
- 7.5.10 The proposed landscape strategy includes extending the green link from the chapel/cemetery across Chapel Lane and into the site leading towards the woodland beyond. The use of soft landscaping, including trees and shrubs, along the main access, connecting to the landscaped area around the stream and around the footpath (between Plots 29-31 and 32-34) would provide a green link up to the woodland. The provision of a green spine is considered important to protect its character. A more heavily landscaped area would also be found at the end of the main access (north of the stream) which would be the main focus of the view into the site from the main access from Chapel Lane. In addition, the replacement of the boundary hedge to the site frontage from a holly hedge to a more hedging e.g. a beech hedge that would enhance the landscape profile of this frontage.
- 7.5.11 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.

- 7.5.12 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 or less and would be provided with soft landscaping to break-up these parking areas. However, two groups of four spaces have been provided to the parking area close to the stream. This has enabled improved soft landscaping in this area and these arrangements are considered to be acceptable in design terms.
- 7.5.13 The chapel on the north side of Chapel Lane is locally listed. However, noting the minimum distance of the chapel from the site boundary of 75 metres, no adverse impact on the setting of this chapel is envisaged.
- 7.5.14 The Council's Urban Design Consultant has acknowledged the substantial revisions to the scheme which have reinforced the green and rural character. The UDC indicates that the proposed scheme is now acceptable in principle in terms of its spatial layout, density, scale and building height and that the layout enhances the visual connection between the chapel, and its setting, with the stream within the site and the woodland beyond. There are no objections from the UDC to the building typology, general design approach for the proposed buildings or building materials.
- 7.5.15 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 setting of a nearby locally listed building, complying with Policies DM9 and DM17 of the CSDMP and the NPPF; and has regard to the NDG and RDG.

## **7.6 Impact on parking provision and highway safety, capacity and sustainability**

- 7.6.1. Policy DM11 of the CSDMP indicates 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. Policy CP11 of the CSDMP indicates that improvements will be sought to the efficient and safe operation of the highway network while seeking to reduce the need to travel, encourage the use of sustainable modes of transport and reduce the impact of traffic on residential areas and development should comply with parking standards.
- 7.6.2 The County Highway Authority has raised no objections to the proposal subject to conditions and the provision of a contribution of £15,000 which would provide a highway management scheme to be delivered by the County Council and dedication of the proposed footpath/way at the front of the site. Their comments are provided at Annex A.

### Site access and parking

- 7.6.3 The new access would be provided onto Chapel Lane. The proposed access would be provided with an adequate level of visibility. The proposal would provide 104 parking spaces, amounting to about 2.3 spaces per dwelling to serve the development. This includes 2-3 spaces per house and 1.2 spaces per flat with 5 visitor spaces, which compares with the SCC parking standards of 1 space per 1-2 bed flat and 2 spaces per 3-5 bed house. 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.

### Highway safety and traffic management

- 7.6.4 The proposal would add 44 dwellings to the highway network in this area, replacing one dwelling. Noting the narrowness of Chapel Lane, close proximity of local schools, and informal one-way system used by parents picking up and dropping off pupils, a traffic management scheme is proposed.
- 7.6.5 The scheme includes elements to be provided by a financial contribution of £15,000 to the County Council (through a Traffic Regulation Order process) including a 20 mph speed limit for the whole of the local highway network including Lambourne Drive, Chantry Road, School Lane and Chapel up to A30 London Road including appropriate signage and road markings; and an east-to-west, one-way system for Chapel Lane between School Lane and Lambourne Drive.
- 7.6.6 In addition, the scheme includes the provision of speed reduction devices on Chapel Lane (including speed cushions, build-outs and carriageway treatments) to assist in reducing traffic speeds and providing and would be secured through a S278 highway agreement and planning condition. These measures are considered to be acceptable to the County Highway Authority, in improving highway conditions to offset any highway safety issues that could arise within this local highway network.
- 7.6.7 The County Highway Authority has confirmed that the use of TRICS data is a standard tool to assess potential trip generation of new developments. The TRICS assessment provided in the transport statement has been undertaken such that a reasonable assessment of trip generation can be made. At peak times, the TRICS assessment confirms that 13 additional two way movements would occur onto A30 London Road in the morning peak; and 5 such movements in the evening peak. Even if a higher trip rate per property (0.8) were to be used, the additional 18 movements in the morning peak and 17 in the evening peak can be accommodated in the local road network. The County Highway Authority has considered that this road junction can accommodate this level of increase without any required upgrading.

#### Construction management

- 7.6.8 It is acknowledged that the site approach will make construction of the site more difficult, particularly in reference to the narrowness of Chapel Lane and nearby schools. In addition to the normal controls imposed by condition on construction management, such as hours of construction, provision of on-site parking for construction vehicles, etc., it is considered prudent in this case to limit the hours of deliveries to the site such that any conflict with school traffic is minimised. With such controls, the proposal is considered acceptable on this ground.

#### Sustainability

- 7.6.9 During the consideration of the allocation of the site for housing (for saved Policy H3 of the SHLP), the Inspector when considering a range of sites indicated that this site had greater sustainability credentials than other sites in the east part of the Borough, in that the site is close to, i.e. within walking distance of, a range of facilities (shops, schools, etc.) and better public transport access e.g. buses and rail services. There has not been a significant change since this assessment was undertaken. The proposal includes the provision of cycle storage to encourage alternative modes of transport to the motor car. As such, it is considered that the site and proposal would be sustainable in transport terms and no objections are raised on this ground.
- 7.6.10 As such, the proposed development is considered to be acceptable on highway safety grounds, subject to the securing of a contribution towards a traffic management scheme, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

## **7.7 Impact on residential amenity**

- 7.7.1 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.
- 7.7.2 The rear wall of the flatted block (Plots 14-25) has no habitable room windows and represents a side relationship with the residential properties beyond 48-54 Gomer Road. With a separation distance of 20 metres between two storey (or above) elements, this relationship is acceptable.
- 7.7.3 The flank wall of Plot 11 would face the rear garden of 15 Marlin Close, being set back and angled away from this residential property. Noting the level of corner-to-corner separation of 10 metres, orientation of these dwellings, and landscaping at the rear boundary of the plot, it is not considered that this proposed dwelling would have any material impact on the amenity of the occupiers of this existing dwelling.
- 7.7.4 The rear walls of the residential properties towards the north west corner (Plots 2 and 3) would face the rear wall of 5-15 Marlin Close and on higher ground. However with the minimum separation distance at two storey level of 20 metres, this relationship is considered to be acceptable. Landscaping proposed to be retained/provided on this boundary will reduce the impact further.
- 7.7.5 The rear wall of the residential property in the north west corner (Plot 1) would face the rear boundary of Crowthorne House and Lightwater House within a cul-de-sac (part of Chapel Lane). The separation distance (at two storey level) would be about 22 metres. As such, this relationship is considered to be acceptable.
- 7.7.6 The properties on the north side of Chapel Lane face towards the application site but noting the level of separation (35 metres to the rear of Plots 38-44 and 26 metres to the nearer flank wall of Plot 44), these relationships are considered to be acceptable. Similarly, the level of separation between the flank wall of Plot 1 and the rear wall of 16 Lambourne Drive at 54 metres is also considered to be acceptable. The remainder of the proposed dwellings some distance from any other residential property so as not to have any material impact on amenity.
- 7.7.7 The wider site lies close to the Ascot to Camberley rail line, a noise generating source. However, the dwellings are set a minimum of 40 metres (Plot 37) with woodland in between and principally flank walls of these dwellings face this noise source. The Environmental Health Officer has indicated that mitigation would be required (windows) and can be considered by condition. The increase in noise associated with any increased traffic from this development is also not considered to have any significant impact on residential amenity. The Environmental Health Officer has advised that air quality impacts from the development will be negligible and that no local air quality standards will be exceeded by this development.
- 7.7.8 The rear gardens for the dwellinghouses have minimum depths of 10 metres and meet the minimum standards set out in the RDG. The rear amenity area to be provided to the rear/flank of the proposed flatted block would provide a shared amenity area, to a minimum depth of 5 metres, and an overall amenity area provision of about 300 square metres, which would meet the requirements of the RDG. The provision of balconies, to provide private amenity accommodation, is not considered to be suitable in this location due to the risk of overlooking of adjoining and nearby existing/proposed properties.

These amenity arrangements are considered to be acceptable.

7.7.9 The Daylight and Sunlight Report provided by the applicant sets out how much light would be available to the residential development, at March and June, in accordance with the BRE "Site Layout Planning for Daylight and Sunlight", under this proposal as well as any impact on adjoining and nearby residential properties. This report indicates that the proposal would not have any material effect on daylight or sunlight to any adjoining or nearby residential property not to the habitable rooms of the proposed residential units. The majority of the gardens will have acceptable level of sunlight with five gardens to the south side of the development (Plots 27-28 and 32-34) more affected by overshadowing in March but this impact would be lessened to an acceptable level due to leaf fall at this time of the year. As such, no objections are raised on these grounds.

7.7.10 As such, no objection is raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of CSDMP.

## **7.8 Impact on the Thames Basin Heaths Special Protection Area and ecology**

7.8.1 The application site partly lies within 0.5 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The TBHSPD identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and 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. The proposal is CIL liable and this provision would normally be provided under the CIL charging scheme.

7.8.2 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 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.

7.8.3 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. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. This project does not form part of the CIL scheme and a separate contribution of £28,416 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.

7.8.4 The proposal has been supported by an ecological report which concludes that following desk top studies and surveys, there are evidence of activity from protected species of bats, reptiles and badgers and also hedgehogs on the site. There is potential for nesting birds but no evidence of otters, water voles or newts. The mitigation strategy includes the protection of species during site clearance (including demolition) and construction and avoiding the bird breeding season; mixed hedge provision; provision of receptor sites including refugia) for reptiles; provide bird/bat boxes and provide a lighting strategy (external lighting details to be approved by condition).

7.8.5 In addition, there is proposed the provision of a Woodland Management Plan for ecological improvements to the adjoining woodland. An update will be provided concerning its future management. The adjoining woodland would not be made open to the public but used as a resource to offset the loss of habitat on the development site. This approach has been supported by the Surrey Wildlife Trust. Overall, no objections are raised by Surrey Wildlife Trust to the proposal.

7.8.6 As such, no objections to the proposal on these grounds is raised with the proposal, subject to the securing of a contribution towards SAMM, with the proposal complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the National Planning Policy Framework and advice in the TBHSPD.

## **7.9 Impact on land contamination, flooding and drainage**

7.9.1 The site has been used, in part, for agricultural purposes, and possibly commercial uses historically, 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.

7.9.2 The proposal would fall within an area of low fluvial flood risk (Zone 1 as defined by the Environment Agency). The proposed development. 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 fluvial flood risk grounds.

7.9.3 The LLFA have considered the impact of the proposal on surface water drainage, in an area that has some surface water flood risk adjacent to the stream, but with on-site storage provided (to reduce off-site flows during periods of peak rainfall) within a SuDS scheme including permeable paving and cellular storage with hydrobrakes to limit outflow into an existing ditch. The existing culvert is to be removed and three culverts provided across the stream. The proposal is considered to be acceptable. No objections are therefore raised to the proposal on surface water/drainage grounds.

7.9.4 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.

## **7.10 Impact on affordable housing provision and housing mix**

7.10.1 Policy CP5 seeks the provision of affordable housing which is based on a 40% provision, split between shared ownership and rented, for the size of this development. The proposal would deliver 43 (net) residential dwellings. As such, 40% of this provision (18 units) should be provided as affordable housing to comply with Policy CP5 of the CSDMP. This provision includes the flatted block (Plots 14-25) and nearby (terraced) houses. Subject to the securing of this provision by a legal agreement, no objections are raised on these grounds.

7.10.2 Policy CP6 indicates that the Council will promote a range of housing types across the Borough. The proposal would provide a range of dwelling size and is therefore considered to be acceptable, complying with this policy.

## **7.11 Impact on local infrastructure, play space and education provision**

7.11.1 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. For this development, a contribution of about £750,000 is envisaged.

- 7.11.2 Surrey County Education team have indicated that contributions should be sought for schools. However, these contributions have not been allocated to a specific project (or projects) which requires such funding and are due to be delivered and as such the securing of such contributions would not meet the tests in Paragraph 56 of the NPPF. On this basis, it is therefore considered that contributions towards education cannot be secured for this application.
- 7.11.3 Policy DM16 of the CSDMP indicates that new development will be expected to provide or contribute towards the provision of open space and play space provision although this is clarified at supporting paragraph 6.99 that this will be sought where a need arises. The site is close to the recreation ground and, taking into consideration the size of the proposal, therefore a need only arises in this case for a local area of play. This is proposed to be provided close to the flatted development (adjacent to Plot 28) and, subject to this provision by condition, is considered to provide acceptable arrangements to meet the requirements of this policy.
- 7.11.4 As such, the proposal would comply with Policies CP5, CP12 and DM16 of the CSDMP and the NPPF.

## **7.12 Impact on refuse arrangements and renewable energy and efficiency**

- 7.12.1 Policy DM9 of the CSDMP states that developments should incorporate measures for the storage of waste. The design and access statement indicates a refuse strategy which includes providing a layout which allows the turning movements for refuse vehicles and access close to all proposed dwellings, shared bin storage for the flatted development, and storage accommodation, in the form of a hardstanding area in the rear garden (close to the rear doors of these dwellings) for wheelie bins for each residential house. These facilities are considered to be acceptable for refuse storage purposes.
- 7.12.2 Policy CP2 of the CSDMP supports sustainable development including measures to promote energy efficiency would be supported. In this regard, the energy statement supporting this proposal indicates that photovoltaic (PV) collectors, which create electricity from natural daylight, are to be provided on south facing side and rear roof slopes within the development. In addition, flue gas heat recovery systems are to be installed to ten dwellings, which capture heat within the waste flue gasses. As such, it is considered that this provision would support sustainability and would comply with Policy CP2 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**

- 9.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of Paragraphs 38-41 of the NPPF. This included the following:-
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable

development.

- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

## 10.0 RECOMMENDATION

**GRANT, subject to the completion of a Section 106 legal agreement for the on-site (40%) provision of affordable housing and dedication of footpath/way along with the provision of a contribution towards the off-site highway scheme (£15,000) under a traffic regulation order and a SAMM contribution (£28,416) by 8 January 2020, 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: 2747-A-1002 Rev. C, 2747-A-3110 Rev F, 2747-A-3300 Rev B, 2747-C-3012 Rev F, 2747-C-3010 Rev E, 747-C-3011 Rev D, 2747-C\_3030 Rev F, 2747-C\_3041 Rev D, 2747-C\_3100 Rev E, 2747-C\_3102 Rev D, 2747-C-3022 Rev E, 2747-C\_3035 Rev F, 2747-C\_3037 Rev F received on 19 March 2019; 2747-C-3111 Rev F received on 2 July 2019; and 2747-A-1005 Rev U, 2747-C-1005 Rev U, 2747-C-3111 Rev F, 2747-C-3008 Rev A, 2747-C-3020 Rev H, 2747-C-3017 Rev H, 2747-C-3040 Rev E, 2747-C-3005 Rev G, 2747-C-3007 Rev H, 2747-C\_1700 Rev J, and 2747-C-1701 Rev H received on 31 October 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 above slab level 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/tile hanging, 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. Before first occupation of the development hereby approved the flank window(s) in the flank elevations of the dwellinghouses and the brick finished part of the rear elevation of the flatted block (Plots 14-25) as shown on Elevation B of Drawing No 2747-C-3111-F, received on 31 October 2019, shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. The development above slab level 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 should satisfy the SuDS Hierarchy and be compliant with the Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required 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 and 10% allowance for urban creep, during all stages of development (pre, post and during), associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 4 l./s.

b) Detailed drainage 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 restriction 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 regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) for the development site will be managed before the drainage system is operational.

f) Details of the watercourse that runs through the development site. Size, capacity and whether there is constant flow through.

Reason: To ensure that the design meets the Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off the site and to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

6. Prior to the first occupation of the development hereby approved, a verification report carried out by a suitably qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restrictions and outfalls).

Reason: To ensure the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to comply with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

7. (i) Development above slab level shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.
- (ii) The above scheme shall include :-
- (a) a contaminated land desk study and suggested site assessment methodology;
  - (b) a site investigation report based upon (a);
  - (c) a remediation action plan based upon (a) and (b);
  - (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction;
  - 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
- (i) 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 above slab level 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 by the applicant and approved by the Planning Authority.

Reason: To ensure the required archaeological work is secured satisfactorily 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.
  1. No development above ground 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 other than small, privately-owned domestic gardens, 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 ten 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.

10. 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.

11. The development shall not be occupied until details of the children's play area, to

include surfacing, play equipment, surrounding fencing and seating have been submitted to and approved by the Local Planning Authority.

Once approved the play area shall be laid out in accordance with the agreed details and shall thereafter be maintained and not used for any other purpose other than as a play area.

Reason: To ensure a satisfactory play area is provided for the occupiers of the development and in accordance with Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. The development hereby approved shall be implemented in accordance with the recommendations set out in the Arboricultural Implications Report by SJA Trees dated February 2019 [Ref: SJA 18257-01b] received on 19 March 2019 as amended by the Addendum Report dated June 2019 [Ref: SJA air add 18257-01d] received on 2 July 2019.

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

13. The development hereby approved shall be implemented in accordance with the recommendations set out in the Ecological Assessment Updated Report by Ethos Environmental Planning dated July 2019 (Ref: ETH/19/348).

Reason: In the interest of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

14. The development hereby approved shall be implemented in accordance with the recommendations set out in the Outline Woodland Management Plan by SJA Trees dated September 20189 [Ref: SJA owmp 19028-01e] received on 31 October 2019.

Reason: In the interest of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

15. The parking and garage spaces shown on the approved plan 2747-C-1701 Rev H, received on 31 October 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.

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.

16. 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 (behind any visibility zones)
- (f) hours of construction and deliveries
- (g) details of vehicle routing
- (h) measures to protect the watercourse (stream) and its banks
- (i) measures to prevent the deposit of materials on the highway
- (j) written confirmation of no on-site burning of material

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

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

17. No development above ground level shall take place until details of external lighting are to be submitted to the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and nature conservation and to accord with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

18. No part of the development hereby approved shall be first occupied unless and until the proposed western and eastern vehicular accesses to Chapel Lane have been constructed and provided with visibility zones in accordance with approved drawings 1807052-01 Rev F and 1807052-02 Rev F respectively [within Appendix C of Transport Statement received on 19 March 2019] and thereafter the visibility zones shall be kept permanently clear of any obstruction between 1 and 2 metres in height above ground level.

Reason: In the interests of highway safety and to comply with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

19. Prior to the first occupation of the development, Chapel Lane shall be improved in general accordance with Drawing No. 1807052-07 Rev. A received on 31 October 2019 and Drawing No 18070562-06 Rev E by providing a footpath link for the site frontage along with the traffic calming build outs and surface treatment.

Reason: In the interests of highway safety and to comply with Policies DM11 and CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

20. Prior to the first occupation of the development, details of the proposed footpath, including a 1:20 layout plan indicating location/width of path along with retained trees/shrubs and new trees/shrubs, cross section of structure and finished

material, are to be provided along the site frontage as required by Condition 19 above shall be submitted to and approved by the Local Planning Authority. The footpath shall be provided in accordance with the approved details.

Reason: In the interests of highway safety and visual amenity to comply with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

21. The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces for the flats and each of the dwellings is 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: In the interest of sustainability 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.

22. Prior to the first occupation of the development hereby approved on site details of refuse and cycle storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

Reason: To ensure highway safety and visual and residential amenities are not prejudiced and to reduce the use of the motor car and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

23. The development hereby permitted cannot be occupied unless and until details of information to be provided in a "Travel Information Pack" for future residents regarding the availability and whereabouts of local public transport, walking, cycling, car sharing clubs and car clubs have been submitted to and approved by the Local Planning Authority and thereafter shall be provided for the new occupiers prior to their occupation of each residential unit.

Reason: To ensure highway safety is not prejudiced and to reduce the use of the motor car and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

24. 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 roads, private drives, 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. For the avoidance of doubt, the following definitions apply to the above condition (No: 7) relating to contaminated land:

Desk study- This will include:-

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

Site Investigation Report: This will include: -

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

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

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

Discovery strategy: Care should be taken during excavation or working of the site to investigate any soils which appear by eye or odour to be contaminated or of different character to those analysed. The strategy shall include details of: -

- (i) supervision and documentation of the remediation and construction works to ensure that they are carried out in accordance with the agreed details;
- (ii) a procedure for identifying, assessing and neutralising any unforeseen contamination discovered during the course of construction
- (iii) a procedure for reporting to the Local Planning Authority any unforeseen contamination

Verification of remediation report – This will include:-

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

2. The permission hereby granted shall not be construed as authority to carry out any works on the highway (including works required by Condition 19 above) or any works which 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 on any footway, footpath, 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 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road.

3. This 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.
4. The applicant is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in cleaning, clearing or repairing highway surfaces and prosecutes persistent offenders (Sections 123, 148 and 149 of the Highways Act 1980 as amended).
5. The applicant is advised that as part of the detailed design of highway works required by Condition 19 above, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture equipment.
6. The applicant is advised that in meeting the requirements of Condition No. 16 above, the limitations on construction hours would be guided by Environment Protection legislation and the limitation on hours of deliveries during construction would also be restricted to ensure conflict with local school traffic is minimised.

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

1. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
2. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the contributions to deliver a highway improvement scheme and therefore would lead to conditions which would adversely affect highway safety and therefore does not satisfactorily address the requirements of Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.
3. 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 affordable housing and therefore does not satisfactorily address the requirements of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

