

<b>LOCATION:</b>	99 - 109 Guildford Road, Lightwater, Surrey, GU18 5SB
<b>PROPOSAL:</b>	Erection of 5 buildings to comprise 18 terrace style houses and 12 apartments within a flatted block with associated landscaping, access, and car parking. All following demolition of existing buildings on site.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Howarth Homes
<b>OFFICER:</b>	Duncan Carty

This application has been referred to the Planning Applications Committee because it is major development (a development of 10 dwellings or over). The application is subject to a non-determination appeal and so the Planning Inspectorate is now the determining authority.

## **RECOMMENDATION: WOULD HAVE REFUSED**

### **1.0 SUMMARY**

- 1.1 This planning application relates to a residential redevelopment of a commercial site located in the settlement of Lightwater. The site is currently predominantly occupied by a car business, including car sales/showroom, repairs and MoT services and is located on the south west side of Guildford Road.
- 1.2 The current proposal includes the provision of 30 dwellings, including 18 houses and 12 flats, with a new access road onto Guildford Road, parking and landscaping. The houses would be arranged in four blocks of terraced properties, at two storeys (with some accommodation in the roof) and the flats contained within a three storey building.
- 1.3 The principle of the development is accepted. However, the proposal is considered to be unacceptable in terms of its impact on local character and trees, and residential amenity. The proposal is CIL liable and no objections are raised on flood risk/drainage and highway safety and parking capacity grounds. However, without an acceptable legal agreement to secure affordable housing (including First Homes) and a contribution towards SAMM measures, the proposal is also considered to be unacceptable on these grounds. The application would have been refused if this Authority had been the determining authority.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is located in the settlement of Lightwater. The 0.38 hectare site lies on the south west side of Guildford Road with St Annes House (and Crossley Club beyond/rear) to the north west flank, 6 Grasmere Road to the rear, 12 Grasmere Road and 8 and 9 Ullswater Close to the south corner and 97a Guildford Road and 3 Coyne Close to the south east flank of the application site. Passfield Lodge, 84 and 92 Guildford Road lie on the opposite side of Guildford Road.
- 2.2 The existing site has been occupied by a car business, known as Deepcut Garage, including sales/showroom, repairs and Mot services. This business closed in October 2020 and remains vacant. The site lies within the defined village centre as defined in the Lightwater Village Design Statement SPD 2008.

### 3.0 RELEVANT HISTORY

The application site has an extensive planning history of which the most recent and relevant is:

- 3.1 94/0239 Erection of a paint spray booth and extract duct following the demolition of existing covered parking bay.  
*Approved in June 1994.*
- 3.2 99/1183 Erection of a detached building to comprise MoT testing centre and ancillary accommodation.  
*Approved in January 2000.*
- 3.3 13/0166 Erection of an outbuilding as a sales cabin.  
*Approved in June 2013.*
- 3.4 22/0525 Erection of 21 no dwellings with associated access, hardstanding, landscaping and parking.  
*Currently under consideration.*

### 4.0 THE PROPOSAL

- 4.1 The current proposal relates to a residential development of 30 dwellings comprising 18 terraced houses and 12 flats which equates to 19 two bed and 11 three bed dwellings as shown in the following table:

<b>No of bedrooms</b>	<b>Houses</b>	<b>Number</b>
Two		7
Three		11
	<b>Flats</b>	
Two		12
Total		30

The flats were envisaged to be provided as affordable homes (intermediate). However, a legal agreement to secure this provision has not been provided to date.

- 4.2 The development would provide both terrace and flatted housing. The proposed layout would be as follows: Two terraces (Plots 1-4 and 5-8) and the flatted block to the front (Plots 19-30). Behind these plots would be a second row of development with one terrace (Plots 9-14) behind the flatted block and another terrace (Plots 15-18) perpendicular to the other terraces. Access to the proposed dwellings would be predominantly from a new access road, to be located between the front terraces and flatted block. In between the two rows of development would be an access, servicing and parking area.
- 4.3 The proposed houses would be two storey in height, with some mid-terrace units (Plots 2-3, 6-7 and 11-13) and a rear block (Plots 15-18) with accommodation in the roof. All proposed houses would be rectangular in footprint, except Plot 9, an end-of-terrace unit, which would be L-shaped. The proposed flats would be provided within one three storey block, with eaves lowered (in part) to a two and a half storey height.
- 4.4 The proposed buildings would be traditional in design with either ridged roofs over (Plots 15-18) or crown roofs with a pitched roof to the front/side/rear. The proposed buildings would have traditional detailing including: soldier courses (between floors), stone window sills and brick window hood detailing, two projecting gables (in the front and rear elevations of the flatted block), flat roof dormers/half dormers, chimneys, brick detailing to end gables (Plots 15 and 18), and open porches.

- 4.5 The rear block of houses (Plots 15-18) would have a ridge height of about 9.8 metres. Plot 9 would have a maximum height of 7 metres. The remainder of the houses would have a maximum height of 8.2 metres. All of the houses would have an eaves height of 5.3 metres. The flatted block would be three storeys in height also with a traditional in design and would have a crown roof to a maximum height of 11.7 metres, reducing to 7.7 metres at the eaves.
- 4.6 Each house would have rear gardens with a depth typically of 8.4 metres (and area of 37 square metres) for the frontage plots (Plot 1-8); 8-14 metres (and area of 37-66 square metres) for the rear plots. The rear gardens are generally rectangular in shape with the exception of Plot 9, a corner plot, which tapers to the rear. The amenity space for the flats is provided to the front, rear and east flank. This includes an area 2-2.5 metres deep to the front and rear and an irregular shaped side area between 2 and 8 metres deep. Although the amenity area around the flats amounts to about 200 square metres in area, the majority is not private amenity space. For example, the front garden area, as indicated on the streetscene views, would not provide private amenity space due to the low front boundary treatment. Some Juliet balconies are to be provided on the front and rear elevations.
- 4.7 The current proposal would provide an overall provision of 34 parking spaces (including 3 disabled spaces). The parking is not allocated except two drive spaces (adjacent to Plot 15 at the rear). The parking is therefore assumed to be as follows:

No of bedrooms	Parking ratio	Parking guidance
2	1	1
3	1.4	2

- 4.8 This planning application has been supported by:

- Planning Statement;
- Design and Access Statement;
- Market Demand Report;
- Transport Statement;
- Ecological Report;
- Drainage Strategy and Flood Risk Assessment;
- Energy Statement and Water Efficiency Calculator;
- Arboricultural and Planning Integration Report;
- Geo-Environmental Assessment;
- Services (Utilities) Appraisal;
- Statement of Community Involvement; and
- Road Safety Audit and Parking Strategy.

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections, subject to conditions [*See Annex A for a copy of their comments*].
- 5.2 Archaeology Officer No comments received to date (their requirements are normally secured by condition).
- 5.3 Windlesham Parish Council An objection raised on an insufficient level of parking (and EV charging points). No reference has been provided to the Lightwater Village Design Statement and no evidence of community engagement.
- 5.4 Local Lead Flood Authority No objections subject to conditions.

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|-----|----------------------------------|---|
| 5.5 | Council's Arboricultural Officer | Further details required.   |
| 5.6 | Surrey Wildlife Trust            | No objections subject to conditions.  |
| 5.7 | Environmental Health             | No objections on noise or land contamination grounds.                                       |
| 5.9 | Urban Design Consultant          | Raises an objection on character grounds [ <i>See Annex B for a copy of her comments</i> ]. |

## 6.0 REPRESENTATIONS

- 6.1 There were 49 notification letters originally sent to neighbouring properties on 26 May, 1 June and 23 August 2021, and publicised in the local press on 2 and 4 June 2021. A total of 2 letters of support and 5 letters of objection, have been received. The objections are summarised below:

Principle [*See section 7.2*]

- Building flats is not in keeping with local housing market (generally flats and retirement/care homes)

Character [*See section 7.3*]

- Cramming in development
- Frontage properties have very small gardens (access onto street)
- Tiny rear gardens for houses
- Need detached houses

Highway safety and traffic generation [*See section 7.5*]

- Insufficient parking
- Reliance on cars in the area (no rail station or bus routes to major centres)
- Insufficient EV charging points
- Overspill parking in neighbouring street and local centre which are already overcrowded with limited parking available
- Add to traffic congestion for traffic joining M3

Other matters

- Impact on local schools/doctors surgery [*See section 7.6*]

- 6.2 The letters of support are summarised below:

- In keeping with surrounding flats and houses
- Improve current site and enhance the area
- Supports, subject to increased height of boundary fencing (above 1.8 metres) to limit any loss of privacy
- Supports but notes limited parking provided

## 7.0 PLANNING CONSIDERATION

- 7.1 The application is considered against the relevant policies, which are Policies CP1, CP2, CP5, CP6, CP8, CP9, CP11, CP14, DM9, DM10, DM11, DM13 and DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP); and the National Planning Policy

Framework (NPPF); as well as advice within the Surrey Heath Residential Design Guide 2017 (RDG); Lightwater Village Design Statement SPD 2008 (LVDS); Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (AAS); the Planning Practice Guidance (PPG); the Written Ministerial Statement 24.05.21 (WMS); the Council's First Homes Policy Guidance Note 2021 (FHP); and the National Design Guide. The main issues to be addressed in the consideration of this application are:

- Principle of the development;
- Impact on character and trees;
- Impact on residential amenity;
- Impact on sustainability, highways safety and parking capacity;
- Impact on flood risk and drainage;
- Impact on the Thames Basin Heaths Special Protection Area
- Impact on ecology;
- Impact on affordable housing provision and housing mix; and
- Other matters.

## **7.2 Principle of the development**

7.2.1 Policy CP1 of the CSDMP indicates that new development will be expected to come forward largely through the redevelopment of previously developed land in the western part of the Borough and development in smaller settlements such as Lightwater is expected to be more limited. However, the development would provide housing within the settlement close to services in the village.

7.2.2 Policy DM13 of the CSDMP indicates that the loss of employment sites (outside of Core Employment Areas) may be permitted where it would not result in the loss of units capable of use by small business or industry unless it can be demonstrated that there is no longer a need for such units. The existing commercial use has ceased since later 2020 and has not been re-let. It is a use, including industrial processes, which are incompatible with a residential area. As such, the loss of this employment site is considered to have wider benefits to the local area.

7.2.3 The Council's Five Year Housing Land Supply Paper 2021-2026 (1 April 2021) indicates that there is currently about a 7.2 year supply of housing available within the Borough. It is noted that the planning statement provided with this application refer to an earlier housing land supply position where a 5 year supply could not be demonstrated. However, as noted above, the site is within the settlement area and adjacent to housing. It would remove a non-confirming use in this location and as such, this proposal is supported in principle.

7.2.4 It is therefore considered that the proposal is considered to be acceptable in principle complying with Policies CP1, CP2 and DM13 of the CSDMP. This is subject to the assessment below.

## **7.3 Impact on character and trees**

7.3.1 Policy DM9 of the CSDMP indicates that development will be acceptable where it respects and enhances the local character of the environment and protects trees and vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate. Principle B2 of the LVDS indicates that the over-development of sites should be resisted due to its harm to the character of the area through the eroding of the generally smaller scale character of the village.

### Development context

7.3.2 The current proposal was envisaged as a redevelopment on the edge of a local village centre, between the commercial nature of the village centre and the residential properties further beyond. To the west of Grasmere Road, the properties on the south side of Guildford Road are generally Victorian or Edwardian in age with narrow, but deep, plots.

The development is more mixed on the north side of this road. It is envisaged that the application site would be within a transitional location where a higher density of housing could be provided. In principle, this is accepted. However, the form of the development should successfully integrate into this location. The existing commercial nature of the site is noted but there is an expectation that a residential redevelopment of the site should provide an environment suitable for such a use of the site.

#### Layout and density

- 7.3.3 Principle B5 of the LVDS indicates that the redevelopment of the commercial centre of the village should provide a more defined structure for the layout of buildings and car parking which will substantially increase the amount of landscaping and reduce the impact of car parking on the streetscene. Principle 6.2 of the RDG indicates that developments should create a hierarchy of streets based on street character and form. Principle 6.3 of the RDG requires the integration of parking into the street in an attractive manner. Principle 6.7 of the RDG sets out the requirements for parking courts, which should be softened with generous soft landscaping.
- 7.3.4 The proposed layout reflects the more recent developments to the east, such as Coyne Close, which are based upon the provision of two rows of development, one row close to the front of the site with a second row centrally positioned with parking and servicing arrangements in between. Each row provides narrow house plots, often in the form of short terraces or semi-detached houses. The current proposal would also provide two rows of development with two terraces and the flatted block to the front with two terraced blocks behind, and facing, the parking and servicing arrangements.
- 7.3.5 This approach would remove the hardstanding and commercial appearance of the site with small front gardens provided to soften the appearance of this development from Guildford Road. However, the proposal would provide a high level of unrelieved hardstanding in the middle of the site, to accommodate the parking and servicing required for the scheme, which limits the opportunities to provide soft landscaping in this part of the site. The Council's Urban Design Consultant (UDC) advises that use of soft landscaping can provide a softening of the development and provide communal green space(s) and placemaking. The attempt to break-up the expanse of hardstanding has been unsuccessful, failing to meet the requirements of Principle 6.7 of the RDG. For example, trees have been shown indicatively between parking spaces and the access path where it would not be feasible to plant trees. The small front gardens provided for the houses to the rear also reflects this limited scope for providing soft landscaping in this part of the site. The access approach, between the flatted block and terraced houses, also provides little scope to provide soft landscaping, particularly the limited gap between the flank wall of the flatted block and the access road/footway. As such, the proposal provides a harsher environment than would be expected for a residential development and this arrangement is considered to be unacceptable.
- 7.3.6 Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising the local character of an area, the environment or the appearance of an area.
- 7.3.7 The current proposal provides an overall density of 79 dwellings per hectare with the houses providing a density of about 55 dwellings per hectare. This compares with neighbouring developments (to the east) of about 35-40 dwellings per hectare. The development would also provide benefits by improving the visual appearance of the site, noting the utilitarian appearance of the existing buildings on the site, lack of soft landscaping and that the recent commercial use is a non-conforming (but lawful) use in this location. However, overall the higher density is a reflection of the concerns raised above in terms of its impact on local character.

#### Design and detailing

- 7.3.8 Principle B5(d) indicates that development should predominantly contain traditional elements such as the use of gables and pitched roofs and there should be a high quality

of architectural details appropriate to the character of the building. Principle 7.5 of the RDG indicates that development which introduces new roof forms that diverge from the prevailing character will be resisted and where a building has been designed to reflect traditional forms and styles, flat roofs should not be used to span overly deep buildings. Principle 7.8 of the RDG requires development to provide architectural detailing to create attractive buildings that positively contribute to the character and quality of an area.

- 7.3.9 The proposed development would provide detailing, as indicated in paragraph 4.2 above, which would be reflective of the traditional character envisaged for this development close to the village centre. However, some elements, particularly the flatted block, introduces crown roofs which use a flat roof element to span the depth (and width) of the proposed building, and provide a top-heavy and bulky roof form. This roof form would be more apparent particularly from views from Guildford Road close to the proposed access road into the site. In addition, Plot 9 would be provided with an L-shaped footprint with a reduced height, providing a larger area of crown roof which, whilst in a corner location within the development, would also be noticeable from public vantage points within and around the site. The UDC has raised concerns about the use of crown roofs within this development.

#### Scale

- 7.3.10 The proposed development would provide a range of dwellings from two to three storeys in height. The general height and scale of the houses would be reflective of the character of the nearby dwellings. However, the proposed flatted block due to its larger depth (17 metres compared to 10 metres for the houses) and height (11 metres compared to 8.2 metres for the frontage houses) along with the two storey height (some with accommodation in the roof) of adjoining dwellings and the limited soft landscaping around it, would provide an abrupt and disruptive change to the character, standing out from, and being out of place within, this environment. The forward projection of the flatted block on the inside of a bend in Guildford Road, at this point, and limited flank set-ins would accentuate this impact. It is noted that Passfield Lodge, which rises to three storeys in height, is located opposite the application site but this lies on a wider, and much deeper, site. The proposed flatted block, in particular, is considered to be unacceptable in this context.

#### Landscaping and trees

- 7.3.11 Principle 6.2 of the RDG requires residential developments to use trees, vegetation, gardens and open spaces to create a strong, soft green character to streets. The existing site is limited in soft landscape cover and the proposal would provide some opportunities to increase the general level of soft landscaping and tree cover at the site but concerns are raised about the harsher environment that is proposed than would be expected for a residential area, as indicated above – particularly to the environment in the access and parking/servicing area between the rows of dwellings. There are a number of off-site trees, predominantly with the gardens of surrounding dwellings, close to the application site. The Council's Arboricultural Officer has indicated that insufficient information has been provided to understand the full impact of the proposal on trees near to the site and potentially having an influence over parts of the site and raises an objection to the proposal on this ground.
- 7.3.12 To summarise paragraphs 7.3.3 - 7.3.11 above, the height, depth and scale of the flatted block, and its crown roof, the predominance of hardstanding around the site access and within the site would result in an overdevelopment of the site, harmful to local character. This opinion is supported by the UDC. In addition, insufficient details in relation to the impact on trees has been provided. As such, the proposal is considered to be unacceptable in terms of its impact on character and tree grounds failing to comply with Policies CP2 and DM9 of the CSDMP and the NPPF, as well as advice in the RDG. An objection is therefore raised on these grounds.

### **7.4 Impact on residential amenity**

- 7.4.1 Policy DM9 of the CSDMP indicates that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. Principle 6.2 of the RDG sets out the requirements for residential developments. 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.
- 7.4.2 The proposed frontage development lies between commercial development to the immediate west and residential properties to the east. The side-to-side relationship between the development and these properties are considered to be acceptable. In addition, the scale of the proposal and the levels of separation to the development opposite, are considered to be acceptable. The relationship of the dwellings within the development and levels of separation between dwellings are acceptable, complying with the RDG.
- 7.4.3 The side wall of Plot 18 faces the rear garden of 6 Grasmere Road. The side wall would be located close to the end of this garden and set-in from the mutual boundary, with this garden which is relatively wide. The rear elevation would only have more oblique views towards the rear wall of this dwelling. As such, it is considered that this dwelling would have an acceptable relationship with this dwelling. Plot 9 has a wedge-shaped plot, tapering to the rear. The proposed dwelling is therefore angled towards the neighbouring residential dwelling, 3 Coyne Close. However, noting the retained separation distance of this dwelling to this plot, and that the proposed dwelling does not extend in front or behind the front and rear walls of this dwelling, an acceptable relationship with this dwelling is proposed. The rear garden boundaries of Plots 10-14 abut the side boundary of the rear garden of 9 Ullswater Close. Noting the length of these proposed rear gardens, it is considered that the relationship between these proposed dwellings and 9 Ullswater Close is also acceptable.
- 7.4.3 The proposal would provide dwelling sizes which exceed the minimum national space standards. The garden sizes would comply with Principles 8.4, 8.5 and 8.6 of the RDG (i.e. a minimum of 3 metre depth for ground floor flats (and separate accommodation for upper floor flats e.g. balconies), 55-65 sqm for two/three bed houses and 70-85 sqm for four/five bed houses) and would provide a development which would therefore provide sufficient garden space for each housing plot and flat unit. However, the proposed flatted block would provide a very limited rear usable amenity space, for 12 flats, which is considered to be unacceptable. The provision of both private individual amenity space and private communal amenity space for the flats has not been shown and would fail to meet the minimum requirements set out in Principle 8.3 of the SPD, and what would be reasonably expected in Principle 8.5 of the RDG.
- 7.4.4 Within the development, there are a number of first floor flank and some rear windows which would be located close to boundaries with adjacent or nearby residential properties and therefore, if the Council had been minded to approved the proposal, a condition to limit these windows to be fitted (and retained) with obscure glazing, with high level openings only, to limit overlooking, could have been imposed.
- 7.4.5 The application site fronts onto Guildford Road, which is a noise-generating source. A scheme to provide double glazed limits would limit the impact of noise on the future occupiers. In this regard, the Senior Environmental Health Officer raises no objections on these grounds.
- 7.4.6 The proposal would provide insufficient private amenity space for the future residents of the flats. As such, the proposal is unacceptable on residential amenity terms, for existing local residents and future residents of this development, and does not comply with Policy DM9 of the CSDMP and the RDG. An objection is therefore raised on these grounds.
- 7.5 Impact on sustainability, highway safety and parking capacity**
- 7.5.1 Policy DM11 of the CSDMP requires 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. All development should ensure safe and well-designed vehicular access and egress and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.

- 7.5.2 Policy CP11 of the CSDMP requires development to comply with parking standards. The SCC parking guidance require a maximum of 2 parking spaces per three bedroom dwelling and 1 parking space per 2 bedroom dwelling. Visitor parking is encouraged where appropriate (e.g. to serve flats). A minimum of 1 fast charge socket is required per dwelling. A minimum of one cycle parking space per three and four bedroom dwelling and 1 cycle parking space per 1 or 2 bedroom dwelling needs to be provided.
- 7.5.3 The current proposal would provide an overall provision of 34 parking spaces (including for 30 dwellings). The level of parking for the size of dwelling (i.e. number of bedrooms) either equals or falls below the maximum parking guidance (see paragraph 4.5 above). The parking guidance encourages the provision of visitor spaces, particularly for flatted development, without providing any minimum requirements. There is limited on-street parking available and parking in the village centre is more limited. However, noting that the site is deemed to be more sustainable, it is considered that the overall level of parking is sufficient for the development. The County Highway Authority (CHA) has raised no objections to this level of overall parking provision, subject to condition(s). The Authority has indicated that the parking demand for the site is 41 parking spaces. However, a parking stress survey has been undertaken which has indicated that there is sufficient on-street parking available in the local area to accommodate any overspill parking.
- 7.5.4 The CHA has advised that the proposal would result in a net reduction in vehicle trips both in the morning and evening peaks and also for the total daily trips when compared to the lawful use of the site as a car sales and repair shop. This indicates a sizable reduction in traffic generation at the site for the proposal when compared with the commercial use of the site.
- 7.5.6 The CHA has advised that the access arrangements are considered to be acceptable, with adequate visibility provided onto Guildford Road. A new bell-mouth junction would be provided onto Guildford Road with dropped crossing points and tactile paving which would be secured through conditions/Section 278 agreement (under the Highways Act 1980). A Stage 1 Road Safety Audit has been completed, and the CHA is satisfied that suitable visibility splays can be achieved. There would be safe pedestrian access into the site.
- 7.5.7 The CHA has confirmed that the proposal would be centrally located close to the village centre where local services and shops are available. There is also good access to local bus services and the nearest rail station (in Bagshot) is within cycling distance. The CHA considers that the proposed development meets the criteria for sustainable development (as defined in the NPPF). Cycle storage could be provided by condition. This could be provided within the house plots and in a shared area for the flats.
- 7.5.8 As such, the proposal is considered to be acceptable on sustainability, highway safety and parking capacity grounds complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

## **7.6 Impact on flood risk and drainage**

- 7.6.1 Policy DM10 of the CSDMP indicates that development within flood risk zones 2 and 3, or on sites of 1 hectare or more, will not be supported unless it can be demonstrated that, through a Flood Risk Assessment, that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral and, where risks are identified flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels, and that the form of development is compatible with the level of risk. Development will be expected to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at an appropriate level to the scale and type of development.

7.6.2 The application site lies in a Zone 1 (low risk) flood area and relates to a site of less than one hectare in area. The proposal includes a surface water drainage scheme with permeable paving for hardstanding (parking, etc.) areas with an attenuation tank for surface water before discharging via a pumping station into the storm sewer. The Local Lead Flood Authority (LLFA) has agreed this arrangement could be provided by condition(s). Thames Water has confirmed that connections to the public sewer system would require a permit under the Water Utilities Act.

7.6.3 No objections are raised on drainage and flood risk grounds with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

## **7.7 Impact on the Thames Basin Heaths Special Protection Area**

7.7.1 Policy CP14 of the CSDMP indicates that development will only be granted where the Council is satisfied that the proposal will not give rise to a likely significant adverse effect upon the integrity of the Thames Basin Heath Special Protection Area (SPA). All new (net) residential development within 5 kilometres of the SPA is considered to give rise to the possibility of likely significant effect. Policy NRM6 of the SEP reflects these requirements. Proposals will be required to provide appropriate measures in accordance with the AAP. This includes contributions towards SAMM measures. SANG requirements are provided through CIL.

7.7.2 The applicant has confirmed that a SAMM contribution of £20,803.84 would be required through a legal agreement or upfront payment. With this contribution not secured to date, an objection is raised on SPA grounds with the proposal failing to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the NPPF and advice in the AAP. An objection is raised on these grounds.

## **7.8 Impact on ecology**

7.8.1 Policy CP14 of the CSDMP requires development to conserve and enhance biodiversity with new opportunities for habitat creation and protection will be explored in particular on biodiversity opportunity areas. Development that results in harm to or loss of features of interest for biodiversity will not be permitted. Paragraph 174 of the NPPF indicates that planning decisions, and therefore development, should contribute to and enhance the natural environment by minimising impacts on, and providing net gains for, biodiversity. The need for biodiversity net gains are also set out in the Environment Act 2021, but this need would need to be supported by secondary legislation.

7.8.2 The commercial use of the site has limited any impact of the proposal on biodiversity. The ecological report confirms that there are no protected species on this site but biodiversity enhancements should be provided as a part of this development. The Surrey Wildlife Trust has raised no objections subject to this provision by condition.

7.8.3 As such, it is considered that the proposal is acceptable in ecological terms with the proposal complying with Policy CP14 and the NPPF.

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

7.9.1 Policy CP5 of the CSDMP requires the provision of 40% of the proposed housing to be affordable. This is normally split between socially rented and intermediate (shared ownership). The definition of affordable housing, as set out in Annex 2 of the NPPF, has widened the options for affordable housing. The more recent Written Ministerial Statement, and the Council's First Homes Policy Guidance, requires 25% of the overall provision to be provided as First Homes, which is a form of discounted market sale housing. The WMS indicates that there is a requirement that a minimum proportion of 25% of the overall affordable housing provision should include First Homes. First Homes must be sold at a minimum discount of 30% below their full market value, with the owner/occupier fulfilling eligibility criteria, and the discount provided in perpetuity. For the current proposal, there would be a requirement for 3 First Homes; 6 socially rented and 3 intermediate units to meet the FHP.

- 7.9.2 Whilst the applicant proposes that the 12 flats would be affordable (or 40% of the overall development in line with Policy CP5), this would all be intermediate housing. Given that there is a requirement for First Homes and socially rented units, the proposal would therefore fail to comply with national and local policy. Policy CP5 does go on to state that in seeking affordable housing provision the Borough Council will assess scheme viability, including assessing the overall mix of affordable unit size and tenure, other development scheme costs and any Housing Corporation grant subsidy secured. However, the applicant has provided no viability evidence to support the case for only intermediate housing, and in the absence of this evidence the application is contrary to Policy CP5. Furthermore, even if this form of affordable housing is deemed to be acceptable, then the applicant has not provided a legal agreement to secure this.
- 7.9.3 Policy CP6 of the CSDMP requires the provision of a range of housing sizes across the Borough. The proposal would provide 63% two bedroom and 37% three bedroom units. It is considered that the proposal provides a range of housing with different sizes and, noting its location, would provide an acceptable mix of housing.

## **7.10 Other matters**

- 7.10.1 Policy CP2 of the CSDMP indicates that development will be required to provide measures to improve energy efficiencies and sustainability. The energy statement provided to support the application includes measures to include a fabric first approach, within the building fabric, insulation and double glazing, high-efficiency heating systems and low energy lighting. In addition, photovoltaic panels to the south west and south east facing roofslopes would be provided. An expected reduction of 19% reduction in emissions which is equivalent to Level 4 Code for Sustainable Homes and Part G water requirements. These matters could have been provided by condition.
- 7.10.2 Policy DM16 of the CSDMP requires the provision of play space provision for residential developments on site. The policy does not set a site area or threshold as to when this is required. The supporting text goes on to explain that this should be as the need arises and be negotiated on a case by case basis. The proposal does not include such provision, but noting the lower number of residential units to be provided, it is not considered that an objection can be raised on this ground.
- 7.10.3 Policy DM17 of the CSDMP indicates that on sites of 0.4 hectares or over, a prior assessment of the potential archaeological significance of the site has to be undertaken. In this case, a desk-based assessment has been provided which indicates that the site has a low archaeological potential. In addition, due to the previous site history, the archaeological implications for this development are low, with no evidence indicated, and it is considered that a programme of archaeological work is not required in this instance.
- 7.10.4 Paragraph 183 of the NPPF indicates that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land contamination. Noting the historic site use, it is considered prudent to seek agreement of an approach to any land contamination on this site. A condition in this respect would be required, an approach which is supported by the Senior Environmental Health Officer.

## **8.0 POSITIVE/PROACTIVE WORKING AND PUBLIC SECTOR EQUALITY DUTY**

- 8.1 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 1 or more of 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.
  - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.

- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered to be acceptable in terms of its impact on, highway safety and parking capacity, ecology, flood risk/drainage and archaeology. However, an objection is raised on character and residential amenity grounds. Without the completion of a legal agreement to secure affordable housing (including First Homes) and a contribution towards SAMM measures, the application proposal is considered to be unacceptable on these grounds. An objection is therefore raised to this proposal.

## **10.0 RECOMMENDATION**

The Council **WOULD HAVE REFUSED** for the following reasons:

1. The proposed development by reasons of its layout and density, dominated by a central parking and servicing area with a lack of soft landscaping, would result in an incongruous form of development. In addition, the flatted block that would provide insufficient amenity space and the height, depth and crown roof of this block would be harmful to the visual amenities of the streetscene. As such, the overall proposal would amount to an over development of the site that would fail to respect and successfully improve the character and quality of the area and fail to comply with Principles B1 and B5(d) of the Lightwater Village Design Statement SPD 2007; Principles 6.2, 6.3, 6.4 and 6.7 of the Residential Design Guide SPD 2017; and Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.
2. The proposed development would provide insufficient private amenity space for the flatted block which would result in poor living conditions for future occupiers failing to comply with Principles 8.5 and 8.6 of the Residential Design Guide SPD 2017; and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.
3. It has not been demonstrated that the proposal would not have an adverse impact on the health of trees around the site failing to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.
4. The Local Planning Authority, following an Appropriate Assessment and in the light of available information, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect significant concerns remain with regard to the adverse effect on the integrity of the SPA in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the Local Planning Authority is not satisfied that Regulation 62 (of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) applies in this case then it must refuse the application in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. For the same reason the proposal conflicts with the guidance contained within the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy

NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019.

5. The proposal fails to provide the necessary mix of affordable housing, including First Homes and social rented units, and no viability evidence has been provided to justify the applicant's position. Furthermore, in the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990, the proposal fails to secure any provision for affordable housing. The application is therefore contrary to the aims and objectives of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework, and advice within the Surrey Heath First Homes Policy Guidance Note 2021 and Written Ministerial Statement (24.05.21).