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To: All Members of the **PLANNING APPLICATIONS COMMITTEE**

The following papers have been added to the agenda for the above meeting.

These planning updates were not available when the reports in the main agenda were originally prepared and supplement the information contained in those reports.

Yours sincerely

Damian Roberts

Chief Executive

PLANNING APPLICATIONS SUPPLEMENTARY INFORMATION

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20 April 2023

Planning Applications Committee

Update

Item No.	Site address	Report Recommendation
4	22/0828/FFU Land to the West of Church Road, Church Road, West End	REFUSE

The applicant details: Chobham Poor Allotment Charity.

For background information and to assist on the matter of the Thames Basin Heath SPA, an appeal decision from elsewhere in the borough is appended.

Item No.	App no. and site address	Report Recommendation
5	TP011/22 54 Church Road, Bagshot	Confirm TPO without Modification

NO UPDATES

Item No.	App no. and site address	Report Recommendation
6	23/0220/FFU Library Chambers, 63a High Street, Bagshot GU19 5AH	GRANT, subject to conditions

The applicant details: Surrey Heath Borough Council

The applicant has confirmed agreement to the pre-commencement conditions

Additional condition 17

No development shall commence until a Construction Transport Management Plan, 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) measures to prevent the deposit of materials on the highway

(e) hours of operations

have been submitted, to and approved in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with policies DM9, CP11 and DM11 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Item No.	App no. and site address	Report Recommendation
7	23/0221/LLB Library Chambers, 63a High Street, Bagshot GU19 5AH	GRANT, subject to conditions

The applicant details: Surrey Heath Borough Council

Item No.	App no. and site address	Report Recommendation
8	23/0005/RRM Gordon Murray HQ, Highams Park, Chertsey Road, Windlesham, GU20 6HZ	GRANT, subject to conditions

NO UPDATES

Item No.	App no. and site address	Report Recommendation
9	22/1268/FFU Compton Place Business Centre, Surrey Avenue, Camberley GU15 3DX	GRANT, subject to conditions

NO UPDATES

Item No.	App no. and site address	Report Recommendation
10	22/1285/FFU Unit 9 Stanhope Road, Camberley Camberley GU15 2BW	GRANT, subject to conditions

NO UPDATES



Appeal Decisions

Hearing Held on 14 May 2019 & 1 October 2019

Site visit made on 1 October 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal A: APP/D3640/W/17/3172651

Development at Camberley Village, Aura Care Living, King's Ride, Camberley GU15 4LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Court House Care Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref 16/0779, dated 8 August 2016, was refused by notice dated 14 February 2017.
 - The development proposed is development of new purpose built dementia extra care units arranged over 2 storeys together with associated car parking, access arrangements, landscaping and amenity space provision in association with care home consented under 15/0106.
-

Appeal B: APP/D3640/W/18/3197635

Kings Lodge Care Home, 122 Kings Ride, Camberley GU15 4LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Banham of Court House Care Group against the decision of Surrey Heath Borough Council.
 - The application Ref 17/0702, dated 27 July 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the provision of 18 further bed spaces on the second floor of the existing care home; to be facilitated by the provision of dormer windows and roof lights within the roof plane of the existing building.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the provision of 18 further bed spaces on the second floor of the existing care home; to be facilitated by the provision of dormer windows and roof lights within the roof plane of the existing building at Kings Lodge Care Home, 122 Kings Ride, Camberley GU15 4LZ in accordance with the terms of the application, Ref 17/0702, dated 27 July 2017, subject to the conditions in the attached Annex and planning obligations set out in the Unilateral Undertaking dated 10 October 2019.

Procedural Matters

3. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the above headers. I will deal with each appeal separately. The descriptions of development for the appeals are taken from the respective original application forms.
4. During the course of the appeal process, in response to comments made at the Hearing on 14 May 2019 and concerns over the degree of mobility of residents with regard to the impact on the Thames Basin Heaths Special Protection Area (SPA), the Appellant has changed the minimum age restriction of residents for the Appeal A proposal within the planning obligation from 65 to 75. The Appellant also states that this reflects advice provided at the Hearing that those living on the site would on average be in their late 70s, early 80s.
5. The original planning application details relating to Appeal A included references to over 55s and to an average age of occupants of 65 to 75. Furthermore, at the appeal stage, the Appellant's submissions highlighted that the proposed Appeal A development would be for over 70 year olds, expecting an average of between the ages of 80 and 85. The now proposed minimum age of 75 is therefore not wholly inconsistent with the ages referred to in documents that were consulted upon at the application and initial appeal stages. As such, I consider that there has been sufficient basis for interested parties to comment on any effects on the SPA in respect of prospective residents aged 75 or above. I therefore consider that the scheme has not evolved sufficiently in this respect to cause me to find that any party has been prejudiced. Furthermore, the Council and those present at the Hearing had the opportunity to comment on this matter at that event. For the above reasons, in respect of Appeal A, I have taken account of the change to the minimum age limit of prospective residents to 75.
6. Reference is made in the Council's decision notice to the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (the SPAAS). I have had regard to that document and afforded it some weight on the basis that it supports the relevant policies of the development plan.

APPEAL A

Main Issues

7. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the surrounding area;
 - ii) The effect of the proposed development on the SPA and the relevant Site of Special Scientific Interest (SSSI);
 - iii) The effect of the proposed development on protected species on the site.

Reasons

Character and appearance

8. The existing building on the site occupies a fairly central position well away from the site boundaries. As such, the site generally retains an open and spacious character, which is seen as such from both King's Ride and footpaths

within the woodland to the east, through varying extents of boundary trees and other vegetation. Seen from King's Ride in particular, the presence of mature trees within and around the edges of the site adds a pleasant verdant quality to that existing character. Despite the presence of houses to the south and west of the site on King's Ride, the open, spacious and verdant characteristics of the site are consistent with its peripheral location close to the edge of the settlement, with an open field to the north, and woodland forming part of the SPA extending to the east.

9. The proposed development would still be set away from the King's Ride boundary but it would be much closer than the existing main building, and very close to the belt of trees running along that boundary. Nevertheless, as the majority of those frontage trees are proposed to be retained, they would still be the more prominent feature of the site seen from the more distant approaches along King's Ride.
10. However, closer to the site and in front of it, the nearest proposed buildings to the road, comprising the rear elevation of one and the end elevation of the other, would be clearly seen through and close to the frontage trees, more so in the winter without much leaf cover. Those buildings would also be part 2-storey but largely 3-storey height, albeit with the third storey in the roof with dormers. As such, due their height, extent along that part of the King's Ride frontage, and proximity to the road, those nearest proposed buildings would be likely to form prominent hard features in the streetscene. In this respect, they would also screen from sight a large part of the southern end of the site, including high quality individual oak tree specimens, currently seen through the frontage trees to varying degrees from King's Ride in the closer vicinity of the site. These factors would combine to significantly and obtrusively reduce the existing characteristically open, spacious and verdant nature of the site at this peripheral location on the settlement edge.
11. In the context of the streetscene of King's Ride, the 3-storey elements of the proposed buildings closest to the road, particularly due to a significant coverage of roof dormers and the proximity to the road, would also jar with the existing distinctly two storey dwellings near to the site.
12. Even were the existing frontage tree cover to be added to by new planting, this would still be unlikely to significantly screen or soften the proposals as seen from the King's Ride in the closer vicinity to the site, particularly in the winter months. This would also be due to the likely need to prevent such planting from being so dense as to cause unacceptable over-shadowing of the proposed units.
13. One of the proposed new buildings would also project close to the eastern site boundary. Due to that proximity, along with its extent and height, the building concerned would be clearly visible and much more prominent than the existing main building through a thin line of boundary trees, as seen from nearby footpaths in the SPA. Any proposed new planting could not be guaranteed to adequately screen or soften the building, particularly in the winter and also in terms of whether such vegetation would be maintained as such or survive in the longer term. As seen from those footpaths to the east of the site, the proposals would therefore also dominantly and obtrusively interrupt the distinctly open and spacious character of that part of the SPA and its immediate environs including the appeal site.

14. In terms of the health of the existing trees on the site, I have considered the close relationship of the proposed development to a number of those intended to be retained. Due to the nature of the soil, with roots likely to project deeply, combined with the degree, albeit fairly small, to which the buildings would be set away from the trees, there would be scope to ensure their protection and retention. This would also be without substantial or harmful amounts of pruning either initially or with the buildings occupied, subject to controls secured by conditions.
15. The proposed realignment and extension of the internal access road would take it closer to existing good quality and attractive trees. However, again due to the soil type and with appropriate construction and management measures, the health and integrity of those trees would be appropriately maintained.
16. Despite maintaining the health and integrity of existing trees intended to be retained on the site, and whilst having had regard to the submitted Landscape and Visual Appraisal, for those other reasons referred to above I conclude on this issue in relation to Appeal A that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would be contrary to policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies (the CSDMP) which together require, amongst other things, development to respect and enhance the character of the environment. It would also be contrary to section 12 of the National Planning Policy Framework (the Framework) which relates to achieving well-designed places.
17. The Council, in its decision notice, also refers to policy CP1 of the CSDMP. However, that policy relates to spatial strategy and so is not directly relevant to this particular issue.

Effect on SPA/SSSI incorporating Appropriate Assessment (AA) under the Birds or Habitats Directives and Habitats Regulations

18. There is a need to protect the integrity of the SPA, in particular relating to heathland areas which do or could support three species of rare birds, namely the Dartford warbler, nightjar and woodlark. The SPA is fragmented and interspersed by urban areas which makes it particularly vulnerable to the effects of new development and urbanisation. All three of the birds concerned nest on the ground or at low level and so are easily disturbed or harmed by human activity. In particular, this includes recreational activity such as dog walking. Predation by domestic cats is also a risk factor, as is the potential for fly tipping and arson on the heathland habitat.
19. To ensure such protection, a 400 metre exclusion zone beyond the SPA for new residential development is set out in policies CP14B of the CSDMP and NRM6 of the South East Plan and in the SPAAS. Furthermore, those same documents set out a 5 kilometre (km) range within which new residential development is considered to give rise to the possibility of likely significant effect on the SPA.
20. The proposed development would be located within 400 metres of the SPA which, at its nearest point would be a short distance away to the east. Distances to other parts of the SPA via existing roads and associated footways would however be longer but, at the nearest points, not substantially more than 400 metres and still well within the 5 km range.

21. The proposed Appeal A development would involve self-contained accommodation for residents who are in need of a minimum of 4 hours per week of personalised care. As such, this does not necessarily mean that residents would need constant care or would have impaired mobility, albeit likely to be reduced to varying degrees through age and with a minimum age restriction of 75, which would be secured through a planning obligation. Furthermore, and importantly, partners without such needs would also be able to live there, again providing they are 75 or older, who would potentially have a good degree of health and mobility in any case. There would also be no restrictions relating to visitors in terms of age or mobility.
22. There are no direct access points from the site to the SPA and none are proposed. There is also existing fencing, without any access points within it, between the site and SPA which is proposed to be retained and potentially enhanced. This could be further controlled by condition.
23. Nevertheless, there is no substantive evidence to indicate that the occupiers would necessarily have such impaired mobility, despite the age restriction, or be in such poor health as to prevent them walking the distance to the SPA via local highway footways or from a visitor's car parked adjacent to the SPA. Furthermore, although Kings Ride slopes upwards on the route to the SPA north of the site, it is not particularly steep and would not necessarily deter mobile residents from walking up it.
24. Residents would have the options to exercise within the on-site grounds or the close-by large field to the rear of properties on the other side of King's Ride from the site, or to walk to the nearby town centre. Nevertheless, the SPA is an attractive and extensive outdoor space that would offer a different option in terms of the visual environment and thereby still be likely to attract use, particularly by the more mobile residents and their visitors. This is particularly as the SPA would be visible from the site and so to the forefront of residents' awareness. Getting to the SPA would also be quicker and easier were visitors to take residents to the SPA's access points in their cars. There would also be the potential for the visitors, who may not live locally, bringing dogs with them.
25. The Appellant highlights that the submitted SPA visitor survey indicates limited use by people over 70 years of age. Notwithstanding that current analysis, the proposal would introduce a significant number of additional local residents falling within that age category in the vicinity, thereby increasing the likelihood of such visits. I have therefore afforded little weight to this factor.
26. For the above reasons, the proposed development would have the potential, in the absence of avoidance and mitigation measures, for generating recreational activities within the SPA that would be likely to cause disturbance to and significantly impact upon its habitats and features and to threaten its integrity. It therefore remains to consider the submitted planning obligations which seek to prevent access to the SPA by prospective residents and visitors, including any associated dog walking, and predation by pet cats on the SPA's rare bird species referred to above.
27. The obligations include provision for an information pack that would highlight the value and fragility of the SPA; prevention of any member of staff or employee from organising any trip, outing or visit to the SPA; and not allowing any cats or dogs (except for assistance dogs and guide dogs) onto the site, all of which would be reasonable and enforceable so far as the prospective

- residents are concerned. However, there is no substantive evidence to indicate that these obligations alone would be likely to stop residents from accessing the SPA. Furthermore, there is insufficient evidence to indicate how visitors could be prevented from bringing their dogs, particularly if they parked outside of the appeal site and left the dog in the car temporarily, thereby not taking it onto the appeal site.
28. The obligations also include clauses whereby occupation of a unit would be subject to a lease, tenancy or licence containing a covenant that the occupier(s) shall not venture onto the SPA, and not bring a private vehicle on to the site or park it there; and separately that they would not in any case be permitted to bring a car on to the appeal site or park it there or to use any private vehicle in conjunction with their occupation of their unit.
29. In terms of the clause to prevent residents entering the SPA through a covenant, I acknowledge that those residents would know what they were agreeing to on taking up residency. It is also claimed by the Appellant that a resident would not wish to risk jeopardising the ability to live there by breaching the terms of the covenant. However, that could not be assumed to be the case, and so would not necessarily in itself prevent residents from entering the SPA. Furthermore, the clause would also be applicable to visitors. In this respect, I consider that preventing visitors from accessing the SPA would be even less enforceable, particularly as they would not otherwise have such restrictions placed on them by virtue of living elsewhere and being free to visit the SPA anyway, albeit less likely if living some distance away.
30. Based on the submitted evidence, I also consider such a restriction of movement for residents to be unreasonable whereby the SPA is otherwise available for unrestricted access by anyone. Notwithstanding this, and importantly, I consider that it would be very difficult to monitor and therefore enforce by either the Appellant or the Council, as residents would be free to informally come and go from the site at any time. It is also highlighted by the Council that there would be scope for residents to seek relief from forfeiture of a lease, even were the covenant found to have been breached, and I have received no substantive evidence to the contrary.
31. I note the Appellant's reference to another appeal decision¹ (the Davenport case) where the Court upheld a condition on a planning consent which prevented vehicles owned or controlled by the applicant from being parked on the public highway. That decision is cited by the Appellant in terms of the principle of imposing a condition that controls activity that would otherwise be permissible on third party land, in that case Highway Authority land. Whilst I acknowledge the potential to apply such a principle, the circumstances enabling that in the Davenport case were different to those of the current appeal.
32. In this respect, in the Davenport case, unlike the current appeal, the condition concerned would not prevent people from using the land concerned, the public highway in that case, just the parking of vehicles on it. Furthermore, any breaches of the condition in the Davenport case would have been more easily detected and recorded, involving vehicles with number plates on a public highway, than the situation in this appeal involving people walking on open land. I have therefore afforded little weight to the Davenport case in respect of this matter.

¹ Davenport & Another v. Hammersmith and Fulham LBC [1999] 2 PLR p.96

33. For these combined reasons, and with regard to paragraph 56(c) of the Framework, the obligation to specifically prevent residents or their visitors from venturing onto the SPA would not be fairly and reasonably related in scale and kind to the development.
34. It would be enforceable and reasonable to prevent private vehicles belonging to occupiers from being on the site, particularly were transportation provided to the town centre and other destinations by the Appellant. However, the obligations would not prevent residents from being taken out in visitors' cars. This would therefore increase the likelihood of residents visiting the SPA with the reduced amount of walking needed.
35. For the above reasons, I have insufficient basis to consider that prospective residents of the proposed Appeal A development and/or their visitors would not access the SPA or that the frequency and extent to which they would do so would be so low as not to be likely to have a significant effect on the SPA. This is despite the minimum age restriction for residents of 75. Any harm caused to the SPA in this case would most likely be by trampling of habitat or by disturbance of that habitat and its features by dogs belonging to visitors of the residents.
36. Therefore, and in the absence of adequate avoidance and mitigation measures, I conclude on this issue and AA that I cannot be certain that the proposed development relating to Appeal A would not adversely affect the integrity of the SPA and SSSI. As such, it would be contrary to policies CP14 of the CSDMP and NRM6 of the South East Plan and the SPAAS which together seek the protection of SPAs and SSSIs, and to the Habitats Regulations. Because of my conclusion on this issue, under paragraph 177 of the Framework the presumption in favour of sustainable development does not apply. I will consider this issue further in the planning balance.

Protected species

37. For the most part, it is common ground between the Council and Appellant that it has been demonstrated through various submissions that there would be no implications for protected species on the site as a result of the proposed development, subject to appropriate mitigation measures. I have no substantive basis to consider otherwise. However, prior to the Hearing, there remained concern in relation to the proposed encroachment onto a reptile translocation area that was created in relation to the development of the existing care home on the site. Such concern particularly relates to a risk of formerly translocated reptiles still being alive and having to be moved again, thereby causing them unacceptable stress. This would apply more to longer living species, the submissions highlighting that slow worm and snake species can have a lifespan of 10 years or more.
38. Further submissions indicate that the only historic translocation site which overlaps with the proposed development received reptiles in 2012 at the latest. Furthermore, only a relatively small area of that site would be overlapped by the proposals which in itself would lessen, to some degree, the likelihood of reptiles being affected. Additionally, the Appellant has demonstrated the proposed phasing of development which would be likely to result in the part affecting the overlap area not commencing until approximately 10 years after the previous translocation. Such phasing could be controlled by condition. The

combination of these factors would be likely to avoid the risk of any single reptile having to be moved for a second time in its lifetime.

39. For the above reasons, the proposed development would not be likely to have an adverse impact on protected species on the site. As such, in respect of this issue, it would accord with policy CP14A of the CSDMP and section 15 of the Framework which relate to conserving and enhancing biodiversity in the borough and the natural environment respectively.

Planning balance in respect of Appeal A

40. Under the Habitats Regulations, subject to considerations of overriding public interest, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site (the SPA in this case). I have not been able to ascertain that to be the case as I cannot be certain that the proposed development relating to Appeal A would not adversely affect the integrity of the SPA. Given the high bar set under the Habitats Regulations for the protection of SPAs, I have therefore afforded very substantial weight to my conclusions on this matter.
41. I have also found that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. That it would not be likely to have an adverse impact on protected species on the site does not deflect from or influence my findings above on those other main issues.
42. I have considered the benefits of the proposal, in particular the undisputed need for the accommodation concerned, the claimed lack of alternative sites, and also the situation whereby the Council is not currently able to demonstrate a five year supply of deliverable housing sites. In this respect, I have had regard to the Framework which highlights in paragraph 59 that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Furthermore, I acknowledge the importance of providing housing for older people as the proportion of older people in the population generally is increasing.
43. The provision of 41 care home units would therefore represent a significant benefit in contributing towards addressing the above needs. However, it would not be so significant as to override or outweigh my conclusions above relating to the effect of the proposed development on the integrity of the SPA, to which I have afforded very substantial weight, and the harm that would be caused to the character and appearance of the surrounding area. Furthermore, I am aware of no other benefits, including in relation to the accessible location on the edge of the settlement and in terms of job creation during and post construction, that would be sufficient to tip the balance in favour of the proposed development.

APPEAL B

Main Issue

44. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Main issue

45. The proposed Appeal B development, externally, would involve just fairly modest sized additions to its roof. Together with the degree of separation between each dormer, those additions would appear subservient to the existing roof and building generally which itself would remain set well away from the site boundaries. The open and spacious nature of the site would therefore be preserved in this case.
46. There would be additional occupants, staff and potential visitors to the site. However, I have received no substantive evidence to indicate that this would result in a significant or clearly noticeable increase in levels of activity on and around the site, particularly as it would only relate to 18 additional units, and for residents who would be unlikely to be highly mobile.
47. For the above reasons, I conclude on this issue that the proposed Appeal B development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would accord with policies CP2 and DM9 of the CSDMP which together, as referred to previously, require amongst other things development to respect and enhance the character of the environment. It would also accord with section 12 of the Framework which relates to achieving well-designed places.
48. The Council, in its decision notice, also refers to policy CP1 of the CSDMP. However, as referred to in respect of Appeal A, that policy relates to spatial strategy and so is not directly relevant to this particular issue.

Effect on SPA/SSSI incorporating AA under the Birds or Habitats Directives and Habitats Regulations

49. I have previously set out, in relation to Appeal A, the need to protect the integrity of the SPA, the reasons for this, the threats to its integrity, and the development plan policy relating to a 400 metre exclusion zone for new residential development and a 5km buffer around the SPA. I shall therefore not repeat those matters in any more detail here.
50. As for the Appeal A proposals, the proposed development relating to Appeal B would be located within 400 metres of the SPA which, at its nearest point would be a short distance away to the east. Again, distances to other parts of the SPA via existing roads and associated footways would however be longer but, at the nearest points, not substantially more than 400 metres and still well within the 5 km range.
51. In adding to the number of residents at the site, the proposed Appeal B development would increase the local population, albeit likely to be to a lesser extent than for Appeal A. Given the proximity of the SPA referred to above, the proposed Appeal B development would therefore have the potential to

- significantly affect the integrity of the SPA through recreational activity and predation from cats.
52. The proposed development would involve adding to the existing care home accommodation within the existing building, albeit with the addition of roof dormers and rooflights. The prospective residents would be mentally and/or physically frail or in need of assistance with normal activities of daily life or persons suffering from Alzheimer's or other clinical dementia, which would be criteria for occupancy secured by a planning obligation. This in itself would prevent the likelihood, due to insufficient mobility and the need for more constant care, of those residents walking to and on the SPA. They would not be living in self-contained accommodation and there would be no staff accommodation within the approved development, which could be secured by condition. There would also be no provision for relatives to live there who did not meet the above criteria.
53. Furthermore, the planning obligations would secure measures preventing any member of staff or employee from organising any trip, outing or visit to the SPA; not allowing any cats or dogs (except for assistance dogs and guide dogs) onto the site; and the issuing of an information pack to all residents and members of staff or employees, relating to the value and fragility of the SPA. These obligations would be reasonable and enforceable.
54. Other appropriate conditions could also be imposed to further protect the integrity of the SPA including to ensure that the development would only be used for care home purposes; and to secure the submission and implementation of a Method of Construction Statement which, amongst other things, would control the storage of plant and materials, prevent on-site burning of materials, and ensure measures to minimise dust generation, during the construction phase.
55. The above factors would therefore combine to prevent the likelihood of any additional people or pets accessing the SPA as a result of the proposed Appeal B development. The planning obligations and conditions referred to above also relate to measures which are broadly consistent with advice from Natural England. I therefore conclude on this AA relating to Appeal B that for the above reasons and with the controls referred to above in place, the development would not adversely affect the integrity of the SPA. As such, the proposed development would accord with policies CP14 of the CSDMP and NRM6 of the South East Plan and the SPAAS which together seek the protection of SPAs and SSSIs, and with the Habitats Regulations.

Conditions and planning obligation relating to Appeal B

56. The Council has suggested seven conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the National Planning Practice Guidance and amended the wording of one.
57. The standard time condition is required in this case and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.

58. In the interests of the character and appearance of the surrounding area conditions would be necessary to secure the submission and approval of the proposed external materials relating to the development; and details of refuse and cycle storage facilities, also in the interests of the residential amenities.
59. In order to protect the integrity of the SPA, alongside the planning obligations referred to below, a condition would be necessary to control the use of the proposed development, for care home purposes only and with no self-contained or staff accommodation. The Council has also suggested the inclusion of more detailed occupancy restrictions within such a condition. However, I consider that the planning obligations adequately deal with these restrictions, along with that relating to cats and dogs, and that there would be unnecessary repetition were they to also be included in a condition. I have therefore amended the wording of the suggested condition accordingly.
60. In the interests of highway safety and to protect the integrity of the SPA a condition to ensure that the parking provision and access to it would be implemented in accordance with the approved plans, and to restrict vehicular access to the site, would be necessary.
61. A condition to ensure that the development would be carried out in accordance with a Method of Construction Statement (MCS) would be necessary in the interests of the living conditions of existing residents on the site and surrounding area, highway safety, and the protection of the retained trees on the site. Natural England has also raised the need for measures to minimise dust generation to the extent that it could otherwise spread onto the SPA and affect the habitat and its features. Although not included in the suggested MCS condition, in order to provide necessary protection to the SPA, I consider it necessary to include a clause relating to measures for minimising dust generation, which would not be unexpected given Natural England's reference to it.
62. As referred to previously planning obligations have been submitted for the appeal scheme making provision for measures to protect the integrity of the SPA in accordance with policies CP14 of the CSDMP and NRM6 of the South East Plan and the SPAAS. Based on the submitted evidence, and the relevant development plan policies, I am satisfied that the provisions would meet the tests set out in paragraph 56 of the Framework and Regulation 122(2) of the CIL Regulations.

CONCLUSIONS

63. For the above reasons, and having taken account of all other matters raised, I conclude that Appeal A should be dismissed, and that Appeal B should be allowed.

Andrew Dawe

INSPECTOR

APPEARANCES (on both days of the Hearing unless specified)

FOR THE APPELLANT:

David Manley QC (14 May 2019 only)	Kings Chambers
Guy Wakefield MRTPI	Consultant – Ridge and Partners LLP
Nigel Appleton (14 May 2019 only)	Contact Consulting (Oxford) Ltd
Dr Katy Read (14 May 2019 only)	Middlemarch Environmental Ltd
Matthew Reid	MHP Arboriculture
Paul Harris CMLI	MHP Design
Max Banham	Appellant
Ed Lattimor (1 October 2019 only)	Works for Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Duncan Carty	Case Officer
James Neill (1 October 2019 only)	Barrister
Paul Watts (1 October 2019 only)	Arboricultural Officer
Rebecca Balten (1 October 2019 only)	Solicitor

INTERESTED PERSONS:

Jenny Garner	Local Resident
David Garner	Local Resident
Tek Gurung	Local Resident
Roger Harden	Local Resident
Denise Harden	Local Resident
Lucille Dangerfield (1 October 2019 only)	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING (on 14 May 2019):

1. Copy of appeal decision Ref APP/D3640/W/18/3207009 relating to 9 Southwell Park Road, Camberley.
2. Copy of policy CP6 of the CSDMPD.
3. Copy of Care Quality Commission inspection report relating to Kings Lodge, dated 27 November 2018 (at the Hearing it was agreed it could be submitted, but was actually received from Jenny Garner later that day, after the adjournment, and was subsequently forwarded to the Council and Appellant on 17 May 2019).

ANNEX – Conditions relating to Appeal B

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following plans: AL(0)003 Rev D, AL(0)012, AL(0)013 and AL(0)014.
3. Prior to the construction of any external surfaces of the proposed development, details and samples of the external materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using only the approved materials.
4. The development hereby approved shall be used for care home purposes only and not for any other purpose including any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other statutory instrument and notwithstanding any provision either in force or enacted at a later date. In addition, there shall be no self-contained or staff accommodation within the approved development.
5. The parking spaces and access thereto shall be made available for use, in the layout shown on the approved drawings, prior to the first occupation of the development hereby approved and shall not thereafter be used for any purpose other than the parking/turning of vehicles. Also prior to the first occupation of the development, a coded barrier or other restrictive entry mechanism shall be installed in accordance with details which shall firstly have been submitted to and approved in writing by the Local Planning Authority, and which shall then be retained as such in perpetuity.
6. Prior to the first occupation of the development hereby approved, on-site refuse and cycle storage area(s) and access thereto shall be implemented in accordance with details which shall firstly have been submitted to and approved in writing by the Local Planning Authority.
7. No development shall take place until a Method of Construction Statement (MCS), 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) provision of boundary hoarding;
 - (e) hours of construction;
 - (f) method for keeping the highway clean during the construction period;
 - (g) confirmation that there will be no on-site burning of material during the demolition, site clearance and construction phases;
 - (h) measures for minimising dust generation;

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved MCS.

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