

14 September 2015

Planning Applications Committee
Update

Item No.	App no. and site address	Report Recommendation
4 Page 9	14/0925 Little Heath Nursery, Little Heath Road, Chobham	GRANT Revised to REFUSE

UPDATE

A response to the submitted Flood Risk Assessment has been received from the Lead Local Flood Authority who concludes that surface water drainage can be provided. However the Council's Drainage Officer has objected to the proposal. The basis of this objection is that the information submitted does not adequately demonstrate that the surface water run-off can be accommodated without conflict arising between this and ground water. It is therefore considered that the **Recommendation should be changed** and the application should be **REFUSED** for the following reason:

In the absence of accurate and robust Flood Risk Assessment and Sustainable Drainage Strategy the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not result in an increased risk of either ground or surface water flooding; or that a conflict will not arise between these two water sources. The local planning authority cannot therefore reasonably conclude that the proposal would not result in harm or injury to either future (occupiers of the proposed development), or neighbouring occupiers or their property. As such the development fails to comply with Schedule 3 of the Flood and Water Management Act 2010, paragraph 103 of the National Planning Policy Framework and associated guidance in the Planning Practice Guidance and Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

Suggested informative

1. The applicant is advised that the raising of site levels is not considered to be an appropriate means of addressing the high groundwater table and on-site surface water ponding. This is because the build-up of ground levels will displace standing surface water and is likely to compromise the ability for neighbouring properties to drain effectively. One way this could be addressed (it is accepted there may be others) is by lowering level increases across the site and considering off-set ponding and additional land drainage systems (to the rear of properties (these would need to be shallow and independent from any other drainage system and discharge to the open watercourse at the lowest corner of the site)).
2. The applicant is also advised to address the inconsistencies between the FRA and submitted plans (with specific reference to the discrepancies between finished floor level details / attenuation / landscaping / tree retention).
3. The applicant is also advised to ensure the following matters are addressed in any future application submission:
 - Attenuation systems to cater for a 1:100 year event, +30% climate change, taken for worst case duration scenario and allowing for all impervious hard surface areas

- No buildings, fences or other obstructions to be constructed above existing ground levels within 5.0m of any watercourse (top of embankment)
- Full details of any offset of surface water ponding areas must be provided
- All drainage and attenuation systems to be fully annotated within the proposals. Details to include all pipe sizes and gradients, chamber sizes including cover, sump and invert levels where applicable. All connections to properties to be shown.
- All attenuation systems to be fully detailed with plan sizes, levels and volumes. Details of attenuation tanking and venting systems to be provided.
- New access road to be drained independently from any attenuation system serving properties. Plans to detail a separate attenuation system provision to accommodate highway drainage with all gully connections to be shown. All road levels, kerb levels and drainage attributes to be fully annotated.
- Details must be provided for the surface water system (highway drainage) present at the site access. Full details of any surface water system likely to drain into or through the development must be provided.
- Total flows from the development to be restricted to a maximum of 5.0 litres/second/hectare.
- FFL of all proposed buildings to be provided.
- Levels for all impermeable hard surface areas to be provided must be provided (to include level information around the curtilage boundary and for any paved or parking areas). All elements of the drainage systems to be indicated upon the drainage layout plan

A request for the applications deferral from tonight's Agenda has been received from the Applicant via their Planning Agent. This is made on the basis that the applicant considers that the surface and ground water related objection could be resolved in a timely manner. Officers do not share this view.

Since writing the committee report a further objection has been received from Chobham Parish Council. This reiterates the previous concerns raised and adds that the revised drainage strategy does not address the development's impact off site.

5 further objections have also been received. These reiterate previous comments / objections; in addition specific reference is made to the Windsor Court Development and the contribution this will make to the Affordable Housing provision within Cobham. *[Officer note: this development comprises 8x3 bedroom dwelling houses: it is not a rural exception site and because of this there is no requirement for these units to solely accommodate a local need; notwithstanding this, 4 of the units are to be rented to persons with a local connection to Chobham. It is not however considered that these four units will address the local need identified by the Housing Manager and as reported as part of the main Committee Paper's].*

Comments have also been received from County Cllr Mike Goodman and these are attached for Members consideration.

5 Page 43	15/0175 Camberley Police Station, Portesbury Road, Camberley	GRANT
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UPDATE

Housing Mix and Viability (Paragraphs 5.6, 5.7 and 7.7)

To confirm, the overall development would provide the following housing mix: 3 no. 1 bed (9%); 6 no. 2 bed (17%); 9 no. 3 bed (26%); 5 no. 4 bed (14%); and, 12 no. 5 bed (34%)

The applicant provided additional viability information. The Council's Viability Consultant assessed this and on the basis of revised calculations recommended that 8 affordable units (or 22.8%) ought to be provided. However, following further negotiation the provision from 4 to 6 units (or from 11.4% to 17.1%, respectively) was agreed with the following breakdown proposed:

- Plot 2 Ground Floor 1 Bed Flat (Shared Ownership)
- Plot 3 Ground Floor 2 Bed Flat (Shared Ownership)
- Plot 24 Three Bed House (Affordable Rented)
- Plot 25 Three Bed House (Affordable Rented)
- Plot 26 Three Bed House (Affordable Rented)
- Plot 27 Three Bed House (Affordable Rented)

The Council's Viability Consultant and Council's Housing Manager are supportive of this approach.

Consequently, this development would now deliver a total of 29 market housing of which 2 no. would be 1 bed (7%); 5 no. 2 bed (17.3%); 5 no. 3 bed (17.3%); 5 no. 4 bed (17.3%); and, 12 no. 5 bed (41%).

To reiterate paragraph 7.7.2 of the agenda report, whilst this market housing split is not aligned with Policy CP6 which requires a total of 50% of the market housing to be 3 bed or above, Policy TC18 of the AAP supports family housing at this location. Thus, the higher uplift of family housing, equating to approximately 76% of the total market housing, is not unreasonable.

This viability resolution took longer than anticipated and so there is concern that the legal process to draft and sign the legal agreement will not be completed by the 30 September 2015. Hence, the applicant is agreeable to an extension of time until Friday 30 October 2015.

Drainage (Paragraph 7.10)

Following comments received from the Council's Drainage Engineer further work is required on the drainage strategy before the application can be approved and any necessary drainage conditions imposed. It is therefore recommended that the outstanding drainage issues be agreed under delegated powers and the extension of time until 30 October 2015 will also enable this to happen.

Amended RECOMMENDATION

The Executive Head of Regulatory be authorised to **GRANT** planning permission subject to a receipt of a satisfactory legal agreement to secure affordable housing provision and SAMM (£22,742); subject to receipt of an agreed drainage strategy; and, subject to conditions (as detailed on pages 53-56 of the agenda, and any additional conditions required in connection with the drainage strategy).

In the event that a satisfactory legal agreement and drainage strategy has not been agreed by the 30 October 2015 (with the drainage strategy received for consideration no later than 30 September 2015), the Executive Head of Regulatory be authorised to REFUSE the application for the reasons set out on page 57 of the agenda; and, for the following reason:

3. In the absence of a workable drainage strategy the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the development is appropriately flood resilient and resistant and provides an appropriate sustainable drainage system for the management of run-off. As such the development fails to comply with Schedule 3 of the Flood and Water Management Act 2010, paragraph 103 of the National Planning Policy Framework and associated guidance in the Planning Practice Guidance and Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

6

Page 63

15/0272 Orchard Cottage, Shepherds Lane, Windlesham

REFUSE

UPDATE

Consultee comments

We have had comments from the following:

- Local Lead Flood Authority – Further information provided is not sufficient to meet requirements; there are discrepancies in the information which need to be checked. Therefore a fourth refusal reason is proposed as follows:

4. *In the absence of a workable drainage strategy the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the development is appropriately flood resilient and resistant and provides an appropriate sustainable drainage system for the management of run-off. As such the development fails to comply with Schedule 3 of the Flood and Water Management Act 2010, paragraph 103 of the National Planning Policy Framework and associated guidance in the Planning Practice Guidance and Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.*
- Environment Agency – No comments – low environmental risk
- Fisher German Pipelines – Further clarification that they are satisfied that the works will not affect the pipeline. *[Officer comment: the pipeline is not considered to be a reason for refusal in any case]*
- Windlesham Parish Council – This should have read ‘Comment’ as opposed to ‘Objection’ - Their response read as follows: *Concern expressed by the access from Chertsey Road and highway safety issues, as the local school is only 500 metres away. Council asked if there are any very special circumstances in this case that would allow the Green Belt to be built on*

Very Special Circumstances Statement – received 28th August

The applicant provided an additional statement covering the factors they believe amount to very special circumstances. In the summary they make the following points:

- **Case Law and Planning Policy relating to very special circumstances state that they can be several factors taken together and none of these factors need to be exceptional individually** – Officers do not dispute this. Very special circumstances, however, must outweigh the harm to the Green Belt, and any other harm. Either

alone, or in combination opinion the very special circumstances do not amount to outweigh the significant harm to the Green Belt, and other identified harm to the character of the area and the unsustainability of the location.

Summary of factors put forward by the applicant that they considered amount to very special circumstances:

- 1. A pressing need for specialist residential accommodation in SHBC for older persons** - Officer comment: This is not disputed in the report, however there is no information to suggest that at the present time there is a critical shortage of places in the borough, and the issue remains as to whether this is the appropriate location. Surrey Heath is meeting its housing targets and in any case paragraph 034 of the Housing and Economic Land Availability within the Planning Practice Guidance it makes clear that in decision taking, unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt.
- 2. No objections from either Parish Council and 210 letters of support** – Officer comment: While neither Parish Council has objected, Windlesham PC has raised concern over some issues as stated above.
- 3. Priority rights to the care home proposed for Windlesham and Chobham residents** – Officer comment: the applicant has explained further in this document that this could be done by moving residents of Chobham or Windlesham to the top of any waiting list.
- 4. By providing alternate accommodation, the proposed care home will release residential dwellings onto the wider housing market, reducing pressure on other greenfield sites in the Borough** – Officer comment: this may be the case, however this site causes harm to a greenfield site itself
- 5. Local demand for a doctors surgery in Windlesham parish** – Officer comment: no further evidence of need has been provided to support this within the statement and additionally the County Highway Authority have objected due to the unsustainable location for such a facility
- 6. No alternative non-Green Belt sites are available or suitable in Windlesham or Chobham parishes so if a scheme is to come forward it would have to be in a Green Belt location** – Officer comment: the applicant did not provide an Alternative Site Assessment with this application which would be expected to justify a development on this Green Belt site. Further information has been provided at a late stage within this statement which is taken from the Surrey Heath Land Availability Assessment (SHLAA) and the applicant shows the sites identified within the SHLAA as potentially suitable for development within Chobham and Windlesham and states that there are none outside the Green Belt. However, the important difference between these sites and the application site is that they are likely to be previously developed land; as in paragraph 3.9 of the SHLAA it states that in choosing the sites to include, undeveloped sites within the Green Belt were excluded at the first stage, unless they were capable of being treated as a rural exception site for 100% affordable housing. None of these sites the applicant has shown therefore would be undeveloped sites in the Green Belt, as the majority of this site is. In order to discount these other sites the applicant should have provided information as to why none of these other sites would be more suitable. Therefore the fact remains that it

has not been sufficiently demonstrated that there are no suitable alternative sites – and there may well be other sites which would be preferable to this one in terms of sustainability of location and a larger amount of previously developed land.

- 7. Site lies adjacent to former BOC complex which was approved on the grounds of very special circumstances earlier this year. This scheme was objected to by the community and Parish Councils and represents far greater levels of built development in the Green Belt. Officer comment -** The BOC development is significantly harmful to the Green Belt but was only allowed due to the very special circumstances pertaining to the merits of that specific proposal. Hence, the quantum of development allowed under BOC permission does not provide a greenlight for other neighbouring sites. The case officer in summing up the acceptability of BOC stated the following:

'...in the officer's opinion the combined weight of these very special circumstances marginally outweigh the significant harm to the Green Belt and other harm. It is considered that the applicant's contribution to the local, regional and national economy, particularly in a growth worldwide industry that will become increasingly important in the future, tips the balance in favour of support. In coming to this difficult conclusion regard has been had to whether permitting this development would set a precedent in the Green Belt, or in the event that the applicant vacated the site result in future development that would be even more harmful. However, it is considered that the proposal is genuinely unique and so other developments elsewhere in the Green Belt would still have to be considered on their own merits being subject to the same stringent Green Belt control.'

- 8. The site is located in an existing developed setting. Further it is well related to the strategic road network and will be supported by a sustainable Travel Plan including a minibus for staff and visitors.** Officer comment – in this document the applicant has suggested a Travel Plan including the provision of a minibus amongst other factors. This has been put to the County Highway Authority who has confirmed that it does not overcome their previous objection, and they are still concerned about the unsustainable location of the development, particularly the doctor's surgery. The surrounding development has been discussed in the report under section 7.3. However, this is a semi-rural area where built development is interspersed with rural open land, and this application would result in a band of continuous development which is not currently seen anywhere else along this part of the road outside the settlement area.
- 9. The proposal offers a large site whereby a high quality landscaped environment can be created for residents of the care home and plentiful car parking can be provided.** Officer comment – do not dispute this, however car parking would have to be controlled by intercom because of the site's proximity to the SPA as discussed in paragraphs 7.4.3 and 7.8.1 of the Officer's Report, and the County Highway Authority have raised concern that such an intercom would cause queuing on the Chertsey Road.
- 10. The scheme would provide approximately 70 full time equivalent employment opportunities in a variety of low skilled and high skilled professions. On SHBC's own figures, this could generate £3,570,000 towards the local economy.** Officer comment: this is discussed in paragraph 7.10.6 of the report.
- 11. A high quality design can be achieved and existing utilitarian buildings removed, such that the standard of design generally in the area can be raised.** Officer comment: this is discussed in paragraph 7.10.8 of the report.

Officers do not consider therefore that this further information has overcome any of the previous reasons for refusal.

7
Page 83

15/0433 4 Frimley Road, Camberley

GRANT

UPDATE

Further consultation responses have been received as follows:

- Head of Environmental Services – No objection
- SCC Lead Local Flood Authority – Have objected, because of the lack of information on which to assess surface water drainage. Further works are necessary before the application can be approved and any drainage conditions imposed. It is therefore considered that the outstanding drainage issues be agreed under delegated powers and an extension of time has been agreed with the applicant until 30th October 2015 to allow this to happen.

In addition, a signed Unilateral Undertaking has now been received in respect of the SAMM payment, therefore the requirement to provide this is no longer necessary.

Because of these two issues the recommendation is proposed to be changed as follows:

Amended RECOMMENDATION

The Executive Head of Regulatory be authorised to **GRANT** planning permission subject to receipt of a revised drainage strategy; and, subject to conditions (as detailed on pages 92-94 of the agenda, and any additional conditions required in connection with the drainage strategy).

In the event that a satisfactory legal agreement and drainage strategy has not been agreed by the 30 October 2015 (with the revised drainage strategy received for consideration no later than 30 September 2015), the Executive Head of Regulatory be authorised to REFUSE the application for the following reason:

1. In the absence of a workable drainage strategy the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the development is appropriately flood resilient and resistant and provides an appropriate sustainable drainage system for the management of run-off. As such the development fails to comply with Schedule 3 of the Flood and Water Management Act 2010, paragraph 103 of the National Planning Policy Framework and associated guidance in the Planning Practice Guidance and Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

8
Page 101

15/0455 80 Verran Road, Camberley

REFUSE

UPDATE

A site visit was held at 5pm on Monday 7th September 2015. The following councillors attended and can therefore vote on the application:

- Cllr Hawkins; Cllr Mansfield; Cllr Allen; Cllr Brooks; Cllr Gandhum; Cllr Perry; Cllr Sams; Cllr Wheeler; Cllr White.

9

Page 111

15/0532 34 Curley Hill Road, Lightwater

REFUSE

UPDATE

Application WITHDRAWN

10

Page 125

15/0568 Former Cheswycks School,
Guildford Road

GRANT

UPDATE

The appeal decision referenced in the Committee Report has been dismissed. In dismissing the appeal the Inspector raised no objection to the principle of the development and like the Council was simply concerned about the lack of a legal agreement and ecological survey's. As detailed in the Committee Report these concerns have been overcome in the revised application and the recommendation remains to approve.