

21 July 2016

**Planning Applications Committee
Update**

General update

Members are advised that any development proposals for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) are a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. It has however been concluded that applications 16/0323, 16/0389, 15/1062 and 15/0701 as reported in the committee papers accord with the Development Plan and whilst the implementation and completion of these developments will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of these applications.

Item No.	App no. and site address	Report Recommendation
4 Page	Monitoring Report	N/A

UPDATE

None.

5 Page	16/0323 Land north of Beldam Bridge Road	Grant
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UPDATE

A further objection has been received by the West End Action Group, which has been separately circulated to Members, indicating these additional objections:

- The Supreme Court decision in March 2016 *Suffolk Coastal DC v Hopkins Homes Ltd. and Richborough Estates v Cheshire East BC & Secretary of State for Communities and Local Government [2016] EWCA Civ. 168* indicates that relevant policies in the NPPF remain in full force and effect, notwithstanding a housing shortfall. Greater weight can be given to local housing supply policies [*Officer comment: The Court of Appeal decision confirms that whether a policy is “out of date” under Paragraph 49 of the NPPF, and the different weight put to different policies, is not a decision for the Courts. The refusal of the High Court challenge for SU/15/0884 was made following this Court of Appeal decision and that refusal indicated that the decision for SU/15/0884 was lawful*]
- Proposed access is of an inadequate design, failing to comply with the planning authority requirements that a left-turn lane into the development is required [*Officer comment: The revised Condition 2 and Condition 12 require the approval of access details. An approach taken with planning permission SU/15/0884 and is an approach considered to be a lawful in the High Court rejection of the legal challenge for SU./15/0884. See Paragraph 3.2*]
- The site is frequented by bats and inadequate surveys have been provided to date [*Officer comment: The approach to on-site ecological matters has previously been dealt with under SU/15/0884, measures which were agreed with the Surrey Wildlife Trust. See, proposed Condition 14*]

- The provision of affordable housing is a requirement of local and national policy and the application must be refused without a binding commitment to this provision [See Paragraph 7.4. A legal agreement is proposed to be completed tomorrow]

Two further objections raised on the following additional grounds:

- Impact on flood risk to neighbouring, including listed, properties [See Paragraph 7.4 and comments of the LLFA below]
- Loss of hedgerows [See Paragraph 7.4]
- Level of density of development [See Paragraph 7.4]

Slightly amended comments from the Local Lead Flood Authority have been received indicating a requirement for the scheme to provide greenfield discharge rates.

As such, an **additional Condition** is proposed as below:

16. The development hereby permitted shall not commence until details of the design of as surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) A design that satisfies the SuDS hierarchy;*
- b) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statements on SuDS;*
- c) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+30% allowance for climate change) storm events during all stage of the development (pre, post and during), associated discharge rates and storage volumes shall be provided with a greenfield discharge rate offsite no greater than a total of 11.26 litres per second for the whole site area.*

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

And an additional Informative:

The applicant proposes to discharge to a watercourse. The applicant has not supplied details showing whether discharge infiltration is feasible. The applicant needs to undertake infiltration in accordance with BRE Digest 365 or show suitable evidence that infiltration is not feasible. If feasible, the applicant could adapt their design so that permeable paving and attenuating SuDS assets can discharge directly into the ground instead of into a piped network. A full geotechnical survey that details bore logs, ground water levels, details of ground water source protection zones and details of any contamination should be supplied. Only if infiltration is then found not to be feasible should discharge to watercourses be considered. Should the applicant propose to discharge into a Main River, a Flood Defence Consent is required from the Environment Agency. Should the applicant propose to discharge into a watercourse, they should check that the watercourse is able to receive the additional flows and is fully functional.

Amendments to proposed Conditions:

Condition 2:

Replace reference to “Condition 11” with “Condition 12”

Condition 11:

Replace reference to “Conditions 8 and 9” with “Condition Nos 9 and 10, and 16 below”

6 Page	16/0389 Former Little Heath Nursery	Grant
<p><u>UPDATE</u></p> <p>Since writing the committee report the applicant has now entered into an acceptable legal agreement and as such the recommendation changes from 'Grant subject to conditions and completion of a legal agreement' to 'Grant subject to conditions'</p> <p>Also since writing the committee report a further objection has been received from Chobham Parish Council, this objection reiterates the previous concerns raised and the issues are addressed within the committee report. Additionally 10 further objections have also been received from the public; these also raise no new comments / objections which are not already addressed within the committee report.</p> <p>Finally Natural England have also responded and raise no objection to the proposal.</p>		
7 Page	DESIGN CODE – PRB	Approve
<p><u>UPDATE</u></p> <p>Deletion of text required at paragraph 6.2 as shown below:</p> <p>By necessity this report has only been able to touch upon a small fraction of the content of either of the submitted codes; but nevertheless has attempted to show how they are to be used by the Council as a tool to resist poor design. In this regard it is considered the codes build upon the long established principles for the site, are easy to use and apply. It is therefore recommended that, subject to the amendments set out at section 6 of this report the 'Site Wide Design Code', 'The Regulatory Plan' and the 'Phase 1 Infrastructure Design Code' be approved in partial consideration of the relevant planning conditions.</p>		
8 Page	15/1062 PRB	Grant
<p><u>UPDATE</u></p> <p>One further letter of objection has been received.</p> <p>Correction to report – para 1.1 reference to application 15/0676 should be deleted.</p> <p>Update to para 3.4 – application 12/0546/3 has been approved.</p> <p>Update to para 4.4 to reflect acceptable to revision to the codes were received. Amended text below:</p> <p>This application was submitted to the LPA in December 2015, however it has been held in abeyance pending resolution of a number of concerns regarding the Design Codes. As detailed in the report regarding that matter this has now been resolved and the design codes have been agreed subject to review of the additional information set out in section 6 of the report for the approval of the design codes. It is considered these provide a robust framework against which this application should be assessed. The additional work on the design codes has driven a fundamental review of this application and approximately 90% of the material submitted with the application in December 2015 has been revised and resubmitted in late May 2016 and a full re-consultation under taken.</p> <p>Insert word 'road' after spine in second sentence of para 9.1 Insert the word 'green' after</p>		

'village, in the fourth sentence of para 9.3.5.

Amendments to proposed condition

Condition 4 as proposed is to be updated following the receipt of amended information and West Surrey Badger Group confirming 'no objection' to the proposal:

Condition 4

The development hereby approved shall be undertaken in accordance with the details approved pursuant to condition 15 of 12/0546 (Ecological Management Strategy) and the Ecology Technical Note prepared by NPA and submitted to the LPA pursuant to application 15/1062 on 7 July 2016 at 1003hrs.

Reason: In the interests of biodiversity and to ensure the development accords with Policy CP4 and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

Other condition updates

Condition 3

The development hereby approved shall be undertaken, and retained, in strict accordance with the details to be agreed pursuant to condition 13 of permission 12/0546.

Reason: To secure mitigation for the potential impact on the TBH SPA the development accords with Policy NRM6 of the South East Plan 2009 and Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

Condition 5

Notwithstanding the details shown on the approved plans; no play equipment shall be installed on the combined NEAP/LEAP in the Village Green until full details of its specification have been submitted to and approved in writing by the Local Planning Authority.

The details to be submitted shall make provision for the equipment to be installed prior to the Village Green coming into first use.

Reason: To ensure the development accords with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

Condition 8

Prior to any commencement of works associated with the central SANGS hereby approved details of any proposed bat roost, including its proposed location, shall be submitted to and approved by the LPA in writing.

Reason: To secure mitigation for the potential impact on the TBH SPA and to ensure a satisfactory and safe form of development in accordance with Policy NRM6 of the South East Plan 2009, Policy CP4 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

Condition 11

Within 5 working days of the implementation of the permission hereby given for the construction of the Mindenhurst Road (the spine road) commencing the Council will be notified of the date such works began.

Within two months of the notified date, details showing the location and treatment of any parking along Mindenhurst Road (the spine road), together with a indicative plan showing the proposed layout and access arrangements for the Village Green car park and cycle parking shall be submitted and approved in writing by the LPA. The details to be submitted will include an indicative date for the implementation of the submitted detail.

Reason: To ensure a satisfactory form of development and in the interest of highways safety and ensuring adequate parking provision, and to accord with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the Approved Design Codes.

Condition 12

Details of the posts, bollards or other means of preventing un-authorised incursion onto the Village Green shall be submitted to the Local Planning Authority prior to its /their installation. Once approved the bollards shall be installed prior to the use of the Village Green commencing. The approved details shall be retained in perpetuity.

Reason: To ensure a satisfactory form of development and to accord with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the Approved Design Codes.

Condition 13

Notwithstanding the detail shown on the approved plans, details of all street furniture (seating, bins, cycle stands, signage and lighting) proposed to the Village Green and Mindenhurst Road (the spine road) shall be submitted to and approved in writing by the Local Planning Authority prior to any such items being installed or erected. Only the approved specification shall be installed / erected.

Reason: To ensure a satisfactory form of development and to accord with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the Approved Design Codes.

Condition 16

Notwithstanding details shown on the approved plans the detailed design of the proposed footway linking the formal park (around St Barbara's Church) and the Village Green shall be submitted to and approved in writing by the Local Planning Authority prior to any works on this link commencing.

Reason: To ensure a satisfactory form of development and to promote sustainable transport methods in accordance with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the approved Design Codes.

Condition 17

Unless otherwise stated in this decision notice the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site location plan DC1-NPA-LX-000-00-DR-04-300 R2
Phase 1 Infrastructure Strategy diagram DC1-NPA-LX-000-00-DR-04-101 R4
Central SANGS General Arrangement DC1-NPA-LX-104-00-DR-04-301 R0
Central SANGS General Arrangement DC1-NPA-LX-104-00-DR-04-302 R0
Mindenhurst Road General Arrangement 1/12 DC1-NPA-LX-102-00-DR-04-301 R1
Mindenhurst Road General Arrangement 02/12 DC1-NPA-LX-102-00-DR-04-302 R1
Mindenhurst Road General Arrangement 03/12 DC1-NPA-LX-102-00-DR-04-303 R1
Mindenhurst Road General Arrangement 04/12 DC1-NPA-LX-102-00-DR-04-304 R2

Mindenhurst Road General Arrangement 05/12 DC1-NPA-LX-102-00-DR-04-305 R2
 Mindenhurst Road General Arrangement 06/12 DC1-NPA-LX-102-00-DR-04-306 R3
 Mindenhurst Road General Arrangement 07/12 DC1-NPA-LX-102-00-DR-04-307 R2
 Mindenhurst Road General Arrangement 08/12 DC1-NPA-LX-102-00-DR-04-308 R2
 Mindenhurst Road General Arrangement 09/12 DC1-NPA-LX-102-00-DR-04-309 R1
 Mindenhurst Road General Arrangement 10/12 DC1-NPA-LX-102-00-DR-04-310 R2
 Mindenhurst Road General Arrangement 11/12 DC1-NPA-LX-102-00-DR-04-311 R1
 Mindenhurst Road General Arrangement Key Plan 12/12 DC1-NPA-LX-102-00-DR-04-312 R1
 Mindenhurst Road & Village Green Plant Schedule DC1-NPA-LX-102-00-DR-04-501 R1
 Primary Street Landscape Management Plan DC1-NPA-LX-102-00-RP-04-801 R1
 Northern Access Roundabout Planting Plan DC1-NPA-LX-101-00-DR-04-501 R2
 Typical Hard Landscape Details DC1-NPA-LX-000-00-DR-04-701 R0
 Typical Tree Pit Details DC1-NPA-LX-000-00-DR-04-710 R0
 Village Green Landscape Masterplan DC1-NPA-LX-103-00-DR-04-301 25.05.16
 Village Green General Arrangement DC1-NPA-LX-103-00-DR-04-302 R2
 Village Green Landscape Management Plan DC1-NPA-LX-103-00-DR-04-302 R1
 Village Green Landscape Management Plan DC1-NPA-LX-103-00-RP-04-801
 Village Green Contours and Cross Sections DC1-NPA-LX-103-00-DR-04-401 R1
 Village Green Pond Sections 01/03 DC1-NPA-LX-103-00-DR-04-402 R1
 Village Green Pond Sections 02/03 DC1-NPA-LX-103-00-DR-04-403 R1
 Village Green Pond Sections 02/03 DC1-NPA-LX-103-00-DR-04-404 R1
 Mindenhurst Road Soft Landscape Management and Maintenance Schedule DC1-NPA-LX-102-00-SH-04-802 R1
 Mindenhurst Road Hard Landscape Management and Maintenance Schedule DC1-NPA-LX-102-00-SH-04-803 R1
 Village Green Soft Landscape Management and Maintenance Schedule DC1-NPA-LX-103-00-SH-04-802 R1
 Village Green Hard Landscape Management and Maintenance Schedule DC1-NPA-LX-103-00-SH-04-803

And is so far as the alignment of Mindenhurst Road together with the siting and alignment of all cycleways and footpaths are concerned:

Spine Road Longitudinal Section Sheet 1 DC1-ODM-CH-102-XX-DR-03-0100 T01
 Spine Road Longitudinal Section Sheet 2 DC1-ODM-CH-102-XX-DR-03-0101 T01
 Spine Road Longitudinal Section Sheet 3 DC1-ODM-CH-102-XX-DR-03-0102 T02
 Spine Road Longitudinal Section Sheet 4 DC1-ODM-CH-102-XX-DR-03-0103 T02
 Spine Road Longitudinal Section Sheet 5 DC1-ODM-CH-102-XX-DR-03-0104 T02
 Spine Road Longitudinal Section Sheet 6 DC1-ODM-CH-102-XX-DR-03-0105 T03
 Spine Road Longitudinal Section Sheet 7 DC1-ODM-CH-102-XX-DR-03-0106 T03
 Spine Road Longitudinal Section Sheet 8 DC1-ODM-CH-102-XX-DR-03-0107 T02
 Spine Road Longitudinal Section Sheet 9 DC1-ODM-CH-102-XX-DR-03-0108 T02
 Spine Road General Arrangement DC1-ODM-CH-102-XX-DR-03-0001 T0
 S38 Coloured Plan Sheet 1 of 3 DC1-ODM-CH-102-XX-DR-03-0002 T03
 S38 Coloured Plan Sheet 2 of 3 DC1-ODM-CH-102-XX-DR-03-0003 T03
 S38 Coloured Plan Sheet 3 of 3 DC1-ODM-CH-102-XX-DR-03-0004 T03
 Spine Road Removal Plans and Schedule V2 combined Dec 2015
 Spine Road Retention and Protection Plans and Schedule V2 combined 2015
 Village Green Removal Plans and Schedule V1 combined Dec 2015
 Village Green Retention and Protection Plans and Schedule V1 combined Dec 2015
 Ecological Mitigation and Management Plan April 2016
 Ecology Technical Note (7 JULY 2016)

unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the NPPG.

Condition 19

Notwithstanding the detail(s) shown on any submitted or approved plan or document, full details of all soft landscaping works to any part of Mindenhurst Road (the spine road) shall be submitted to and approved in writing by the Local Planning Authority prior to such landscaping works being implemented.

The details to be submitted shall make provision for the landscaping to be implemented prior to the use of the road first commencing and shall include an updated landscape management plan and maintenance schedule for all landscape area / areas of open space abutting or associated with Mindenshurt Road (the spine road) and which do not form part of the central SANGS or Village Green.

All plant material shall conform to BS3936:1992 Parts 1 – 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014
Trees: from nursery to independence in the landscape

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Condition 20

Notwithstanding the detail(s) shown on any submitted or approved plan or document, full details of all soft landscaping works to the Village Green shall be submitted to and approved in writing by the Local Planning Authority prior to such landscaping works being implemented.

The details to be submitted shall make provision for the landscaping to be implemented prior to the use of the Village Green first commencing and shall include an updated landscape management plan and maintenance schedule for all landscape area / areas of open space abutting or associated with the Village Green and which does not form part of the central SANGS or landscaping of Mindenhurst Road (the spine road).

All plant material shall conform to BS3936:1992 Parts 1 – 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014
Trees: from nursery to independence in the landscape

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9 Page	15/0701 Vernon House, 16 Southwell Park Road	Grant
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UPDATE

Two petitions of 149 and 71 signatures have been received raising objections to the proposal on the following grounds:

- Loss of public landscape [*Officer comment: The proposed access would result in the loss of part of a 2 metre high hedge and grass in front. As indicated at Paragraph 6.13 of the officer report, this loss is not considered to be significant enough to warrant the refusal of this application*]
- Would result in unwelcome traffic movements onto a pedestrian route to and for the town centre [*See Paragraph 7.6*]
- Reversing manoeuvres onto the pedestrian route would be a health and safety risk to pedestrians, including children coming to and from school [*See Paragraph 7.6*]

