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Monday, 1 February 2016

To: The Members of the **Planning Applications Committee**
(Councillors: Edward Hawkins (Chairman), David Mansfield (Vice Chairman), David Allen, Richard Brooks, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Rebecca Jennings-Evans, Katia Malcaus Cooper, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder, Victoria Wheeler and Valerie White)

In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.

Substitutes: Councillors Dan Adams, Rodney Bates, Ruth Hutchinson, Paul Ilnicki, Max Nelson and Adrian Page

Site Visits

Members of the Planning Applications Committee may make a request for a site visit. Requests in writing, explaining the reason for the request, must be made to the Development Manager and copied to the Executive Head - Regulatory and the Democratic Services Officer by 4pm on the Monday preceding the Planning Applications Committee meeting.

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber, Surrey Heath House on **Wednesday, 10 February 2016 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes	3 - 12

To confirm and sign the non-exempt minutes of the meeting held on 13 January 2016.

3 Declarations of Interest

Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

Human Rights Statement

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

Planning Applications

4	Application Number: 15/0884 - land north of Beldam Bridge Road, West End, GU24 9LP	13 - 70
5	Application Number: 15/0868 - Hook Meadow, Philpot Lane, Chobham GU24 8HD	71 - 86
6	Application Number: 15/1047 - The Castle Grove Inn, Scotts Grove Road, Chobham GU24 8EE	87 - 100

Glossary

Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 13 January 2016

- + Cllr Edward Hawkins (Chairman)
- + Cllr David Mansfield (Vice Chairman)

- | | |
|-------------------------------|-----------------------------|
| + Cllr David Allen | + Cllr Katia Malcaus Cooper |
| + Cllr Richard Brooks | + Cllr Robin Perry |
| + Cllr Nick Chambers | + Cllr Ian Sams |
| + Cllr Mrs Vivienne Chapman | + Cllr Conrad Sturt |
| + Cllr Colin Dougan | + Cllr Pat Tedder |
| - Cllr Surinder Gandhum | + Cllr Victoria Wheeler |
| + Cllr Rebecca Jennings-Evans | + Cllr Valerie White |

+ Present

- Apologies for absence presented

In Attendance: Emma Pearman, Neil Praine, Michelle Fielder, Jonathan Partington, Paul Watts, Cllr Paul Deach, Cllr Craig Fennell, Cllr David Lewis, Cllr Charlotte Morley and Gareth John

Cllr Nick Chambers (from min 39/P – 41/P)

Cllr Pat Tedder (from min 39/P- 40/P)

Cllr Paul Deach (from min 39/P – 40/P)

Cllr Craig Fennell (from min 39/P – 40/P)

Cllr David Lewis (from min 39/P – 43/P)

Cllr Charlotte Morley (from min 39/P – 43/P)

39/P Minutes

The minutes of the meeting held on 11 November 2015 were confirmed and signed by the Chairman.

It was noted that, with reference to minute 36/P, application 15/0676 had been approved by Committee subject to the receipt of a legal agreement. This agreement had not been received by the deadline of 1 December 2015, and the applicant had requested an extension to 5 February 2016. This had been granted.

In addition Members were advised that the Planning Policy team would be producing a briefing note for Members on the Code for Sustainable Housing.

40/P Application Number: 15/0849 - Frimhurst Farm, Bridge Road, Deepcut Camberley GU16 6RF

The application was for the continued use of the existing Industrial Centre (Use Classes B1, B2 and B8) and movement between these uses as well as a revised access onto Deepcut Bridge Road. (Part Retrospective). (Additional Information rec'd 06/11/2015).

There had been a Member site visit to the site.

Members were advised of the following updates:

'Further response from Applicant to Committee Report

Following the Committee report, the applicant has submitted an 8 page response to that report. The matters raised are addressed in turn below:

- *Policy CP1 - The applicant asserts that the development is in accordance with Policy CP1 because it utilises an existing developed site.*

Officer comment: As stated in the report, the only areas that are under question are the D5-7 and E areas shown on the Enforcement notice which are those areas that extend beyond the original pig farm buildings and are considered as encroachment into the countryside.

- *Policy CP2 - The applicant asserts that the development is also in accordance with this policy because it seeks to promote economic growth and there has been no land clearance to provide the area for the industrial centre.*

Officer comment: The Council does not dispute that the site contributes towards the economy, however, some of the land was originally open and now is covered by containers and other structures, and the development has not just utilised existing buildings and structures. As such there has been encroachment into the countryside and the development therefore does not respect and enhance the quality of the natural environment contrary to CP2 (iv).

- *Policy DM1 – The applicant asserts that this policy also supports the application because the site utilises the existing land and buildings for the new operations.*

Officer comment: As stated in the report, and shown by aerial photos which will be in the presentation, the area of the site covered by buildings has significantly increased from when it was a pig farm. So while some buildings have been re-used, which is the only part of the site supported by the above policy, others have been added though many of these are now lawful through the passage of time. While the applicant asserts that only the pig farm area has been utilised, much of the pig farm was open land. The D5-7 and E areas represent further encroachment and the Council considers that a line has to be drawn.

- *Policy DM9 - The applicant has felled a significant number of trees since the submission of the previous application so now asserts that it is in accordance with this policy as no trees need to be felled.*

Officer comment: It is not considered that the planting would compensate for the loss of the mature trees as stated in paragraph 7.3.13 and despite the loss

of trees, the urbanising effect of the new road is not considered to be in accordance with Policy DM9.

- *Policies CP8 and DM13 – The applicant argues that no consideration has been given to these policies which have most significance given the level of employment and income generation.*

Officer comment: The economic contribution of the site is discussed in paragraph 7.3.6 and 7.3.7 and Policy DM1 is a relevant economic policy which considers the rural economy. While Policy CP8 states that the Council will make provision for new jobs, and that on other employment sites outside Core Employment Areas, redevelopment to provide small flexible B1 units will be promoted; with the exception of two units that have a Certificate of Lawful Use, the site is not a lawful employment site, hence these policies not being discussed in the report however the refusal reason does not say they are contrary to these policies either. As stated in paragraph 7.3.7 the retention of Class B uses in the historic core of the site is likely to be acceptable, however the D5-7 and E areas do not constitute redevelopment of existing employment areas and as such are not supported by this policy. Again Policy DM13 was not discussed as the site is not lawfully in “employment use” and while it may support the historic core of the site being utilised as employment space, the D5-7 and E areas particularly are not supported by this policy as they do not form part of the historic core and buildings of the site.

- *NPPF - The applicant argues that very little regard has been had to the NPPF*

Officer comment: While the NPPF supports economic growth, including growth in rural areas this is addressed by Policy DM1 as set out in paragraph 7.3.3 of the report. The NPPF also supports conserving and enhancing the natural environment and recognising the intrinsic character of the countryside, and using brownfield land as set out in paragraph 7.3.1 and in this case the harm to the countryside by the continuing encroachment into the open space is not considered to be outweighed by the economic arguments, especially given that the only areas in question are the D5-7 and E areas and as such these do not contribute a significant amount to the site overall.

- *Landscaping Scheme - The applicant states that there was no recognition of the landscaping scheme*

Officer comment: This is set out in paragraph 7.3.13 and the Tree Officer concluded that the proposals do not go far enough to compensate for the loss of trees and a more comprehensive landscaping scheme would be required. It is clear in paragraph 7.3.14 that this has been taken into account however it was still considered that the new road would be too urbanising.

- *Enforcement notice – The applicant states that the enforcement notice should not have been served given that a planning application had been submitted the previous week.*

Officer comment: the previous application was refused on 18th November 2014 and as such the applicant had a significant amount of time to resubmit the application. Therefore serving the enforcement notices in October 2015 is not considered to be unreasonable. In any case the applicant was given six months to comply with these so still would have plenty of time to comply with these if the application was refused.

- *E1-E4 compounds - The applicant argues that the officer has failed to take into account the evidence submitted for the E1-E4 compounds which shows these areas as lawful*

Officer comment: See paragraph 7.3.10 of the report. While the applicant has submitted further evidence during the course of the application which amounts to invoices from the management company to various tenants, it was previously found in 2012 when information was submitted as a response to an Planning Contravention Notice at that time that the use of the E areas had been sporadic, and from the aerial photos it shows that use of these areas has intensified in the last few years. As such these invoices alone is only one layer of evidence and are not considered to constitute enough evidence that the Council can be sure that they have been in continuous use for the last 10 years and, moreover, a Certificate of Existing Lawful Use would be the way to address this so the use can be fully investigated.

The purpose of this planning application is to consider the merits of the proposal; it is not a Certificate of Existing Lawful Use application which is different in that it looks at evidence only. The applicant was advised to submit a certificate to deal with the E areas separately but declined to do this.

- *Boundaries – The applicant asserts that the industrial centre, including the expanded elements, have only ever utilised the areas previously used for the pig farm.*

Officer comment: It is clear from aerial photos that although the site was a pig farm, part of that constituted hardstanding and buildings and part open fields. Much of these open fields are now covered with buildings/containers and other structures, as shown on the aerial photos as part of the presentation, and as such there has clearly been encroachment onto open land whether part of the original pig farm or not. There is still open land to the west of the site that is owned by the applicant and as such could be utilised in the future so a line has to be drawn.

- *Access - The applicant argues that unlike the appeal decision the existing access would now be closed and is not as long as the original access road to the cottages*

Officer comment: See paragraphs 7.3.11 – 7.3.16 of the report. While the new access does not extend as far as that refused under the Appeal, and the existing access is proposed to be closed and replanted, it is still considered that the access would have an intrusive and urbanising effect as discussed in the above paragraphs. The 2014 refusal also proposed closure of the existing access.

- *Harm to the countryside - The applicant questions what actual harm there is to the countryside and states it has not been presented in the report.*

Officer comment: The harm to the countryside is the incremental loss of open and undeveloped land as made clear at paragraph 7.3.7, in the reason for refusal and Paragraph 17 of the NPPF which states the countryside should be protected for its intrinsic beauty and character.

Response from Economic Development Officer

A response has been received since the report from Kevin Cantlon, who is the Council's Economic Development Officer. This reiterates the numbers of businesses on the site and states that businesses on the site that he spoke to said they were attracted by the low rents and would be unlikely to afford rents on other, more developed sites. It also states that the site under the Enforcement notice is occupied by 8 businesses (out of 42 total), comprising 33 employees (out of total 239).

Officer comment: Following this response, the applicant was asked whether all these employees are directly employed on the site, to which the following response was received:

"I can confirm that all the tenants you are referring to all use the site as their primary work base and all of the employees we listed on the spreadsheets were all full time employees of each business. Many of the compound tenants base themselves on site but due to the nature of their work, tree surgery, water way contractors, haulage companies etc their employees are often out on site elsewhere. However 95% of the time they will all start and finish work from the site. This of course means that during normal working hours the site is on average not too busy and normally fairly quiet. Please note that some of the compound tenants may have registered offices elsewhere, however the place of work will be Frimhurst Farm Industrial Centre."

When officers visited the site there was rarely anyone witnessed in the D or E compounds.

Further information from Local Resident

There has also been further information submitted from a local resident which has been distributed to Members. This comprises copies of the petition, e-petition and a document highlighting the availability of units in local industrial centres.

Correction

Members were advised that in the report where it says Policy CPA – this should say CP1'

Members were advised by the Arboricultural Officer that the trees on the site which had been removed had not been managed so any trees were of poor quality and therefore no Tree Preservation Orders had been issued. The Arboricultural Officer

would welcome planting following the removal of the poor quality trees and shrubs on the site.

Ward councillors noted that whilst they were keen to support local businesses, they were unable to support the application.

Resolved that application 15/0849 be refused for the reasons as set out in the report of the Executive Head – Regulatory.

Note 1

It was noted for the record that Members had received correspondence from the applicant and residents.

Note 2

As the application triggered the Council's public speaking scheme, Mr Watkins and Mrs Morgan spoke in objection and Mr Andrews spoke in support.

Note 3

The recommendation to refuse the application was proposed by Councillor David Mansfield and seconded by Councillor Colin Dougan.

Note 4

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Edward Hawkins, Rebecca Jennings - Evans, Katia Malcaus Cooper, David Mansfield, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder, Victoria Wheeler and Valerie White.

41/P Application Number: 15/0166 - Land between 4 and 5 School Lane, Windlesham GU20 6EY

The application was for the erection of a detached 4 bedroom, two storey dwelling (with accommodation in the roof space) and integral garage. (Additional plan recv'd 11/6/15), (Amended plan rec'd 23/07/15).

The application would normally have been determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor it had been called in for determination by the Planning Applications Committee.

Members were advised of the following updates:

'A member site visit took place on the 7th January 2016 and the following Councillors attended and therefore were entitled to vote.

Cllr Sturt, Cllr Perry, Cllr Brooks, Cllr Chambers, Cllr Gandhum, Cllr Sams, Cllr Allen, Cllr Wheeler, Cllr Jennings-Evans, Cllr Hawkins, Cllr Dougan and Cllr Malcaus Cooper.

The site visit was also attended by a representative of the County Highways Authority. Some questions were put to the Highways Officer who provided a formal response which is attached to this update.’ (see Annex at end of minutes)

The Chairman wished to convey his thanks on behalf of the Committee to Mr Stokes from the County Highways Authority for attending the site visit and for his extensive report.

Members discussed the character of the proposal and noted that there was only one detached property in the lane and no three storey properties.

It was also noted that there were existing parking issues and the proposed build out would result in fewer spaces to park. Some Members also felt that the visibility would not improve with the addition of the build out. Members also commented that with the addition of the build out there would be less space for cars and lorries to pass. Members were reminded that the advice from the County Highways Authority confirmed that the build out had been designed to improve visibility and provide traffic calming.

Some Members commented that previous applications on this site were refused but had proposed smaller dwellings. Officers advised that those applications had been refused on highways grounds.

The officers had recommended that the application be approved subject to conditions but some Members felt that the proposal:

- constituted overdevelopment and was out of character;
- there were concerns about the safety of pedestrians on the south side of Chertsey Road due to the narrowing of the road;
- there was a potential for loss of parking on public highway;
- the access to the application site from School Lane was sub-standard.

Resolved that application 15/0166 be refused for the reasons as set out above, wording to be finalised in consultation with the Chairman, Vice Chairman and ward councillors.

Note 1

It was noted that Councillor Pat Tedder declared she had a Disclosable Pecuniary Interest as her property was sited opposite the development and she left the Chamber during the consideration of the application.

Note 2

It was noted for the record that Cllr Sturt had received correspondence from residents and Cllrs Jennings-Evans and Malcaus Cooper were familiar with neighbours located near to the property.

Note 3

As the application triggered the Council's public speaking scheme, Ms Cobb and Mr Goulty spoke in objection and Mr Griffin spoke in support.

Note 4

The recommendation to approve the application was proposed by Councillor Colin Dougan and seconded by Councillor Robin Perry.

Note 5

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to approve the application:

Councillors, Richard Brooks, Colin Dougan, Edward Hawkins, Robin Perry, Ian Sams.

Voting against the recommendation to approve the application:

Councillors David Allen, Nick Chambers, Rebecca Jennings - Evans, Katia Malcaus Cooper, Conrad Sturt and Victoria Wheeler.

Note 6

The recommendation to refuse the application was proposed by Councillor David Allen and seconded by Councillor Conrad Sturt.

Note 7

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors David Allen, Nick Chambers, Rebecca Jennings - Evans, Katia Malcaus Cooper, Conrad Sturt and Victoria Wheeler.

Voting against the recommendation to refuse the application:

Councillors, Richard Brooks, Colin Dougan, Edward Hawkins, Robin Perry, Ian Sams.

42/P County Highways Authority Document
Application Number: 15/0641 - The Mytchett Centre, 140 Mytchett Road, Mytchett GU16 6AA

The application was for part change of use of land from car park to car wash facility to include the erection of a canopy and storage container. (Retrospective)

This application would normally have been determined under the Council's Scheme of Delegation, however, as the land was owned by Surrey Heath Borough Council the application was required to be determined by the Planning Applications Committee.

This application was withdrawn by the applicant.

43/P Application Number: 14/1136 - 125 Frimley Road, Camberley GU15 2PS

The application was for the erection of an outbuilding following demolition of an existing garage. (Part Retrospective).

The application would normally have been determined under the Council's Scheme of Delegation, however, at the request of a local ward councillor (Cllr Lewis) it had been called in for determination by the Planning Applications Committee.

There had been a Member site visit to the site.

Members were advised of the following updates:

'Correction to the committee report – the application site abuts the 'lanes' character designation and not Edwardian / Victorian subdivisions – section 7 of the committee report refers.

The WUCA SPD advises that the development pressure on the lanes character area is that of unsympathetic development resulting in the loss of landscaping, period features and buildings of historic character. To mitigate this harm the SPD seeks to ensure that new development does not exceed 2 storey height, has a pitched roof form and that the elevations facing the lane is of high quality. Furthermore particular regard must be had to building scale, detailing and materials.

The development has not resulted in the loss of any buildings of historic merit, nor have any landscape features of merit been removed. The committee report acknowledges that the development as it stands is not appropriate; however officers remain of the opinion that the removal of the dormer window will sufficiently reduce the scale of the building. In addition it is accepted practice to impose planning conditions requiring agreement on the materials to be used in a development. It is therefore considered the application is, subject to the conditions set out in the report, acceptable and permission should be granted.

4 further objections have been received, in the main these reiterate previous concerns; however a further concern regarding a reduction in parking is made. While this is noted it remains that parking for the flats at 125 Frimley Road is retained and there has been no objection to the proposal from the Highways Team. '

Local Ward Councillors felt that the proposal was of an inappropriate design and the materials used were of poor quality. It was felt that if the Committee were minded to approve the application, conditions requiring better quality materials and a restriction on the height be added.

Members were advised that there was no permitted development fall-back position.

The officer's recommendation had been to approve the application, however Members felt that the proposal was inappropriate development due to the scale

and mass of the building, the character was out of keeping with the surrounding area.

Resolved that application 14/1136 be refused for the reasons as set out above, wording to be finalised in consultation with the Chairman, Vice Chairman and ward councillors.

Note 1

As the application triggered the Council's public speaking scheme, Mr McGowan spoke in objection.

Note 2

There was no proposer and seconder with regard to the recommendation to approve the application.

Note 3

The recommendation to refuse the application was proposed by Councillor David Mansfield and seconded by Councillor Richard Brooks.

Note 4

In accordance with Part 4 Section D paragraph 18 of the Constitution, the voting in relation to this application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors David Allen, Richard Brooks, Vivienne Chapman, Colin Dougan, Edward Hawkins, Rebecca Jennings - Evans, Katia Malcaus Cooper, David Mansfield, Robin Perry, Ian Sams, Conrad Sturt, Victoria Wheeler and Valerie White.

Chairman

2015/0884

Reg Date 06/10/2015

West End

LOCATION: LAND NORTH OF, BELDAM BRIDGE ROAD, WEST END, WOKING, GU24 9LP

PROPOSAL: Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space. (Details of access only to be agreed).

TYPE: Outline

APPLICANT: Taylor Wimpey UK Ltd.

OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 The current outline application relates to the erection of up to 85 dwellings on land to the north of Beldam Bridge Road and provision of a Site of Alternative Natural Greenspace (SANG) in West End. The proposal relates to the approval of the access only. This application is identical to the proposal under earlier application SU/14/0594, which is now the subject of a non-determination appeal under the Inquiry procedure.
- 1.2 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime, and in a similar manner to previous application (now appeal) for SU/14/0594, no objections are raised. A legal agreement is required to secure the delivery/retention of the proposed SANG to serve this housing development. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage.
- 1.3 It is considered that in the light of the recent appeal decision for SU/14/0532 (land south of Kings Road and Rose Meadow) and the current housing delivery rate, the site should be released for housing. Subject to the completion of a legal agreement for the SANG delivery, no objections are raised to the current proposal.

2.0 SITE DESCRIPTION

- 2.1 The housing part of the site relates to former nursery land to the north of Beldam Bridge Road on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls gently from north to south and the majority of the significant trees are located to site boundaries of this site. This site has previously been used as a production tree nursery but is now redundant stock land. The land has not been used for about 10 years and is now in a poor condition.

The SANG site lies to the north and east of the housing site within the Green Belt. This is predominantly wooded with grassland glades.

- 2.2 The housing site measures 2.4 hectares and the SANG site measures 12.2 hectares in area. Land to the south and east of the proposed housing site, including the SANG proposal, falls within the Green Belt. The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency).

3.0 RELEVANT HISTORY

On the application site:

- 3.1 SU/14/0594 Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space (details of access only to be considered). Non-determination appeal under the inquiry procedure. Public inquiry to be held in April 2016.

This scheme is identical to the current proposal. The non-determination appeal was reported to an earlier Planning Applications Committee (on 20 July 2015) with a recommendation that the Council would have refused this application on the following grounds:

“1. The proposal by reason of being sited within the Countryside beyond the Green Belt, in the eastern part of the Borough, would result in the release of land for development that would currently conflict with the spatial strategy for the Borough which seeks first to concentrate development in the western part of the Borough and settlement areas on previously developed land. At this current time, the release of this land would therefore be harmful to the intrinsic qualities of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CPA and CP3 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and advice in the Thames Basin Heaths Special Protection Area SPD 2012. The proposal would also fail to comply with the Habitats and Species Regulations 2010 and the National Planning Policy Framework. The proposal would not be able to adequately secure the delivery and future maintenance of the Site of Alternative Natural Green Space (SANGS) in perpetuity and as such would have an adverse impact on the integrity of the Thames Basin Heath Special Protection Area.”

A copy of the officer report for this application is appended to this

report (see Annex 1).

Other sites:

- 3.2 SU/14/0532 Outline planning application for the erection of 84 dwellings with access from Rose Meadow (access only to be considered) on land south of 24-46 Kings Road and 6 & 9 Rose Meadow. Non-determination appeal allowed in December 2015.

A copy of the appeal decision is appended to this report (see Annex 2). The Council has taken Counsel's advice in respect of this appeal decision and has concluded that there are no grounds to challenge this decision.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of up to 85 dwellings with its proposed access from Beldam Bridge Road. The access would be provided at roughly the midpoint of the frontage onto Beldam Bridge Road, east of the road junction with Kings Road. The exact amount and mix of dwelling units has not been defined under this application; only that the scheme would provide for up to 85 units. The proposal relates to the approval of the access only.
- 4.2 The application is in an outline form with only the access to be determined at this stage. However, a schematic layout has been provided which indicates a form of development for this proposal which arranges the housing around a cul-de-sac form of development.
- 4.3 The application has been supported principally by:
- Planning and Affordable Housing Statement;
 - Design and Access Statement;
 - Transport Statement and Framework Travel Plan; and
 - Housing Land Supply Report.

Other provided reports include:

- SANG Delivery Document and Management Plan;
- Flood Risk Assessment and Preliminary Surface Water Drainage Strategy;
- Noise Assessment;
- Tree Report;
- Ecological Appraisal;
- Preliminary Services Appraisal;
- Cultural Heritage Assessment and Landscape Visual Appraisal; and

- Statement of Community Involvement.

These reports were as provided for the earlier application SU/14/0594.

- 4.4 The Housing Land Supply Report is a response to the publication of the Council's Housing Needs Supply Paper in February 2015. The applicant has indicated that the paper is flawed and relies upon a level of housing demand (about 191 dwellings per annum) which is derived from the level set out in the South East Plan 2009 (now revoked) and as set out in the Core Strategy. The applicant also indicates that the HLSP includes development proposals which they consider are not deliverable within the five year timeframe. The applicant considers that the HLSP should reflect the level of housing demand (about 340 dwellings per annum) that is set out in the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) [SHMA], and has backed this approach with recent appeal decisions and case law relating to various sites located outside of this Borough. This, in their opinion, would indicate that a five year supply (plus buffer) for the Borough is not achievable, this buffer should amount to 20% and that the site should now be released for housing. In addition, the applicant has indicated that the adoption of the Core Strategy in February 2015 (just prior to the NPPF coming into force) and its reliance on pre-NPPF national policy makes these policies out-of-date. The applicant considers that the presumption in favour of sustainable development should be applied to this development which should be approved without delay.
- 4.5 The assessment in Paragraph 7.0 below has taken into consideration the content of these reports provided by the applicant and seen in the light of the recent appeal decision highlighted at Paragraph 3.2 above.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections. |
| 5.2 | Environmental Services | No objections. |
| 5.3 | Surrey Police | No comments received but raised no objections to previous application. |
| 5.4 | Surrey Wildlife Trust | No comments received but raised no objections to previous application. |
| 5.5 | Natural England | No objections, subject to the completion of a legal agreement to secure management/ownership of SANG in perpetuity. |
| 5.6 | Environment Agency | No objections. |

5.7	Archaeological Officer	No objections.
5.8	Arboricultural Officer	No objections (verbal).
5.9	Surrey County Council (Local Lead Flood Authority)	No objections.
5.10	Drainage Engineer	No comments received but did not raise an objection to previous application.
5.11	Surrey County Council (Education)	No comments received but raised no objections to previous application, subject to the provision of a contribution towards education provision.
5.12	West End Parish Council	An objection is raised on the grounds that the site falls outside of the settlement boundary, flood risk, local infrastructure, ecology, prematurity and potential loss of trees. The site exceeds the 20 units expected for West End within the Core Strategy. A potential access to a [further part of the] reserve site is proposed which is in contravention of the new development numbers for West End.

6.0 REPRESENTATION

At the time of preparation of this report, 104 representations, including one from the West End Action Group, and one petition (with 207 signatures), raising an objection had been received which raise the following issues:

6.1 Principle

- No change in position since previous rejection (to SU/14/0594) by this Council [*Officer comment: Each application is to be determined on their own merits and in the light of the most up-to-date position. See Paragraph 7.6 below*]
- Combined impact with other proposals. Applications should be considered together [*Officer comment: Each application is to be determined on their own merits*]
- Other sites should be developed instead. The West End reserve sites need not be used [*see Paragraph 7.6*]
- Amount of houses is in excess of the core strategy requirement (20 houses) [*see Paragraph 7.6*]
- Impact on Green Belt status of land [*Officer comment: The housing site is within the Countryside (beyond the Green Belt)*]
- West End does not need any more housing and has provided its fair share of

housing in the past [see *Paragraph 7.6*]

- Development proposal is premature, unsustainable, opportunistic, unnecessary and inappropriate. Proof of need for this housing has not been satisfactorily demonstrated [see *Paragraph 7.6*]
- Adequate provision of housing will be provided elsewhere at Princess Royal Barracks (Deepcut) [See *Paragraph 7.6*]
- Development is proposed before sites allocation document is published [see *Paragraph 7.6*]
- The Council has demonstrated that it has more than sufficient land available for housing (8.5 years-worth) to meet 5 year target (Housing Land Supply Paper 2015) [see *Paragraph 7.6*]
- Non-conformity with NPPF policy on sustainable development. Brownfield sites should be released before green field sites [see *Paragraph 7.6*]
- Site should be returned to Green Belt [*Officer comment: This can only be undertaken through a Green Belt boundary review*]
- Reserve site should have lost that status when the bypass proposal was deleted [see *Paragraph 7.6*]
- SANG development is against Green Belt policy [See *Paragraph 7.6*]
- The principle for sustainable development in the NPPF does not apply where an appropriate assessment (under the Habitats regulations) is required [See *Paragraph 7.6*]

6.2 Highway and transportation matters

- Impact on road infrastructure [see *Paragraph 7.4*]
- Increased traffic resulting in traffic congestion and increased risk of accident at local road junctions and wider road network [see *Paragraph 7.4*]
- Highway implications of dangerous access and increased traffic accessing onto a bend in a narrow, winding road [see *Paragraph 7.4*]
- Parking for SANG would be used as overspill housing [see *Paragraph 7.4*]
- No footpath access at proposed road junction and poor footpath links in the area resulting in a lack of pedestrian connectivity with the village [*Officer comment: Such details would be a reserved matter*]
- Increased use of rat-runs [see *Paragraph 7.4*]
- Use of Kings Road as a cut through would be higher than estimated [see *Paragraph 7.4*]
- TRICS should not be relied upon for assessing traffic impacts. It uses

standardised data and will not reflect the higher car ownership levels on the area. Independent traffic surveys required [see Paragraph 7.4]

- Development would increase car-use [see Paragraph 7.4]
- Unsustainable location with a lack of shopping facilities [see Paragraph 7.4]
- Conflict of proposed access with that proposed under application SU/14/0451 (three houses at land south of Beldam Bridge Road) on the opposite side of the road) [see Paragraph 7.4]
- Impact on highway network during construction [*Officer comment: If minded to approve, details of a method of construction would consider this issue*]

6.3 Character and Green Belt reasons

- Appeal decisions elsewhere in the country supporting a refusal on countryside grounds [see Paragraph 7.4]
- Impact on the character of the village and countryside [see Paragraph 7.4]
- Impact on character of green space around Beldam Bridge Road and Benner Lane [see Paragraph 7.4]
- Loss of gap between, or merging of, settlements [see Paragraph 7.4]
- Loss of trees, woodland and hedges [see Paragraph 7.4]
- Impact on view/outlook [*Officer comment: The loss of a view/outlook is not a material planning matter*]
- Destruction of rural land [see Paragraph 7.4]
- Density/cramped nature of development would be out of keeping [*Officer comment: Layout is a reserved matter. Also, see Paragraph 7.4*]
- Overbearing impact of development and overdevelopment of site [see Paragraph 7.4]
- Destruction of ancient fields and woodland [see Paragraph 7.4]
- The SANG will not be open countryside, being more akin to a local park which would be more in keeping with suburbia than a village [see Paragraph 7.4]
- Impact on local character/streetscene [see Paragraph 7.4]
- Impact of SANG on the Green Belt. SANG would be more akin to a park more in keeping with suburban location [see Paragraph 7.4]

6.4 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [see Paragraph 7.4]
- Increased air pollution [see Paragraph 7.4]

- Increased light pollution [see Paragraph 7.4]
- Impact on Human Rights [*Officer comment: See Page 2 of the Committee Agenda. There is considered to be no potential conflict with the Human Rights Act*]
- Overbearing impact on, and loss of privacy to, adjoining residential properties [*Officer comment: Layout, appearance and scale are reserved matters*]

6.5 Other matters

- Impact on the SPA [see Paragraph 7.7]
- Impact on wildlife and their habitats – bats, buzzards, sparrows, goldfinches, greenfinches, kingfishers, hedgehogs, red kites, deer, owls and frogs. Animals cannot be translocated because they are territorial [see Paragraph 7.4]
- Impact of SANG development on local ecology [see Paragraph 7.4]
- Impact on drainage (including local ditches/Bourne stream, dirty water/run-off) and flooding [see Paragraph 7.4]
- Impact on the floodplain (Zone 2 – medium risk) [*Officer comment: The site does not fall within the floodplain, it falls within a Zone 1 low risk area*]
- Loss of trees will have an adverse effect on drainage/flood risk [see Paragraph 7.4]
- Impact on local infrastructure (school places, doctors) which is unsustainable [see Paragraph 7.4]
- Impact on archaeology [see Paragraph 7.4]
- Impact on Brentmoor SSSI/SPA [*Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. Also, see Paragraph 7.7*]
- Impact on local services (water) [*Officer comment: This is not a material planning matter*]
- Greed of developer [*Officer comment: This is not a relevant planning matter*]
- Development is not wanted by local people. Level of opposition (85%) from an exit poll which followed the public consultation for the proposal [*Officer comment: This is noted but is not, in itself, a relevant planning matter*]
- Request that Members visit the site during peak period [*Officer comment: This request is noted but such a request needs to be made by a Member*]
- Level of opposition to the previous proposal (SU/14/0594) from Council/Parish Council/residents/etc. [*Officer comment: This is noted and can be seen on attached report for this application (now appeal)*]
- Request to add objections to the previous application (SU/14/0594) for identical proposal [*Officer comment: This is not legally possible. However, a summary of*

all previous comments (for SU/14/0594) can be seen on attached report for this application (now appeal)]

- The application is subject to a non-determination appeal [*Officer comment: The current proposal is not subject to a non-determination appeal*]

6.6 At the time of preparation of this report, three representations in support had been received making the following comments:

- More houses are needed so that the younger generation can choose to live locally
- Development is well designed with consideration to surrounding dwellings
- Adjacent SANG would provide walks and activities
- Local parents and children would be able to walk to school
- Infrastructure should be directed towards schools and surgeries.

7.0 PLANNING CONSIDERATIONS

- 7.1 The housing part of the application site is located within a site which has been a housing reserve site, adjoining the settlement of West End, but defined as Countryside (beyond the Green Belt). The SANG part of the proposal falls within the Green Belt.
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies CPA, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and Policy H8 of the Surrey Heath Local Plan 2000 (as saved) are relevant. In addition, advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2015-2020 (February 2015).
- 7.3 The application is in an outline form which seeks the approval of the access only and follows the earlier non-determination appeal for an identical proposal at this site (SU/14/0594) and the appeal decision (SU/14/0532). This appeal decision is a material consideration for this application (see Annex 2).
- 7.4 Aside from the appeal decision (for SU/14/0532) and the implications of the release of land in respect of housing supply, officers do not consider that there has been any significant change in circumstances since the resolution of the Committee with regards to application/appeal SU/14/0594.

For completeness a copy of the previous report is attached (Annex 1) and for reference purposes, the main issues and conclusions in this report, which also

apply to this submission, are summarised below:

- No objections to the impact of the proposal upon highway safety including the level of parking and use of access to the site from Beldam Bridge Road. In addition, no objections were raised to the cumulative impact on increased traffic from this proposal (along with other developments, such as under appeal SU/14/0532 and the housing development under SU/15/0445 [land at Malthouse Farm, Benner Lane] at the time this was refused in October 2015) [See *Paragraph 7.6 of SU/14/0594*];
- No objections to the impact of the proposal on local character grounds (and impacts on trees and hedgerows), if the site was to be released for housing at this stage, and no objections to the impact on the Green Belt [See *Paragraph 7.7 of SU/14/0594*];
- No objections to the impact of the proposal on residential amenity grounds, particularly in relation to any increase in noise and bearing in mind the outline nature of the proposal (only access to be agreed) [See *Paragraph 7.8 of SU/14/0594*];
- No objections to the impact of the proposal on ecology and archaeology [See *Paragraphs 7.9 and 7.10 of SU/14/0594, respectively*];
- No objections to the impact of the proposal on drainage and flood risk, for which the Local Lead Flood Authority have raised no objections for this application. In addition, no objections to the impact on land contamination [See *Paragraph 7.11 of SU/14/0594*];
- No objections to the impact of the proposal on local infrastructure with the proposal being CIL liable. The contribution towards education requested by the education authority, Surrey County Council, was not justified during the consideration of the previous application/appeal SU/14/0594 and their comments for this application remain awaited [See *Paragraph 7.12 of SU/14/0594*]; and
- No objections to the impact of the proposal on affordable housing provision, the housing mix, crime and open space provision on the basis that these details would be provided/secured at the reserved matters stage [See *Paragraphs 7.13, 7.14 and 7.15 of SU/14/0594, respectively*].

7.5 Having regard to all of the above, it is considered that the principal considerations to be addressed in the determination of this application is:

- Principle of development; and
- Impact on the Thames Basin Heaths Special Protection Area.

7.6 Principle of development

Spatial strategy

7.6.1 Paragraph 17 of the NPPF sets out the core land-use planning principles. This includes the need to *"recognise the intrinsic character and beauty of the countryside"* and *"encourage the effective use of land by reusing land that has been previously developed (brownfield land)"*. Policy CPA of the CSDMP sets out the spatial strategy for the Borough and acknowledges that new development in the Borough will come forward largely from the redevelopment of previously developed land in the western part of the Borough. This accords with the identification of that area as a part of the Western Corridor/Blackwater valley sub-regional growth area and identification of Camberley as a secondary town centre which is expected to accommodate major developments. Development in this part of the Borough also has the best access to local services and is most likely to make use of previously developed land.

7.6.2 Policy CP3 of the CSDMP sets out the scale and distribution of housing within the Borough up to 2028, which is to be provided within existing settlements up to 2026 and, if insufficient sites have come forward, then between 2026 and 2028, the release of sustainable sites within the Countryside (beyond the Green Belt), sites identified through a local plan review. The local and national policy seeks the development of previously developed land first, with local policy indicating that development should be focused in the settlements, with any releases that are to be made in the defined countryside from 2026, if insufficient sites have come forward for development. At this time, it is clear that the spatial strategy would not support the release of the application site for housing.

Housing supply

7.6.3 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental. The NPPF considers that where relevant policies are absent, silent or out-of-date, the policies within the NPPF would take precedent, unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*. The NPPF puts the delivery of sustainable development at the heart of the decision making process.

7.6.4 The NPPF within its series of core principles includes the proactive delivery of housing. Paragraph 47 of the NPPF indicates that *"to boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meet the full, objectively needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in [the NPPF], including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements within an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;..."*

The availability of a five year supply (plus buffer) of deliverable housing sites is a

factor when determining applications for residential development, notwithstanding the spatial strategy set out in Paragraph 7.5.1 above.

- 7.6.5 Paragraph 49 of the NPPF indicates that: *"Housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Without the supply of deliverable housing sites, local policies on housing supply would be considered to be out-of-date and development which is considered to be sustainable (as defined in the NPPF) would be considered to be acceptable. It is considered that for the proposed development, when balancing the clear social and economic benefits with any potential environmental dis-benefits (see Paragraph 7.7 below), the proposal would be deemed to sustainable development (as defined in the NPPF). This is the same conclusion drawn by the Inspector for the appeal proposal SU/14/0532 and the Council for the identical (now appeal) proposal under SU/14/0594.

- 7.6.6 The application site falls within the defined Countryside (beyond the Green Belt) but also forms a part of a housing reserve site as previously defined in Policy H8 of the Surrey Heath Local Plan 2000 (as saved). The Inspector into the Core Strategy did not delete this housing reserve site but has indicated that they would need to be reviewed through a sites allocation (SPD) document, which is currently at an early stage.
- 7.6.7 The Council provided a Five Year Housing Land Supply Paper 2015-2020 in February 2015 (HLSP) which indicated that there is an available eight year supply of housing, based on the delivery rate of 191 dwellings per annum, as set out in the Core Strategy.
- 7.6.8 The Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA) has been provided to develop an up-to-date evidence base for the housing market area to develop the evidence of a full objectively assessed needs (FOAN) for market and affordable housing, as required by Paragraph 47 of the NPPF (see Paragraph 7.5.4 above). The SHMA requires a much higher delivery rate of 340 dwellings per annum.
- 7.6.9 The key issue is to which rate of housing delivery should be provided for this Borough. The Inspector for the appeal for SU/14/0532 (Land south of Kings Road and Rose Meadow) in allowing that proposal indicated:

"To my mind, [Paragraph 47 of the NPPF] introduces a much greater emphasis on the delivery of housing than was at the case at the time of the adopting the [Core Strategy], albeit that this must be weighed against other policies of the Framework. Given that the [Core Strategy], even at the time of adoption, would not meet housing requirements for the plan period, this represents a clear conflict with the Framework. Furthermore, Policy CP3 outlines a strategy to reserve housing sites until after 2025 and only release them if it is established at that time that insufficient sites have come forward. This is likely to result in significant delay in addressing potential housing shortfalls that would be at odds with the Framework's important objective to boost significantly the supply of housing. For these reasons, I attach

the policies of the Framework in respect of housing great weight and this justifies a departure from the development plan [i.e. Core Strategy]."

As such, the Inspector determined that the starting point for determining a five year housing land supply was the higher untested (FOAN) figure of 340 dwellings per annum rather than the Core Strategy figure of 191 dwellings per annum. This represents a material and important change in circumstance since the assessment of the earlier (now appeal) proposal at this site (SU/14/0594) in July 2015. In a similar manner to the appeal proposal, the current application has to be assessed in the light of this re-balancing, between national and local policies, of the policy position on housing delivery.

- 7.6.10 Since the determination of the appeal SU/14/0532, the Council has updated its calculation on current five year housing land supply in line with the Planning Practice Guidance (PPG). This includes counting sites with permission that have not yet started and sites under construction as at January 2016 and removing completions from the supply. The Council concludes that currently it does not have a five year housing land supply (against the FOAN figure).
- 7.6.11 Whilst, the Inspector into the Examination in Public into the core strategy concluded that due to the impact of the SPA on housing delivery and the need to provide avoidance measures to mitigate the impact of (net) residential development within the Borough, the Council did not have to demonstrate a rolling five year housing land supply. The Inspector acknowledged that the Council, at that time, could not meet the required five year housing land supply (without buffer) as set out in the national policy requirements at that time, but considered that the local constraint to housing delivery could lead to an acceptable departure from national policy on housing delivery. The Inspector for SU/14/0532 indicated that the rate of delivery of housing at the Princess Royal Barracks is an important factor in the provision of a five year (plus buffer) supply of housing for the Borough. He confirmed that the rate of delivery was likely to fall between the Council and appellant's estimates and when applying the higher FOAN rate, a less than 5 year supply of housing could be provided.
- 7.6.12 Paragraph 119 of the NPPF, however, indicates that *"the presumption in favour of sustainable development (paragraph 14 [of the NPPF]) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* The Inspector for the appeal S/14/0532 indicated:

"It was highlighted that the Council's CIL tariff makes provision for the collection of SANGS contributions where the relevant SANGS would be within the Local Authority Area. Subsequently a unilateral undertaking has also been provided to secure the necessary SAMM payment, notwithstanding the Council's view that this could be provided at the reserved matters stage. These measures would accord with the Council's avoidance strategy and ensure that significant effects to the SPA were avoided."

and:

"I have established that significant effects on the SPA could be avoided in this instance and, therefore, [an Appropriate Assessment] is not required."

Consequently, Paragraph 119 of the Framework does not preclude application of the presumption in favour of sustainable development."

The delivery of a SANG under this application (See Paragraph 7.7 below) and a SAMM contribution would similarly avoid a significant adverse effect on the SPA and the application would also not preclude the application of the presumption in favour of sustainable development (under Paragraph 17 of the NPPF) for the current proposal.

7.6.13 It is therefore considered that the proposed development, by providing residential units in a site designated as Countryside (beyond the Green Belt) on part of a housing reserve site, is acceptable.

7.7 Impact on the Thames Basin Heaths Special Protection Area

7.7.1 The application site falls about 0.75 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the South East Plan 2009 (as saved) seeks to protect the ecological integrity of the SPA from recreational pressure, through increased dog walking and an increase in general recreational use, which occurs from the provision of new (net) residential development. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA.

7.7.2 As indicated in Paragraph 7.12.2 of the officer report for SU/14/0594 [Annex 1], the CIL charging schedule incorporates SANG funding, except where a SANG is proposed under the same (or linked) development. In this case a SANG is proposed (on adjoining land to the housing proposal) as a part of the overall proposal. The main (minimum) requirements for the provision of a 12.2 hectare SANGS are:

- A parking area;
- A 2.3-2.5 kilometre circular walk;
- Paths must be easily used and well maintained but should remain unsurfaced;
- SANGS should be perceived as semi-natural spaces;
- Access should remain largely unrestricted so that dogs can be exercised off the lead; and
- The SANGS should be provided in perpetuity with management (back-up) fund provided and step-in rights provided if the SANGS management should fail.

A parking area for 12 cars is proposed and a circular walk to meet the specifications can be provided within the SANGS proposal site. The SANGS would be perceived as a semi-natural space and the existing path ways are unsurfaced. Natural England has raised no objections subject to the completion of

a legal agreement to cover the management of the SANGS in perpetuity, provision of a maintenance fund and to include a step-in clause provided if the SANGS management should fail. Such a legal agreement has not been secured to date.

- 7.7.3 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution is required. This contribution has not been received to date, and cannot be calculated where the number and size of dwellings is not provided. However, this matter can be dealt with at the reserved matter stage and no objections are raised on these grounds.
- 7.7.4 Without a legal agreement (as required under the terms set out in Paragraph 7.7.2 above), the current proposal is considered to be unacceptable in terms of its impact on the SPA, complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

8.0 CONCLUSION

- 8.1 As with the earlier application/appeal SU/14/0594, no objections are raised to the impact of the proposal on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage. The proposal is acceptable in terms of its impact on the Thames Basin Heaths Special Protection Area, subject to the provision/retention of the proposed SANG secured through a legal agreement (not provided to date).
- 8.2 It is considered that the site should be released for housing at this time and subject to the provision of a legal agreement for the SANG delivery, the application is recommended for approval.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the

website, to correct identified problems to ensure that the application was correct and could be registered.

c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

GRANT, subject to the receipt of a satisfactory legal agreement to secure the delivery and retention in perpetuity of a Suitable Accessible Natural Greenspace (SANG) by 16 February 2016, and subject to the following conditions:

1. Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.

(b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and the Compulsory Purchase Act 2004.

2. With the exception of the layout shown and the details required by Condition 11 below, the proposed development shall be built in accordance with the following approved plans: CSa/1586/112, unless the prior written approval has been obtained from the Local Planning Authority.

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

3. No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding

(f) hours of construction

(g) confirmation that there will be no on-site burning of material during any site clearance, demolition and construction works

has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction period.

Reason: The condition above is required in order that the development should not prejudice residential amenity and highway safety nor cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. No development shall take place until details of the surface materials for the roads, car parking areas and driveways shall be submitted to, and approved in writing by the Local Planning Authority. Once approved, the agreed surfacing materials shall be used in the construction of the development.

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

5. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) and the finished ground levels of the site including all roads and driveways, etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

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

Reason: To ensure visual and residential amenities are not prejudiced and to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. No development shall take place until details of external lighting are to be

submitted to the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification.

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

8. Prior to the first occupation of the development hereby approved, a Travel Plan to promote sustainable patterns of movement shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details.

Reason: To promote sustainable modes of transport and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. Prior to the granting of the last reserved matter pursuant to the development granted under this outline permission, details of a drainage strategy is to be submitted to and approved by the Local Planning Authority. The details of this strategy should include:
 1. Evidence of where and why infiltration is not feasible (on-site geology, soils and groundwater levels) and a sustainable drainage system (SuDS) designed accordingly;
 2. Calculations confirming the peak discharge rates for the site in 1 in 1, 1 in 30 and 1 in 100 (+30% climate change) storm events and how these are going to be limited to greenfield runoff rates;
 3. A drainage layout detailing the location of SuDS elements, pipe diameters and their respective levels; and
 4. Long and cross sections of each proposed SuDS element.

The approved development shall be implemented in accordance with the approved details.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the construction of the dwellings hereby approved (under this outline planning permission and all subsequently approved reserved matters), details of the protection during the construction process for, and future maintenance of, the sustainable drainage system shall be submitted to and approved by the Local Planning Authority. The maintenance plan should include the maintenance frequencies and ownership and responsibilities for the maintenance of the SUDS features.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, a verification report shall be submitted to and approved by the Local Planning Authority which shows that the Sustainable Urban Drainage System has been constructed in accordance with the details approved in accordance with Conditions 8 and 9 above.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. No development shall take place until details of the proposed access onto Beldam Bridge Road including any required visibility zones have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details with the visibility zones kept permanently clear of any obstruction.

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

13. No development shall take place until a Written Scheme of Investigation with a programme of archaeological work and details of compliance with the resulting implemented programme of work has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that there is a record of any found archaeological evidence and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

14. The approved development shall be implemented in accordance with the recommendations set out in Section 5.0 of the Ecological Appraisal by CSa Environmental Planning dated June 2014 unless the prior written approval has been obtained from the Local Planning Authority.

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

15. A scheme to revise the speed limit on Beldam Bridge Road is to be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the approved development.

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

Informative(s)

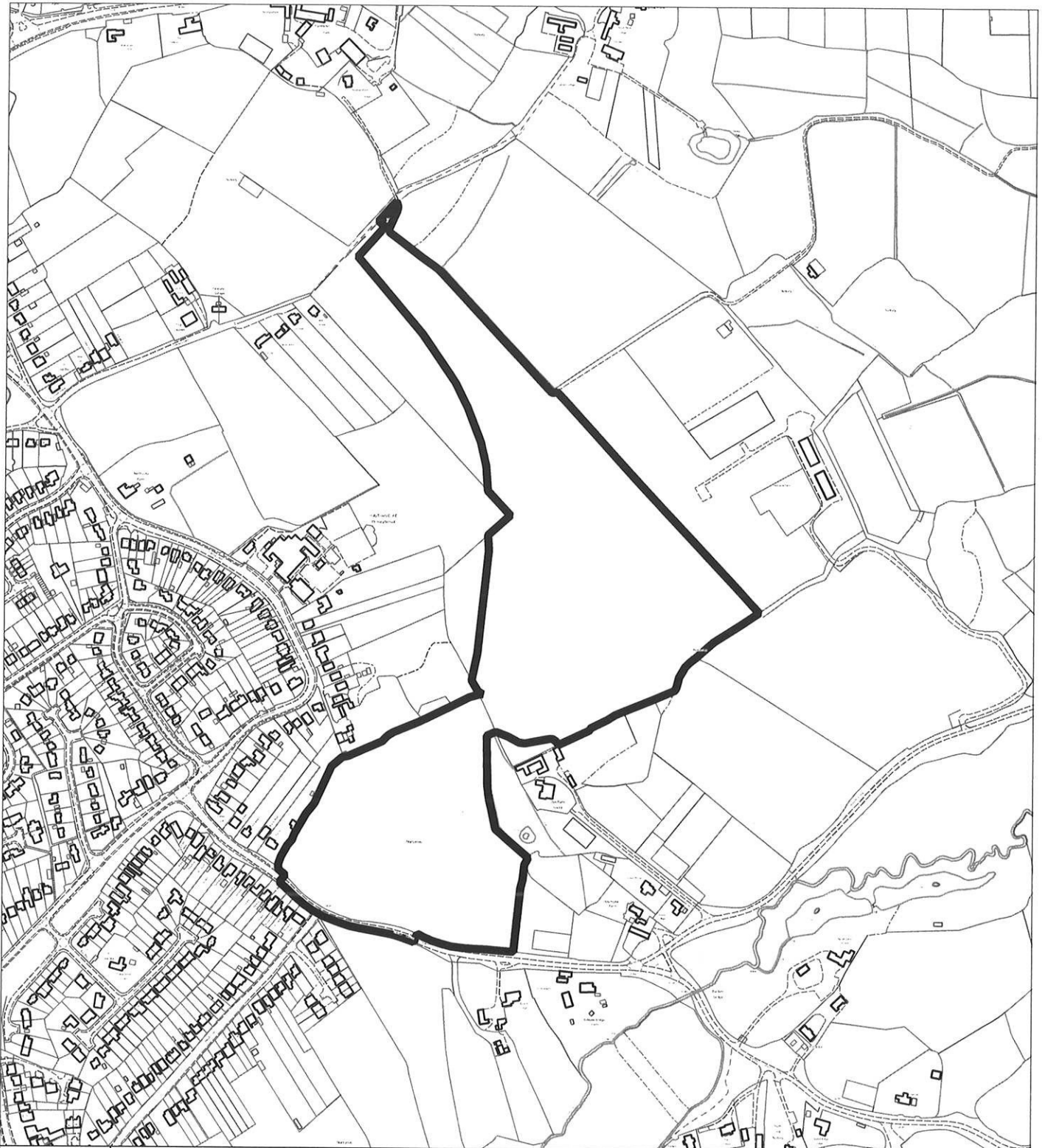
1. Decision Notice to be kept DS1
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact Phil Peacock, Senior Engineer (Construction and Maintenance), Local Transportation Service, Bagshot on (01483) 518281.
3. To support Condition 14, a Traffic Regulation Order (TRO) under the Highways Act 1980 (as amended) is required from the highway authority, Surrey County Council to secure an extended speed limit restriction on Beldam Bridge Road. In the event that the required TRO fails, then alternative measures aimed at reducing vehicle speeds on Beldam Bridge Road will be required.
4. HI(Inf)15 (Highway) HI15
5. CIL Liable CIL1



In the event that a satisfactory legal agreement has not been received by the 30 September 2015 to secure SANG provision/retention the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-

- 1 The Planning Authority, 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 (SSW). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area 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 planning authority is not satisfied that

Regulation 62 of the Conservation of Habitats and Species Regulation 2010 (The Habitats Regulation) applies in this case, it must refuse permission in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EEL. For the same reasons the proposal conflicts with guidance contained in 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 and Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012).

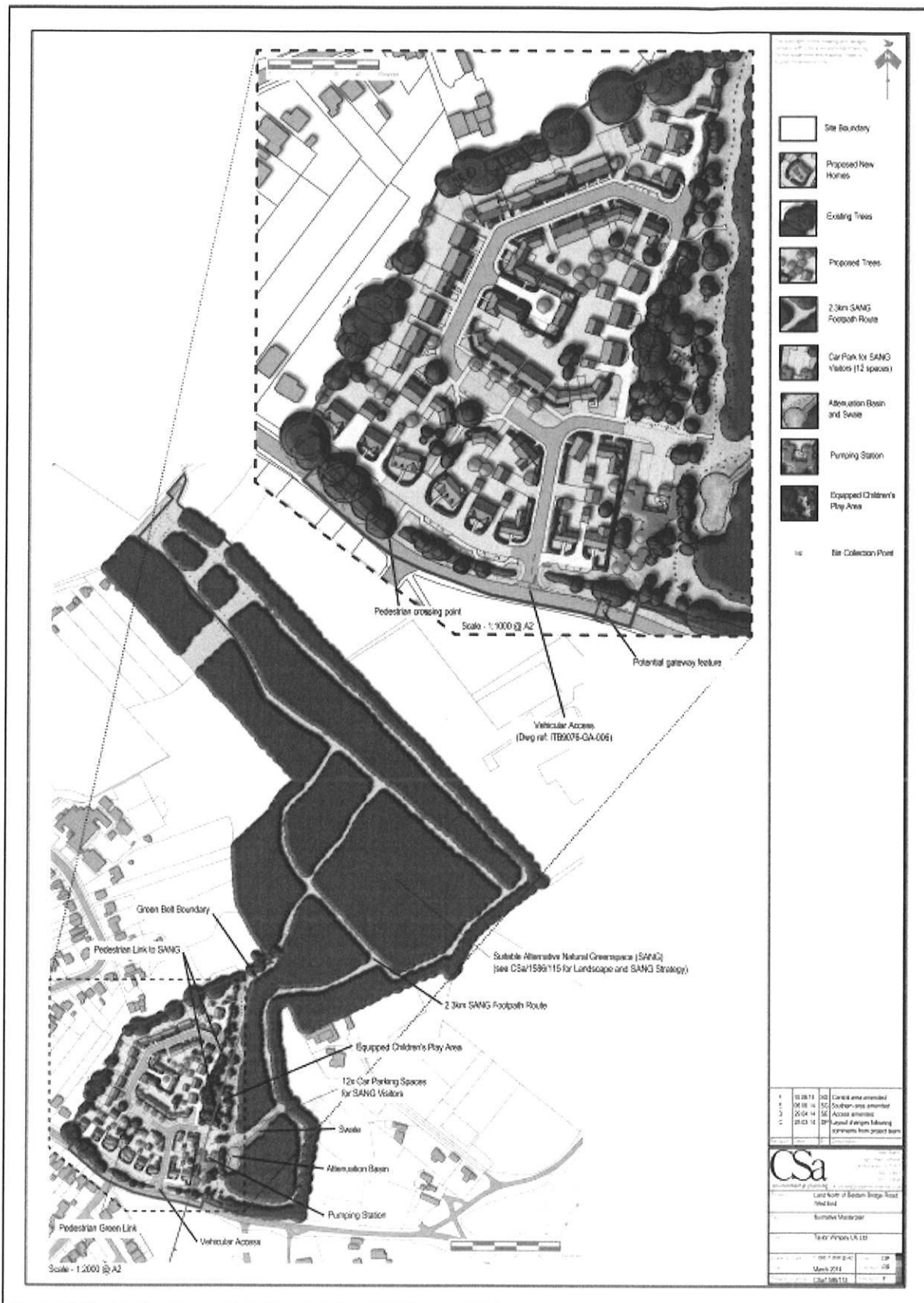
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Title	Planning Applications		Page	3 of 3
Application number	15/0884		Scale @ A4	1:6,000
Address	LAND NORTH OF, BELDAM BRIDGE ROAD, WEST END, WOKING, GU24 9LP		Date	25-01-2016
Proposal	<p>Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space. (Details of access only to be agreed).</p>			
<p>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</p>				

SU/15/0884 – LAND NORTH OF BELDAM BRIDGE ROAD, WEST END

Schematic layout



SU/15/0884 – LAND NORTH OF BELDAM BRIDGE ROAD, WEST END

Site frontage



Within the site



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2014/0532

Reg Date 01/07/2014

West End

LOCATION: LAND SOUTH OF 24-46 (EVENS), KINGS ROAD, AND 6 & 9 ROSE MEADOW, WEST END, WOKING, GU24 9LW

PROPOSAL: Outline Application for 84 dwellings (including 8 one bedroom flats, 34 two bedroom houses, 28 three bedroom house and 14 four bedroom houses) with access from Rose Meadow. Access only to be considered. (Additional info rec'd 11/09/2014). (Additional info rec'd 09/10/2014), (Additional info rec'd 22/10/14), (Additional in rec'd 06/11/14).

TYPE: Outline

APPLICANT: The William Lacey Group Ltd

OFFICER: Duncan Carty

RECOMMENDATION: If the Council had been the determining authority, it would have REFUSED permission

1.0 SUMMARY

- 1.1 The current outline application relates to the erection of 84 dwellings on land to the south of Kings Road and Rose Meadow in West End with access from Rose Meadow. The proposal relates to the approval of the access only.
- 1.2 The current application is the subject of a valid non-determination appeal that has been received by the Planning Inspectorate. The applicant has the right to make a non-determination appeal after the expiry of the statutory time limit or expiry of an extension of time agreement. The Planning Inspectorate then becomes the determining authority. However, it is still necessary for the Council to confirm what it would have determined if it had been the determining authority.
- 1.3 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix, crime and the Thames Basin Heaths Special Protection Area, no objections are raised. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage. However, it is considered that the site should not be released for housing at this time as this would be contrary to the adopted development plan and an objection is raised on these grounds. As such, the Council would have refused this proposal if it had been given the opportunity to determine this application.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to agricultural land to the south of Kings Road and Rose Meadow on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls from north to south and the majority of trees are located to site boundaries with a line of trees running through the site from north to south which marks a historic boundary between two fields. The River Bourne lies south of the application site with a small part of the site close to the south boundary falling within the floodplain (Zone 2). Part of a historic (pre-war) landfill site lies within the south east corner of the site.
- 2.2 The site measures 3.51 hectares in area. Land to the south and east of the application site falls within the Green Belt.

3.0 RELEVANT HISTORY

- 3.1 SU/06/0879 Outline application for the erection of 12 semi-detached and 10 detached dwellinghouses following the demolition of four detached dwellinghouses (means of access to be determined) at 40-48 Kings Road (which includes part of the application site). Refused permission in January 2007 and subsequent appeal dismissed in January 2007.

The application was refused for the following reasons:

1. Inappropriate, piecemeal and premature release of part of a housing reserve site and encroachment into countryside [agreed by the Inspector].
2. Cramped form and layout of development out of keeping with pattern of development in the locality [agreed by the Inspector].
3. Impact on residential amenities of adjoining occupiers [not agreed by Inspector].
4. Density of development and means of access would result in unacceptable level of activity in Kings Road [not agreed by Inspector].
5. Impact on the SPA [agreed by the Inspector].
6. Absence of a flood risk assessment [not agreed by Inspector]
7. Absence of and tree survey/report [agreed by the Inspector].

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of 84 dwellings with its proposed access from Rose Meadow. The housing includes 8 one bed, 34 two bed, 28 three bed and 14 four bed units, with 40% affordable provision, split between intermediate and socially rented housing. 200 car spaces are proposed. The proposal relates to the approval of the access only.
- 4.2 The application is in an outline form with only the access to be determined at this stage. The sole access would be direct from the southern end of the highway at Rose Meadow. Rose Meadow is a short cul-de-sac serving 8 dwellings. The proposal would increase the number of dwellings using this access to 92 dwellings, which access onto Kings Road and the wider highway network. A schematic layout has been provided which indicates a form of development for this proposal which arranges the housing around a cul-de-sac form of development. Land towards the south boundary would provide amenity land including a play area.
- 4.3 The application has been supported principally by:
- Planning and Design and Access Statements;
 - Transport Assessment and Travel Plan; and
 - Housing Need and Supply Report (received on 1 April 2015).
- Other provided reports include:
- Flood Risk Assessment;
 - Housing Report;
 - Noise Assessment;
 - Tree Report;
 - Ecological Assessment;
 - Heritage Assessment and Landscape Visual Impact Assessment; and
 - Community Consultation Event Statement.
- 4.4 The Housing Need and Supply Report is a response to the publication of the Council's Housing Needs Supply Paper in February 2015. The applicant has indicated that the paper is flawed and relies upon a level of housing demand (about 190 dwellings per annum) which is derived from the level set out in the South East Plan 2009 (now revoked) and as set out in the Core Strategy. The applicant also indicates that the HLSP includes development proposals which they consider are not deliverable within the five year timeframe. The applicant considers that the HLSP should reflect the level of housing demand (about 340 dwellings per annum) that is set out in the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) [SHMA], and has backed this approach with recent appeal decisions and case law relating to various sites located outside of this Borough. This, in their opinion, would indicate that a five year supply (plus buffer) for the Borough is not achievable and that the site should now be released for housing. In addition, the applicant has indicated that the adoption of the Core Strategy in February 2015 (just prior to the NPPF coming into force) and its reliance

on pre-NPPF national policy makes these policies out-of-date. The applicant considers that the presumption in favour of sustainable development should be applied to this development which should be approved without delay.

- 4.5 The assessment in Paragraph 7.0 below has taken into consideration the content of these reports provided by the applicant.

5.0 CONSULTATION RESPONSES

- | | | |
|------|-----------------------------------|--|
| 5.1 | County Highway Authority | No objections. |
| 5.2 | Environmental Services | No objections. |
| 5.3 | Surrey Police | No objections. |
| 5.4 | Surrey Wildlife Trust | No objections. |
| 5.5 | Natural England | An objection is raised on a lack of SANG capacity to accommodate this proposal [See Paragraph 7.13]. |
| 5.6 | Environment Agency | No objections. |
| 5.7 | Archaeological Officer | No objections. |
| 5.8 | Arboricultural Officer | No objections. |
| 5.9 | Surrey County Council (Education) | Payment towards education provision is required. |
| 5.10 | West End Parish Council | An objection is raised on the grounds that the site falls outside of the settlement boundary, flood risk, local infrastructure, ecology and potential loss of trees. The site exceeds the 20 units expected for West End within the Core Strategy. |

6.0 REPRESENTATION

At the time of preparation of this report, no representations in support have been received and 184 letters of objection, including one from the West End Action Group and one petition (with 635 signatures), have been received which raise the following issues:

6.1 Principle

- Development is not needed and is of a size beyond local needs (20 units as set out in the Core Strategy) [See Paragraph 7.5]
- Release of land (pre-2025) contradicts local plan policy (Countryside beyond the

Green Belt/housing reserve site) and Housing and Supply Paper 2015-2020, and is pre-mature and unnecessary [See Paragraph 7.5]

- Adequate housing to be provided at other sites (Brookwood/Deepcut) [Officer comment: Brookwood falls outside of this Borough and would not contribute to the Council's housing delivery requirements. In all other respect, please see Paragraph 7.5]
- West End has provided its fair share of housing in the past (it has doubled in size since the 1980's) [Officer comment: This is not a reason to refuse this application]
- The development should not be provided before the original bypass is provided [Officer comment: The bypass provision has been long deleted and the site remains a housing reserve site]
- Use of green field (rather than brown field) sites is against central government advice [See Paragraph 7.5]
- Cumulative impact and un-co-ordination with other developments at Dyckmore (SU/14/0869), Malthouse Farm (SU/15/0445) and Land north of Beldam Bridge Road (SU/14/0594) [Officer comment: Each application has to be determined on its own merits]
- Destruction of Green Belt land [Officer comment: The land is not Green Belt]
- Land has been/should be returned to Green Belt [Officer comment: The land has not been re-defined as Green Belt]

6.2 Highway and transportation matters

- Access via Kings Road and Rose Meadow is not designed to take the level of traffic that would be provided for the development. Proposal would therefore adversely affect highway safety made worse by poor visibility at road junctions, lack of footways on these roads and limited street lighting as well as restrictions for emergency traffic, particularly due to the level of current on-street parking [See Paragraph 7.6]
- Impact on traffic congestion and highway safety on local roads and at local road junctions (Kings Road – Beldam Bridge Road road junction, Beldam Bridge Road – Fellow Green road junction, A322 Guildford Road – Fellow Green roundabout and over the single lane Beldam Bridge) and at school rush hour. Local roads are gridlocked when highway maintenance work is undertaken in vicinity [See Paragraph 7.6]
- Restrictions to use of private road (Rose Meadow) due to provision of access for this development its use for street parties, children playing, etc [Officer comment: This would not be a reason to refuse this application]
- Loss of on-street parking (Rose Meadow) due to provision of access for this development [See Paragraph 7.6]
- Access from private roads with a weight restriction and impact on road surface [Officer comment: This is a private matter]

- Previous promises of signage to limit heavy vehicles on private road (Kings Road) [*Officer comment: This is a County Council matter*]
- One access road is insufficient for development, particularly for emergency vehicle access if there were to be road congestion on Rose Meadow due to the level of on-street parking [*See Paragraph 7.6*]
- The Fellow Green roundabout is at near traffic capacity and the proposal (cumulatively with other proposals) will exceed capacity [*See Paragraph 7.6*]
- Creation of more rat-runs through the West End village [*See Paragraph 7.6*]
- TRICS modelling for predicting traffic generation does not take into consideration high car ownership in local area and therefore additional trips are likely [*See Paragraph 7.6*]
- Limited availability of commuting to London by rail [*See Paragraph 7.6*]
- Inadequate car parking proposed for this development [*See Paragraph 7.6*]

6.3 Character reasons

- Loss of trees (including ancient woodland), fields and hedges [*Officer comment: Ancient woodland would not be affected by the proposal. In all other respects, see Paragraph 7.7*]
- Ruining beautiful countryside and loss of rural/tranquil character [*See Paragraph 7.7*]
- Loss of green space/gap to Bisley/Chobham and resulting coalescence of villages [*See Paragraph 7.7*]
- Impact on, and suburbanisation of, village character [*See Paragraph 7.7*]
- Impact on the design and appearance of Rose Meadow [*See Paragraph 7.7*]
- Not in keeping with Kings Road development [*See Paragraph 7.7*]
- Development is too large in scale [*See Paragraph 7.7*]
- Density (36 dph) above the general density of development in West End [*See Paragraph 7.7*]

6.4 Residential amenity

- Impact on residential amenities [*See Paragraph 7.8*]
- Increased noise and air pollution from traffic [*See Paragraph 7.8*]
- Increased noise and dust pollution from construction and associated traffic

[Officer comment: If minded to approve, a method of construction including a limitation on hours of construction and a method to control dust could be imposed. In addition, there are separate controls on noise and dust under environmental health legislation]

- Increased light pollution [*See Paragraph 7.8*]
- Loss of privacy from use of private road (Rose Meadow) as an access for this development from increased activity (walking, cycling etc.) to front gardens and front windows of existing residential properties [*Officer comment: This would not be a reason to refuse this application*]
- Stress to local residents from construction process and later noise and air pollution [*Officer comment: This is not a reason to refuse this application*]
- Inadequate information received about impact on road noise to local residents [*Officer comment: This has subsequently been received. See Paragraph 7.8*]
- Proposal would be in direct contravention of the European Convention on Human Rights allowing existing residents to enjoy the current peace, tranquillity and rural aspect of the area [*Officer comment: See Page 2 of the Committee Agenda. There is considered to be no potential conflict with the Human Rights Act*]

6.5 Other matters

- Loss and destruction of wildlife and their habitats (birds (including buzzards, sparrow hawks, owls, red kites, woodpeckers, pheasants and herons), deer, hedgehogs, badgers, bats, rabbits, newts, frogs, reptiles, toads, bees and foxes) [*See Paragraph 7.9*]
- Impact on archaeology including Roman road under site [*See Paragraph 7.10*]
- Increased risk of flooding with proposed dwellings on a high risk floodplain and area with a high water table [*See Paragraph 7.11*]
- Impact on drainage – proposed mitigation will not be sufficient [*See Paragraph 7.11*]
- Impact on drainage from the highway (Rose Meadow) which currently runs into the application site [*See Paragraph 7.11*]
- Impact on property value if house floods after development is built [*Officer comment: The impact on property value is not a planning matter. However, in relation to flood risk, please see Paragraph 7.11*]
- Unsustainable development by reason of a worsening of existing infrastructure deficiencies/Lack of infrastructure to accommodate increased population – local doctors' surgery (impacting on hospital A&E departments), schools, village amenities (shops, playing fields, tennis courts, etc.) and developers contributions would not fund sufficient improvements to this infrastructure [*See Paragraph 7.12*]
- Increase in crime and anti-social behaviour [*See Paragraph 7.14*]
- Impact on the SPA [*See Paragraph 7.15*]

- Impact on Brentmoor SSSI [*Officer comment: The application site is a minimum of 0.9 kilometres from the SSSI and the direct impact from this development on that site is negligible. However, this site forms a part of the SPA, and in terms of its impact on that status of this land, please see Paragraph 7.15*]
- Proposed SANG (at Heather Farm) is no to the benefit of local residents [See Paragraph 7.15]
- De-valuation of property value [*Officer comment: This is not a planning matter*]
- Developer greed [*Officer comment: This is not a material planning consideration*]
- Digging up private road, gardens and driveways to provide utilities [*Officer comment: This is a private matter*]
- Management company upkeep the road (Rose Meadow) – who will undertake this role if the development is built? [*Officer comment: This is a private matter*]
- No improvement on earlier refused scheme (SU/06/0879) [*Officer comment: Each application is considered on its own merits*]
- Health and safety issues from locating childrens' play area close to attenuation pond [*Officer comment: The application is in an outline form and the layout is not under consideration*]
- Impact on air quality by increased use of Kings Road which has previously been repaired with silica and asbestos and increased carbon dioxide emissions [*Officer comment: This is an Environmental Health issue*]
- Impact on micro-climate [*Officer comment: This would not be a reason to refuse this application*]
- Timing of development proposals [*Officer comment: Beyond the time limit to implement, this is not a matter under the control of the Local Planning Authority*]
- Against the wishes of the local community [*Officer comment: This is not a reason, in itself, to refuse this application*]
- Lack of recognition of/progress for a village design statement [*Officer comment: This would not be a reason, in itself, to refuse this application*]
- Loss of village identity and community spirit [*Officer comment: This would not be a reason to refuse this application*]

7.0 PLANNING CONSIDERATIONS

- 7.1 The application is subject to a non-determination appeal which has been submitted due to the fact that the Council has not determined the application within the statutory (13 week) target date. As such, the assessment below is related to how the Council would have assessed the application if it were in a position to determine this application. The application site is located within a site which has been a housing reserve site, adjoining the settlement of West End, but defined as

Countryside (beyond the Green Belt).

- 7.2 As such, the National Planning Policy Framework and its associated Planning Practice guidance as well as Policies CP1, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and Policy H8 of the Surrey Heath Local Plan 2000 (as saved) are relevant. In addition, advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2015-2020 (February 2015).
- 7.3 The application is in an outline form which seeks the approval of the access only. However, it is considered that all the following matters need to be considered. It is considered that the main issues to be addressed in considering this application are:
- Principle of development;
 - Impact on traffic generation, parking capacity and highway safety;
 - local character, trees and hedgerows; and
 - Impact on residential amenity.
- 7.4 Other matters include:
- Impact on ecology;
 - Impact on archaeology;
 - Impact on land contamination, drainage and flood risk;
 - Impact on local infrastructure;
 - Impact on affordable housing provision and housing mix;
 - Impact on crime;
 - Open space provision; and
 - Impact on the Thames Basin Heaths Special Protection Area.

7.5 Principle of development

Spatial strategy

- 7.5.1 Paragraph 17 of the NPPF sets out the core land-use planning principles. This includes the need to *"recognise the intrinsic character and beauty of the countryside"* and *"encourage the effective use of land by reusing land that has been previously developed (brownfield land)"*. Policy CP1 of the CSDMP sets out the spatial strategy for the Borough and acknowledges that new development in the Borough will come forward largely from the redevelopment of previously developed land in the western part of the Borough. This accords with the identification of that area as a part of the Western Corridor/Blackwater valley sub-regional growth area

and identification of Camberley as a secondary town centre which is expected to accommodate major developments. Development in this part of the Borough also has the best access to local services and is most likely to make use of previously developed land.

- 7.5.2 Policy CP3 of the CSDMP sets out the scale and distribution of housing within the Borough up to 2028, which is to be provided within existing settlements up to 2026 and, if insufficient sites have come forward, then between 2026 and 2028, the release of sustainable sites within the Countryside (beyond the Green Belt), sites identified through a local plan review. The local and national policy seeks the development of previously developed land first, with local policy indicating that development should be focused in the settlements, with any releases that are to be made in the defined countryside from 2026, if insufficient sites have come forward for development. At this time, it is clear that the spatial strategy would not support the release of the application site for housing.

Housing supply

- 7.5.3 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental. The NPPF considers that where relevant policies are absent, silent or out-of-date, the policies within the NPPF would take precedent, unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*. The NPPF puts the delivery of sustainable development at the heart of the decision making process.
- 7.5.4 The NPPF within its series of core principles includes the proactive delivery of housing. Paragraph 47 of the NPPF indicates that *"to boost significantly the supply of housing, local planning authorities should:*
- *use their evidence base to ensure that their Local Plan meet the full, objectively needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in [the NPPF], including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
 - *identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements within an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;..."*

The availability of a five year supply (plus buffer) of deliverable housing sites is a factor when determining applications for residential development, notwithstanding the spatial strategy set out in Paragraph 7.5.1 above.

- 7.5.5 Paragraph 49 of the NPPF indicates that:

"Housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot

demonstrate a five-year supply of deliverable housing sites."

Without the supply of deliverable housing sites, local policies on housing supply would be considered to be out-of-date and development which is considered to be sustainable (as defined in the NPPF) would be considered to be acceptable. It is considered that for the proposed development, when balancing the clear social and economic benefits with any potential environmental disbenefits (see Paragraph 7.7 below), the proposal would be deemed to sustainable development (as defined in the NPPF).

- 7.5.6 The application site falls within the defined Countryside (beyond the Green Belt) but also forms a part of a housing reserve site as previously defined in Policy H8 of the Surrey Heath Local Plan 2000 (as saved). The Inspector into the Core Strategy did not delete this housing reserve site but has indicated that they would need to be reviewed through a sites allocation (SPD) document, which is currently at an early stage.
- 7.5.7 The Council has provided a Five Year Housing Land Supply Paper 2015-2020 in February 2015 (HLSP) which indicates that there is an available 8 year supply of housing, which demonstrates the meeting of the five year supply (plus buffer) target, which is clearly a different position to that set out in Paragraph 7.5.6 above, and has been achieved through the inclusion of Class C2 care home units, the increased development activity (due to the improved economic climate) and the number of office to residential conversions. This would also lead to the conclusion that the application site should not come forward for housing at this time. As indicated in Paragraph 4.4, the applicant has responded to this paper by indicating that the five year supply requirements, as set out in Paragraph 7.3.4 above, cannot be met and that the presumption in favour of sustainable development should be applied to this development which should be approved without delay.
- 7.5.8 The Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA) has been provided to develop an up-to-date evidence base for the housing market area to develop the evidence of a full objectively assessed needs for market and affordable housing, as required by Paragraph 47 of the NPPF (see Paragraph 7.5.4 above). The SHMA is at an early stage and further work is required by the Council to assess whether revisions to the housing target set out in Policy CP3 of the CSDMP are required. In the absence of this work, it is considered that the housing delivery policy set out in Policy CP3 of the CSPMP should be given much greater weight than the SHMA.
- 7.5.9 Moreover, the Inspector into the Examination in Public into the core strategy concluded that due to the impact of the SPA on housing delivery and the need to provide avoidance measures to mitigate the impact of (net) residential development within the Borough, the Council did not have to demonstrate a rolling five year housing land supply. The Inspector in his report indicated:

"The proposed revisions to Policy CP3's supporting text include a table showing anticipated phasing. This shows a five year housing land supply would not be provided - an outcome that is not unexpected given the difficulty of providing SANG has seriously constrained housing delivery in the Borough in recent years...the resulting strategy represents a pragmatic attempt to address a real and pressing local constraint on housing delivery...On balance, I am satisfied that the

circumstances described above justify departing from national policy in respect of this matter."

The Inspector acknowledged that the Council, at that time, could not meet the required five year housing land supply (without buffer) as set out in the national policy requirements at that time, but considered that the local constraint to housing delivery could lead to an acceptable departure from national policy on housing delivery.

7.5.10 Paragraph 119 of the NPPF, however, indicates that *"the presumption in favour of sustainable development (paragraph 14 [of the NPPF]) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* As indicated in Paragraph 7.13.1 below, the site falls within 5 kilometres of the SPA, for which an appropriate assessment would be required under the Birds Directive would be undertaken. As such, whilst Paragraph 14 of the NPPF indicates that sustainable development should be granted, where relevant policies are out-of-date, which has been suggested by the applicant, it also indicates that permission should not be granted where specific policies in the Framework indicate that development should be restricted. It is considered that with the Birds Directive restricting residential development, where there is a net gain of units within 5 kilometres of the SPA (for which the whole of the Borough is so affected), it is considered that the presumption in favour of sustainable development, as set out in Paragraph 14 of the NPPF, does not apply for the current proposal.

7.5.11 It is therefore considered that the proposed development, by providing residential units in a site designated as Countryside (beyond the Green Belt) on part of a housing reserve site (which currently is not expected to be needed prior to 2026), would result in the release of land for development that would currently conflict with the spatial strategy for the Borough which seeks to firstly concentrate development in the western part of the Borough and settlements areas on previously developed land.

7.5.12 At this time the release of this land would therefore be harmful to the intrinsic characteristics of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CP1 and CP3 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

7.6 Impact traffic generation, parking capacity and highway safety

7.6.1 The proposal would provide a sole access through Rose Meadow a short cul-de-sac serving 11 dwellings. The proposal would increase the number of dwellings using this access to 95 dwellings, which access onto Kings Road and the wider highway network. The County Highway Authority has raised no objections to the proposal on traffic generation and highway safety grounds. The Authority has indicated:

"The traffic modelling submitted with both is application [and SU/14/0594] looked at traffic impacts of both development sites both individually and in combination on the A322 Guildford Road/Kerria Way/Fellow Green roundabout.

The modelling demonstrated that the junction, in its current form, is operating close to capacity.

The modelling identified that the existing junction arrangement would in the future, suffer from queuing and delays on both the A322 approaches, particularly on the A322 north arm of the roundabout. Both developers have put forward a scheme to provide an improvement to the capacity and the operation of both arms of the junction.

It is considered by the Highway Authority that the scheme put forward would provide an improvement to the future queuing and delays that the existing junction would suffer from which was identified by the modelling assessment. It is considered that this improvement scheme should be delivered through the CIL process."

The County Highway Authority has confirmed that this scheme is not required to make the current scheme acceptable. As such, it does not need to be delivered under this application and such details do not form a part of this application. The County Highway Authority has also not raised any objections on the highway safety issues raised by an increased use of the general local road network, including its junctions.

- 7.6.2 The details of layout are, as indicated above, a reserved matter but an indication that 200 parking spaces would be provided to serve this development. This level of parking would meet parking standards and no objections are therefore raised on these grounds.
- 7.6.3 The condition of the road surface on Kings Road, particularly between Rose Meadow and A322 Guildford Road, is poor. In this respect the County Highway Authority has advised:

"To promote walking and cycling and to assist pedestrians accessing the bus stops and local facilities the surface of Kings Road [between Rose Meadow and A322 Guildford Road] which is a privately maintained public highway should be improved for future users. Details of the highway requirements necessary for the inclusion in any application seeking approval of reserved matters may be obtained from the [County Highway Authority].

[As] Kings Road is a privately maintained road, ...therefore it is the responsibility of the residents who front the road to maintain it for suitable usage for all users. However, the Highway Authority note that the condition of Kings Road is less than ideal and attractive than it could be for users. The Highway Authority would therefore welcome the developer to enter into discussions with the residents to provide an improvement."

The County Highway Authority has confirmed that the poor surface of Kings Road, particularly between Rose Meadow and A322 Guildford Road, and the effect of increased traffic on this highway is not a reason to refuse this application. As such, no objections are raised on these grounds, with the proposal complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7.7 Impact on local character, trees and hedgerows

- 7.7.1 Paragraph 7.5.11 above already recognises that unless there is a clear proven need to release countryside for housing, the intrinsic characteristics of the countryside should be protected for its own sake. However, on the assumption that this land has to be released then the following conclusions can be drawn on the merits of the proposal.
- 7.7.2 The proposal would result in the provision of housing on a greenfield site, which would extend the effective settlement boundary into the defined countryside. This would have some impact on the rural character of the site, with the loss of the fields to residential development. However, this effect would not be so significant an impact, noting the quality of the landscape, the site topography, the level of boundary screening, particularly to the south and east boundaries of the site (adjoining the Green Belt), and the limited views of the site that would be afforded from the open countryside beyond. No objections are raised to the impact of the proposal on the rural character of the area.
- 7.7.3 The minimum gap between the settlements of West End and Bisley is 370 metres (at the A322 Guildford Road). The current proposal would be located a minimum of about 450 metres from the settlement of Bisley. It is also noted that the remainder of the land between these settlements falls within the Green Belt. As such, it is not considered that the development proposal would result in the loss of a strategic gap between, or a coalescence of, settlements.
- 7.7.4 As indicated above, the proposed layout is a reserved matter but the schematic layout provided with this application indicates how the development could be provided. Within this layout, it would appear that there would provide some spaciousness within the development providing gaps between dwellings and reasonably sized rear garden areas to serve the proposed residential properties.
- 7.7.5 The proposal would provide a density of development of about 24 dwellings per hectare which compares with an average of between 5 and 20 dwellings per hectare for this part of the West End settlement. Whilst matters of design and massing are a reserved matter, taking into consideration the schematic layout (which indicates that a layout of this density could be provided without detriment to local character, as indicated in Paragraph 7.4.3 above), and the best use of land, no objections are raised to the proposal in terms of its impact on the character of this part of the West End settlement.
- 7.7.6 There a number of significant trees at the site boundaries (particularly to the south and east boundaries) and the schematic layout has indicated that the proposal would not result in the loss of these trees. With the exception of a row of trees running from north to south between the west and east fields, there are no significant trees within the application site. The schematic layout indicates a layout which would retain the majority of these trees. The Council's Arboricultural Officer has indicated that *"the current proposals and layout has been led by the arboricultural guidance provided [with this application] which will limit the impact on the landscape profile of the area and which can, with conditions, be mitigated...I would therefore raise no objections to the proposals at this stage."* It is therefore considered that the proposal would not have an adverse impact on trees.

7.7.7 There are no significant hedgerows within the site and all such significant vegetation is located at the site boundaries. Noting that layout is a reserved matter, it is not considered that the proposal is therefore likely to have any adverse impact on hedgerows and no objections are therefore raised on these grounds.

7.7.8 The proposal is considered to be acceptable on character grounds, in this respect, complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.8 Impact on residential amenity

7.8.1 Details of layout, design and built form would be reserved for a future application. The schematic layout indicates that the nearest proposed properties to 6 and 9 Rose Meadow would be in line with these properties, a relationship for which the Council is unlikely to raise any objections. The site is positioned some distance from any other residential property and no objections are therefore raised to the impact for the development on residential amenity grounds.

7.8.2 The proposal would lead to an increase in traffic noise from increased movements on adjoining streets, especially Rose Meadow. In this respect, the applicant has provided an acoustic report to which the Council's Senior Environmental Health Officer has confirmed that whilst the increase in road noise will be noticeable from the most affected houses in Rose Meadow, the level of increase would not be sufficient to make any significant impact on residential amenity. No objections are therefore raised on these grounds.

7.8.3 The current proposal in its outline form is therefore considered to be acceptable on residential amenity grounds, with the proposal complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.9 Impact on ecology

7.9.1 The proposal is supported by an ecological report which included details regarding bats, badgers, birds and reptiles. This report was appended with a bat activity and preliminary roost assessment of all trees within the site and a water vole survey. The ecological value of the site is diminished because of the annual harvesting of hay. The Surrey Wildlife Trust has confirmed that they raise no objections to the proposal on ecological grounds. As such, no objections are raised on such grounds, with the proposal complying, in this respect, with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7.10 Impact on archaeology

7.10.1 The proposal has been supported by an archaeological assessment which has concluded that the site has a low archaeological potential and that the projected lines of possible roman roads whose very existence is still conjectural. The Surrey Archaeological Officer concurs with this view and indicates that the archaeological work is not required prior to the determination of this application, and these matters could be considered by condition.

The proposal is considered to be acceptable in terms of its impact on archaeology, complying with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7.11 Impact on land contamination, drainage and flood risk

- 7.11.1 There is evidence from the County Council that the south east corner of the site (about 13% of the application site area) formed a (pre-war) landfill site. The applicant has provided some initial survey of this area which did not find any land contamination. The Senior Environmental Health Officer has indicated that *“from the trial pit results it seems that at those locations and depth there were no fill materials identified. It would seem prudent in the circumstances if permission is to be granted to impose a condition that addresses any unforeseen contamination that may arise...”* The Environment Agency concur with this view and would recommended that infiltration SuDS are not provided, where there is a risk from contamination.
- 7.11.2 The Council's Drainage Engineer has indicated that the Flood Risk Assessment submitted with the application is acceptable in principle. He has suggested details need to be provided but these would normally be provided at condition stage.
- 7.11.3 The south part of the site is adjacent to the Bourne and (for about 6% of the application site area) falls within the (Zone 2 and Zone 3) areas of medium and high flood risk (1 in 1000 year annual probability of a fluvial flood event, or more frequent). Whilst the proposed layout is a reserved matter, the proposed schematic layout indicates that the proposed development would not be built within this floodplain. The Environment Agency has raised no objections on flood risk grounds, subject to no residential development being built in this flood risk area.
- 7.11.4 Following, the Ministerial Statement in November 2014, Surrey County Council became the Lead Local Flood Authority (LLFA) for the Borough from April 2015. As this application was received before 15 April 2015, the LLFA did not need to be consulted. However, any major applications determined after 6 April 2015 still need to consider sustainable drainage. With details of layout being a reserved matter, a drainage strategy would be required at that stage. No objections are therefore raised to the proposal on surface water grounds.
- 7.11.5 The proposed is considered to be acceptable on these grounds complying with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7.12 Impact on local infrastructure

- 7.12.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by the Full Council in July 2014. As the CIL charging schedule came into force in December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential development where there is a net increase in residential floor area, the development is CIL liable.
- 7.12.2 The CIL charging schedule includes payments, which do not need to be relevant to the development proposal in all cases, towards SANG, open space, local/strategic transport projects, play areas and equipped spaces, indoor sports, community

facilities (e.g. libraries and surgeries), waste and recycling, and flood defence/drainage improvements. This can include highway improvements to benefit the local highway network.

- 7.12.3 Improvements to education do not form part of the CIL scheme and there is no mechanism to collect contributions from development for such needs. The impact of the proposal on local education and whether a contribution towards such improvements has to be separately assessed. In this case, Surrey County Council have advised a payment of £239,965 is required for primary education (none for secondary education) but, to date, no justification or details regarding the project to which this proposal should contribute has been provided. Consequently in the officers' opinion, requesting this contribution would not comply with the tests set out in Paragraph 204 of the NPPF.
- 7.12.4 At the time of writing of this report, the required CIL forms were submitted and the Council was able to calculate the liable sum, which is estimated to be about £1.125 million. CIL is a land charge that is payable upon commencement of works. As such, no objections are raised to the proposal on these grounds, with the proposal complying with Policy CP12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7.13 Impact on affordable housing provision and housing mix

- 7.13.1 Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 would require the provision of 40% affordable housing (34 units) within the development, for which the applicant has confirmed their agreement. This provision would need to be secured by a unilateral undertaking and this has not been provided to date but can be provided at the reserved matter stage. No objection is therefore raised on these grounds with the proposal complying with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.
- 7.13.2 Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012 would require the provision of a mix of housing. The proposal would result in a larger proportion of four bedroom plus market homes (i.e. 5 four bed (plus) in place of three bedroom homes) than the policy requirement. The applicant has indicated that there is a deficit of demand relative to supply particularly for larger housing units (4 bedrooms plus) and consider that the proposed adjustment to the policy compliant mix on this scheme is therefore appropriate under these circumstances. The proposal would also provide a reduced number of smaller affordable units (i.e. by 5 one bed units). Noting its location a reduction in the number of smaller affordable units is considered to be acceptable in this case. No objections are therefore raised to the proposed housing mix with the proposal complying with Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.14 Impact on crime

- 7.14.1 Surrey Police have confirmed that they do not have *"any major concerns regarding the relationship of design of this development and security"* and make suggestions about improving the juxtaposition of the play areas with residential properties, the details of road surfacing and parking layout which can be considered at the

details/conditions stages. No objections are therefore raised on these grounds with the proposal complying with the National Planning Policy Framework.

7.15 Open space provision

7.15.1 Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires the provision of open space (including play space) within new residential developments to meet the needs of future residents. The schematic layout indicates the position of open/play space proposed towards the south boundary of the site. However, details of layout are a reserved matter. As such, no objections are raised to the proposal on these grounds with the proposal complying with Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.16 Impact on the Thames Basin Heaths Special Protection Area

7.16.1 The application site falls about 0.8 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the South East Plan 2009 (as saved) seeks to protect the ecological integrity of the SPA from recreational pressure, through increased dog walking and an increase in general recreational use, which occurs from the provision of new (net) residential development. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of contributions towards Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA.

7.16.2 As indicated in Paragraph 7.12.2 above, the CIL charging schedule incorporates SANGS funding. Legal advice has been taken which has concluded that it is not necessary to consider whether there is an availability of SANG capacity to accommodate this development at the time of the decision. As such, the release of SANG capacity before the implementation of any development proposal can be conditioned and such a condition can meet the tests set out in The Conservation of Habitats and Species Regulations 2010. No objection is therefore raised to the proposal on these grounds.

7.16.3 The applicant has put forward options of available SANG capacity at Heather Farm and Bisley Common. The Heather Farm SANG is controlled by Woking BC and a legal agreement with that Council would be needed. The Bisley Common SANG has available capacity. It is therefore concluded that, in any case, there are options available for the current proposal to mitigate its impact on the SPA by contributing to SANG development in the local area.

7.16.4 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution of £48,392 is required. This contribution has not been received to date, or a legal agreement completed to secure this funding. However, this matter can be dealt with at the reserved matter stage and no objections are raised on these grounds.

7.16.5 The current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

8.0 CONCLUSION

- 8.1 No objections are raised to the impact of the proposal on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix, crime and the Thames Basin Heaths Special Protection Area. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage.
- 8.2 However, it is considered that the site should not be released for housing at this time and an objection is raised on these grounds. As such, the Council would have refused this proposal if it had been given the opportunity to determine this application.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

11.0 RECOMMENDATION

If the Council had been the determining authority, it would have **REFUSED** permission for the following reason:

1. The proposal by reason of being sited within the Countryside beyond the Green Belt, in the eastern part of the Borough, would result in the release of land for development that would currently conflict with the spatial strategy

for the Borough which seeks to firstly concentrate development in the western part of the Borough and settlements areas on previously developed land. At this current time the release of this land would therefore be harmful to the intrinsic characteristics of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CP1 and CP3 (iii) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Informative(s)

1. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

Appeal Decision

Hearing held on 16 September 2015

Site visit made on 16 September 2015

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 December 2015

Appeal Ref: APP/D3640/W/15/3028247

Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End, Woking, Surrey

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by William Lacey Group Ltd against Surrey Heath Borough Council.
 - The application Ref SU/14/0532, is dated 5 June 2014.
 - The development proposed is the erection of 84 residential homes, including 34 affordable homes, with associated access.
-

Decision

1. The appeal is allowed and planning permission is granted for 84 residential homes, including 34 affordable homes, with associated access at Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End, Woking, Surrey in accordance with the terms of the application, Ref SU/14/0532, dated 5 June 2014, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. No formal decision was issued by the Council in this case but it has since confirmed that it would have refused planning permission for the following reason: *The proposal by reason of being sited within the Countryside beyond the Green Belt, in the eastern part of the Borough, would result in the release of land for development that would currently conflict with the spatial strategy for the Borough, which seeks to firstly concentrate development in the western part of the borough and settlement areas on previously developed land. At this current time, the release of this land would therefore be harmful to the intrinsic characteristics of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CP1 and CP3(iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.* I have taken this to be the decision that the Council would have made, had it been empowered to do so.
3. The application is submitted in outline form with access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have considered the appeal on this basis.
4. During the Hearing, the main parties agreed that the submitted location plan, drawing number P941/02, had been superseded and that the Council had considered a later iteration, P941/02 Rev B. The revised drawing extends the

application boundary to the public highway. As this was the plan considered and consulted upon by the Council, no party is prejudiced by its submission in respect of this appeal and I have taken it into account in reaching my decision.

5. During the course of considering the planning application, the Council altered the description of development to include the proposed mix of house types. The Appellant suggests that this matter is yet to be firmly established and is for consideration at the reserved matters stage. In light of this, I have used the original description of development contained in the planning application.

Main Issues

6. The main issues are whether the proposal would accord with the spatial strategy for the area, as well as local and national planning policy; the effect on the Thames Basin Heaths Special Protection Area (SPA), and the effect on the intrinsic character of the countryside.

Reasons

Spatial strategy

7. Policy H8 of the Surrey Heath Local Plan (LP) (2000) identifies the appeal site as a Reserve Housing Site, land which is reserved to meet possible long-term development needs and is consequently excluded from the Green Belt. This policy remains saved, notwithstanding the Council's subsequent adoption of the Core Strategy & Development Management Policies 2011-2028 (CS&DMP) (2012).
8. Policy CP1 of the CS&DMP sets out the spatial strategy for the Borough which envisages that new development will come forward largely through redevelopment of previously developed land in the western part of the Borough. West End is identified as a 'smaller village' which is said to have limited capacity to accommodate any new development. It does not, however, preclude development. Development in the Countryside beyond the Green Belt (such as the appeal site) will not be permitted where it results in the coalescence of settlements. However, the Council accept that this would not be the case in respect of the appeal proposal. Noting the large area of intervening green space that would remain beyond the appeal site and the built up area of the closest settlement, Bisley, I have no reason to disagree.
9. Policy CP3 of the CS&DMP sets out the scale and distribution of new housing within the Borough during the plan period and outlines that provision will be made for 3240 (net) additional dwellings. This figure derives from the housing requirements formerly contained within the, now largely revoked, South East Plan (2009) and based upon a Strategic Housing Market Assessment at that time. That said, it was acknowledged that the housing need for the area would not be met by this level of provision. The Inspector's report¹ following examination of the CS&DMP, having regard to the proposed phasing supporting the policy, is clear that a five year housing land supply would not be provided and this was clearly at odds with national policy at that time². Nevertheless, the difficulties in providing Suitable Alternative Natural Green Space (SANGS) so as to avoid significant effects on the SPA were seen as a local constraint that justified a departure from national policy.

¹ Paragraph 26

² Planning Policy Statement 3 - Housing

10. Shortly after the CS&DMP was adopted, the National Planning Policy Framework (the Framework) was published. Whilst the more recent publication of national policy does not automatically lead to an adopted development plan being out of date, paragraph 215 states that due weight should be given to policies in existing plans according to their degree of consistency with the Framework. Whilst the Framework cannot alter the statutory basis under which the development plan applies³, it is an important material consideration.
11. Paragraph 47 introduced a key objective to boost significantly the supply of housing. In order to achieve this, Local Planning Authorities are required to ensure that Local Plans meet the full, objectively assessed needs (FOAN) for market and affordable housing, as far as is consistent with the policies set out in the Framework. Consideration of this matter is also a requirement in decision making, as is highlighted by the Hunston⁴ Judgement.
12. To my mind, this introduces a much greater emphasis on the delivery of housing than was the case at the time of adopting the CS&DMP, albeit that this must be weighed against other policies of the Framework. Given that the CS&DMP, even at the time of adoption, would not meet housing requirements for the plan period, this represents a clear conflict with the Framework. Furthermore, Policy CP3 outlines a strategy to reserve housing sites until after 2025 and only release them if it is established at that time that insufficient sites have come forward. This is likely to result in significant delay in addressing potential housing shortfalls that would be at odds with the Framework's important objective to boost significantly the supply of housing. For these reasons, I attach the policies of the Framework in respect of housing great weight and this justifies a departure from the development plan.
13. Furthermore, paragraph 47 makes it a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing (including a 5%/20% buffer) against housing needs. The Council argue that its housing requirement is that contained within the CS&DMP but it accepts that its latest Strategic Housing Market Assessment (2014) represents the most up to date FOAN figure for the area. As this is a recent assessment for the Housing Market Area that takes account of migration, travel to work patterns and recent DCLG household projections, this seems to me to represent a more robust basis for considering current housing requirements than the now out of date figures within the CS&DMP.
14. Whilst I have had regard to the letter from Brandon Lewis MP to the Planning Inspectorate in December 2014, which outlined that SHMA's are untested and should not automatically be seen as a proxy for a final housing requirement, I am satisfied, based on the evidence before me, that this is the correct approach in this case.
15. There was some divergence in the housing land supply claimed by the Council and that suggested by the appellant but a range of scenarios was submitted during the Hearing. The most optimistic of those using the SHMA housing requirement (340 dwellings per annum), suggests a housing land supply of 5.1 years. This is based on the inclusion of a 5% buffer and the supply figure identified in the Council's 5 Year Housing Land Supply 2015-2020 (February

³ S38(6) of the Planning and Compulsory Purchase Act 2004

⁴ Hunston Properties Limited v. (1) Secretary of State for Communities and Local Government and (2) St Albans City and District Council [2013] EWHC 2678 (Admin)

- 2015) report, after deducting 17 units which the Council conceded were unlikely to be delivered (1884 dwellings). This also takes account of the reduced backlog figure presented by the Council during the Hearing which was amended from 156 dwellings to 54 dwellings based on its recorded completions between 1 April 2014 and 31 March 2015.
16. However, the appellant raised a number of concerns about the figures feeding into this calculation. Principally, suggesting that a 20% buffer should be applied. Having regard to the completion data compared to the development plan requirements contained in paragraph 4.1.40 of the appellant's Statement of Clarification, there has been an under delivery for 5 out of the 9 past years (the latest completion figures provided by the Council now show a surplus for 2014/15). However, 3 of these years immediately preceded adoption of the CS&DMP at a time when there were acknowledged constraints to development posed by the Thames Basin Heaths SPA. Subsequently, there has been no pattern of under delivery or any significant shortfall in provision overall. In the absence of any persistent under delivery, indeed many of the years have provided a surplus, I conclude that the 5% buffer is appropriate.
 17. There is also dispute between the parties as to whether a number of the sites included in the Council's supply figures were in fact deliverable in the terms of paragraph 47 of the Framework and, whilst the Planning Practice Guidance makes it clear that S78 appeals are not the place for local plan style examinations of housing sites, some were discussed during the Hearing in order to establish the latest position.
 18. Of importance is the site known as Princess Royal Barracks which the Council expect to deliver 500 units by 2020. This would be at a rate of 125 dwellings per year for the latter 4 years of the period. The appellant suggests that a more likely build out rate based on comparable schemes is in the region of 50-100 dwellings per year. I am inclined to agree that 125 dwellings per year seems overly optimistic and I was provided no detailed evidence from the Council to suggest that such a rate of delivery could be expected, notwithstanding that officers may have had undisclosed discussions with the developer.
 19. Furthermore, the Council confirmed that planning permission and subsequent reserved matters approval only provided for 81 dwellings to be built at the present time, the remaining number all requiring further approvals before development could commence. This may further delay the rate of delivery, noting that full permission does not exist even for the first year's expected delivery.
 20. Conversely, the appellant's expectation that the site will deliver just 200 dwellings is at the lower end of the expected build out rate. In reality, the delivery is likely to be somewhere in between the parties' estimates. However, even based on the appellant's upper range for build out at 100 dwellings per year, this would reduce delivery by 100 units within the five year period. This would have the effect of reducing the demonstrable five year housing land supply to 4.85 years. This is assuming that all other sites identified by the Council would deliver in line with its expectations but there are numerous other sites that the appellant takes issue with. However, I need not explore these further for the purposes of this appeal as the result could only worsen the housing land supply position.

21. I conclude that the Council cannot currently demonstrate a five year housing land supply in accordance with paragraph 47. Under these circumstances, paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be seen as up-to-date. This would include Policy CP3 of the CS&DMP. Where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.
22. Paragraph 14 of the Framework states that, for decision taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or specific policies in this Framework indicate development should be restricted. This is the basis on which I must determine the appeal.

Thames Basin Heaths SPA

23. The site is around 0.8km from the Thames Basin Heaths Special Protection Area (SPA). The Habitats Regulations⁵ require that proposed developments do not adversely impact on the integrity of the SPA, which in this case seeks to protect a number of internationally important bird populations and habitats. Significant effects should be avoided and new residential development should not be allowed within 5km of the SPA unless measures are in place to avoid or mitigate such impacts which may arise either alone or in combination with other development.
24. Saved Policy NRM6 of the South East Plan (SEP) (2009) sets these requirements out in policy terms and outlines a strategy for facilitating new development, whilst avoiding potential impacts, including through the provision of Suitable Alternative Natural Green Space (SANGS). Locally, these requirements are recognised through Policy CP14 of the CS&DMP and the Council's Avoidance Strategy Supplementary Planning Document (2012).
25. This sets out a strategy to avoid any significant effects, including in combination effects, arising from residential development through the collection of financial contributions towards the provision of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM).
26. The SANGS are areas of open space close to the proposed development designed for recreational use by future occupants which it is expected will be used in lieu of land within the SPA, thus negating the potential for damage or other adverse effects to its integrity. To ensure that this strategy is successful, the SAMM contribution is used to employ wardens to patrol the SPA, for educating the public about the SPA and to monitor the ongoing effectiveness of the approach. Both parties agree that these measures are necessary to avoid significant adverse effects on the SPA and that they would be effective in avoiding harm. The approach accords with the Council's policies and its published Avoidance Strategy and I am minded to agree.
27. Concerns were raised by the Council regarding the availability of SANGS land in the area that might be able to serve the development but the Statement of Common Ground outlines various options that are likely to come forward in the foreseeable future, including at Heather Farm and Bisley Common. No specific

⁵ Conservation of Habitats and Species Regulations 2012 (as amended)

SANGS was formally identified for the appeal proposal at the present time but it was also agreed that a Grampian style condition could be used to prevent any development until such time as suitable SANGS was in place. In essence, this would prevent any development and any potential impacts until the necessary avoidance measures were secured. This is an approach endorsed by Natural England in its consultation response dated 27 July 2015.

28. It was highlighted that the Council's CIL tariff makes provision for the collection of SANGS contributions where the relevant SANGS would be within the Local Authority Area. Subsequently, a Unilateral Undertaking has also been provided to secure the necessary SAMM payment, notwithstanding the Council's view that this could be secured at the Reserved Matters stage. These measures would accord with the Council's Avoidance Strategy and ensure that significant effects to the SPA were avoided.
29. Whilst it is often undesirable to grant planning permission which cannot be implemented until the terms of a Grampian condition can be fulfilled and where this relies upon parties other than the appellant, I am persuaded that there is a good prospect of suitable SANGS land becoming available within the time span of any planning permission granted, and this seems to me to be a reasonable approach in this case.
30. I have had regard to advice in Planning Practice Guidance that such conditions should generally only be used for development of strategic importance but I cannot conclude that the development would avoid harm to the SPA in the absence of the condition. Given the clear indication that the matter can be dealt with within the lifetime of the planning permission, I consider that it is reasonable to rely on the approach in this case in order to ensure that much needed housing is delivered. The condition will prevent any development coming forwards until SANGS are available and there is, therefore, no risk to the SPA.
31. It was suggested by the Council that an Appropriate Assessment (AA) would be necessary under the Habitats Regulations, but this is only required where significant effects are likely to result to the SPA. I have established that significant effects on the SPA would be avoided in this instance and, therefore, AA is not required. Consequently, paragraph 119 of the Framework does not preclude application of the presumption in favour of sustainable development.
32. I conclude that significant effects on the Thames Basin Heaths SPA would be avoided and I find no conflict with Policy NRM6 of the SEP; Policy CP14 of the CS&DMP; or the Council's Avoidance Strategy Supplementary Planning Document (2012).

Character of the countryside

33. The site is located on the edge of the village, to the rear of properties on Kings Road and Rose Meadow. The remaining boundaries are surrounded by established tree and hedgerow planting providing a good level of screening and visual containment. Whilst the development would be visible from a number of residential properties surrounding the site, wider views from the surrounding countryside would be limited.
34. The Council concludes that if there is a clear proven need to release countryside for housing, the impacts on character grounds would be

acceptable. The development would alter the appearance of the currently undeveloped site to that of a developed site, resulting in loss of its intrinsic countryside character. However, I have already concluded that the Council is unable to demonstrate sufficient land availability to deliver much needed housing in line with the Framework's objectives.

35. Given my observations above and the Council's own conclusion regarding the impact of the development, this need for housing outweighs the loss of intrinsic character in this instance. This is particularly so, as it appears unlikely that the Council can deliver sufficient housing to meet the identified need for the area without using land in the countryside. The fact that this site is specifically identified for future development and purposefully removed from the Green Belt further indicates that the site is suitable for residential development.
36. Consequently, I have no reason to disagree with the Council's conclusion that the appeal proposal accords with Policy DM9 of the CS&DMP which seeks to protect the character of the countryside.

Other Matters

37. A number of interested parties raised concerns regarding highway and transport impacts, including highway safety. The application is accompanied by a detailed Transport Assessment (TA) (June 2014) which considers the capacity of the local highway network to accommodate the proposed development, taking account of the private roads, Rose Meadow and Kings Road. This was carried out in consultation with Surrey County Council, the Local Highway Authority, and concludes that little impact would result in terms of highway safety or capacity. Having considered the document, the County Council raises no objection.
38. The TA identifies that in combination with other development in the area, future delays might be experienced on the A322 but the County Council is satisfied that suitable improvement works would increase capacity and improve operation of the nearby roundabout. However, it is accepted that these improvements are not necessary to make the appeal proposal acceptable in planning terms. Notwithstanding this, the Council's Community Infrastructure Levy (CIL) Tariff would provide potential funding for any necessary future improvements.
39. A suitable hard surface is in place to serve the site from Beldam Bridge Road, Kings Road and Rose Meadow. Whilst the surface on the remainder of Kings Road is in a poor state of repair, the TA confirms that the development is unlikely to generate significant amounts of traffic from this direction.
40. Overall, the Council conclude that the appeal proposal is acceptable in highway terms and in accordance with Policies CP11 and DM11 of the CS&DMP. I have no reason to disagree based on the evidence before me.
41. The Ecological Appraisal (June 2014) and Reptile Survey (May 2014) accompanying the application identify limited ecological potential on the site, largely due to the annual harvesting of hay. Whilst I have had regard to the submissions of local people, who suggest that wildlife is often apparent on the site, the submitted reports conclude that limited impact is likely to result in biodiversity terms subject to a range of mitigation and enhancement measures. Such measures would be secured by condition in the event that planning

permission is granted and would ensure compliance with Policy CP14 of the CS&DMP.

42. A number of concerns were raised regarding contamination, drainage and flood risk on the site. The majority of the site is located within flood zone 1 (lowest risk) as identified by the Environment Agency and no built development is proposed in the higher risk flood areas, notwithstanding the indicative nature of the site layout drawings at the present time. The Drainage Impact Assessment (June 2014) confirms that suitable foul and surface water drainage can be provided to serve the development and avoid flooding on site or elsewhere. Although further details will be required at the reserved matter stage, the Council confirm that the development would accord with policy DM10 of the CS&DMP. I have seen no evidence to contradict the detailed assessment submitted and have no reason to disagree with the Council's conclusions in these regards. It was suggested by an interested party that the development should finance the provision of mains sewerage in the vicinity of the site but this would not be reasonable or necessary as a result of the development and would not meet the relevant tests for planning obligations or conditions.
43. The impact of the development on local infrastructure is also a key concern for local people. In this respect, I have had regard to the CIL Charging Schedule adopted by the Council and which is now in effect. The development would be liable for a payment under this scheme. The schedule includes payments towards SANGS, open space, transport projects, play areas and equipment, indoor sports, community facilities such as libraries and surgeries, waste and recycling, and flood defence/drainage improvements. The purpose of the CIL is to ensure sufficient funding in the area for necessary improvement as a result of development, including cumulative impacts. I am satisfied that such a payment would ensure that the impacts of the development were sufficiently mitigated where necessary.
44. One absence from the scheme is any payment towards education provision. In these regards, I note the submission of many local people, both in writing and during the Hearing that the local school is at capacity. Although the County Council has requested a contribution towards local education provision, the Council consider that this has not been justified with reference to the tests for planning obligations set out at paragraph 204 of the Framework, and these tests are further set out in law⁶.
45. The County Council is seeking contributions towards generic local improvements to local schools, including Bisley Primary School and Bishop David Brown Secondary School. However, despite assertions that local schools are at or nearing capacity, no evidence has been provided as to the remaining capacity, notably in relation to Holy Trinity Primary School in West End itself or in relation to secondary schools. It is also suggested that improvement/expansion works are already underway to deal with increased demand and it is unclear whether these works would provide the capacity needed as a result of this development. Therefore, I am inclined to agree with the Council that the requested contributions have not been justified as being necessary as a result of the appeal proposal. Whilst the submitted Unilateral Undertaking makes provision for an education contribution if I were to

⁶ Regulation 122 of the Community Infrastructure Levy Regulations 2010

determine it necessary, I am unable to take it into account for the reasons set out above.

46. Neighbours to the site have raised concern regarding impacts to their living conditions arising from the development. Matters of appearance, landscaping, layout and scale are reserved matters at this stage and potential impacts would need to be fully considered at the reserved matters stage. However, the indicative drawings submitted demonstrate that 84 dwellings could be accommodated without unacceptable harm to living conditions. A good level of separation would be maintained between existing and proposed properties and the residential nature of the development would be compatible with surrounding land uses. Although the currently open views valued by local people would be interrupted, private views are not protected under the planning system and this would not materially harm living conditions.
47. The matter of Human Rights has been raised by a nearby resident, suggesting that the development would affect residents' ability to enjoy the current peace, tranquillity and rural aspect of the area. Submissions were made relating to Article 8 of the European Convention of Human Rights and I recognise that if the appeal is allowed it would interfere with Mr and Mrs Jones' home and family life. This consideration must be balanced against the rights and freedoms of others, however, and I am satisfied that if this development goes ahead its effects on Mr and Mrs Jones would not be disproportionate. For the same reason, I consider the interference with Mr and Mrs Jones' peaceful enjoyment of their property is proportionate and strikes a fair balance in compliance with the requirements of Article 1 of the First Protocol.
48. The Council raises no concerns with regard to archaeology which it suggests can be dealt with by condition; the amount of affordable housing proposed (40%) which accords with Policy CP5 of the CS&DMP; crime, subject to an appropriate layout as reserved matters stage; the ability to provide sufficient open space, which is indicated on the indicative drawings; or in respect of any other matters. Based on the evidence before me, I have no reason to reach a different conclusion on these matters.
49. I note that there is significant local objection to the proposed development, which was highlighted in the significant amount of written submissions, attendance at the Hearing and through representations from the local Member of Parliament. I have had regard to the perceived impact on the local community but growth is clearly necessary and I see no reason why the proposed development could not be satisfactorily integrated with the existing community. Whilst I have taken all of these matters into account I must determine the appeal in line with current planning policy.

Planning Obligations

50. A draft Unilateral Undertaking was provided in advance of the Hearing but a completed version was not available. This has subsequently been provided, having been amended to adjust its wording and technical construction in line with discussions at the Hearing. The proposed obligations, involving a SAMM and education contribution, along with affordable housing provision remain.
51. I have already established that the education contribution is not justified in light of the tests set out in CIL Regulation 122. No need for the contribution has been established and I cannot take it into account.

52. Conversely, I have established that the SAMP contribution is necessary to avoid significant effects on the SPA in accordance with the development plan and the Habitats Regulations. Furthermore, I am satisfied that the proposed affordable housing provision is necessary and in accordance with Policy CP5 of the CS&DMP. These contributions accord with the requirements of the CIL Regulations and have been taken into account.

Conclusion

53. The development would deliver much needed housing, including affordable housing, and this weighs significantly in favour of the proposal, along with other benefits such as the creation of jobs during construction and support for local services from increased population. I have found no harm in economic, social or environmental terms that is sufficient to significantly and demonstrably outweigh these benefits and having regard to paragraphs 18 to 219 of the Framework taken as a whole, I conclude that the proposal represents sustainable development to which the presumption in favour applies.

54. In light of the above, and having taking all other matters into account, planning permission should be granted.

Conditions

55. The main parties have agreed a number of conditions that would be necessary in the event that planning permission is granted. I have attached the standard conditions for further approvals and time restrictions relevant to outline applications.

56. I have found it necessary to require accordance with the recommendations of the relevant ecological assessments to protect and enhance biodiversity affected by the development. Furthermore, as discussed in the decision, a Grampian style condition is necessary to ensure that development cannot commence without the necessary SANGS provision to avoid significant effects on the SPA.

57. A contamination investigation is needed given the past use of the site and the sensitive residential use proposed. A Method of Construction Statement is necessary to minimise the impacts on neighbouring residents and ensure highway safety during construction. It is also reasonable to require details of the proposed road surface materials to ensure suitability for the development.

58. I have not found it necessary to attach a condition relating to landscaping as this remains a reserved matter that is not for consideration as part of this application. I am not satisfied of its need to make the development acceptable at the current stage.

59. Details of the finished levels of the proposed buildings and roads are necessary to ensure an appropriate appearance for the development and in the interests of neighbours' living conditions. Drainage details are required to ensure an appropriate form of development. The location of refuse and cycle stores should be identified. There is a need for details of any external lighting to protect neighbours' living conditions and avoid harm to ecology. Finally, a Travel Plan is necessary to promote sustainable patterns of development.

60. I have altered the wording of the proposed conditions to improve their precision and otherwise ensure compliance with Planning Practice Guidance.

Michael Boniface

INSPECTOR

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2015/0868

Reg Date 19/11/2015

Chobham

LOCATION: HOOK MEADOW, PHILPOT LANE, CHOBHAM,
WOKING, GU24 8HD

PROPOSAL: Change of use of former field shelter and erection of
extensions to it, to form single storey dwelling house and
creation of residential curtilage (retrospective).

TYPE: Full Planning Application

APPLICANT: Miss Alison Hook

OFFICER: Michelle Fielder

This application would normally be determined as a delegated item, however, the application has been called in by Member's for consideration by the Planning Applications Committee.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application seeks retrospective planning permission for the conversion of a field shelter to a timber cabin used as a single dwelling with an associated residential curtilage.
- 1.2 The application site has an extensive planning history and the application development is the subject of extant enforcement notices (with appeals having been dismissed) and a High Court Injunction requiring the demolition of the dwelling and the reinstatement of the land to its former condition.
- 1.3 The report concludes that there has been no material change in the relevant material planning considerations which resulted in the issue of the enforcement notices, the dismissal of the subsequent appeals by the Planning Inspectorate and the grant of a High Court Injunction and accordingly it is recommended that planning permission be refused.

2.0 SITE DESCRIPTION

- 2.1 Hook Meadow is set in a rural location beyond any defined settlement to the east of Philpot Lane. The site lies within the Green Belt and high risk floodplain. Philpot Lane is characterised by low density development set in spacious plots. The area has a verdant character which is considered to be a defining feature of the area. The red line of the application site is drawn around the 2.1ha holding in the applicant's ownership and the bulk of the site, approximately 1.7ha, is set to grazing land. Development on the site includes a block of three stables with an attached feed store and ancillary development to support the lawful equestrian use. The site area to which this retrospective application relates is approximately 0.4ha

and comprises a garden area and an extended single storey timber cabin. A carport has also been erected.

3.0 RELEVANT HISTORY

- 3.1 The application site has an extensive planning history. The most relevant to this current application is summarised below.
- 3.2 In December 2003 planning permission was sought (ref. 03/1374 for the erection of a single storey house. This was refused due to the countryside/Green Belt location where new residential is strictly controlled. A further reason for refusal cited the site's location within an area liable to flood. An appeal against this refusal was subsequently dismissed with the Inspectorate agreeing that the development did not meet an agricultural housing need, and was inappropriate development, and that it would be harmful to the open and rural character of the Green Belt. The inspector found no conflict between the proposal and flooding.
- 3.3 A further application for planning permission (ref. 05/0438) for residential development was submitted in April 2005 and treated as valid in June the same year. This application was also refused for similar Green Belt and countryside reasons as those cited in 2003. No appeal to that refusal was submitted.
- 3.4 During February 2003 and October 2009 the site was subject to various complaints concerning alleged residential occupation. Early enforcement records during this period indicate that the applicant admitted to occasionally staying overnight on the land with a horse trailer proving accommodation for this purpose. A site visit on 11 February 2004 shows the structure referred to as a former field shelter as being a corrugated metal and timber building with a varied but low eaves height. The structure appeared to be in a poor state of repair and there is no evidence of a garden area on the land at this time. On 15 February 2008 the site was the subject of a routine site inspection and Officers noted that an area of land now had the appearance of garden land; a request to access the former field shelter was also denied. Officers subsequently gave the applicant notice of intent to visit the premises and gain entry under section 196 of the Town and Country Planning Act 1990. The premises were inspected on 21 February 2008 wherein it was noted that a residential unit had been formed within the fabric of the field shelter. The applicant advised at that time that she had been in residence since April 2006.
- 3.5 The site was revisited on 16 October 2009 and this revealed that large parts of the field shelter had been removed and a porch had been added. A further site visit was undertaken on 26 October 2009 specifically to enable officers to assess how the development had been undertaken with a view to considering whether it was expedient to pursue enforcement action to regularise the breach of planning control together with providing officers with the opportunity of undertaking a detailed inspection such that the exact nature of the breach could be identified. Enforcement Notices were subsequently issued on 29 October 2009 and

required the cessation of the use of the land for ancillary residential purposes and the demolition of the dwellinghouse contained within the former field shelter, the demolition of the field shelter and various ornamental garden fittings.

- 3.6 As part of the appeal proceedings instigated by the applicant a further site visit was undertaken on 11 March 2010 wherein it was noted that the garden area had been extended and those parts of the dwelling house formerly uncovered had been recovered with timber affixed to the shell of the former field shelter.
- 3.7 The enforcement appeal proceeded as a Public Inquiry and after considering the case presented by both parties the Inspector dismissed the appeal and upheld the notices and in doing so opined that the dwelling is not a conversion of the former shelter but a freestanding building constructed within it, and that consequently the Council's assessment of the breach of planning control was correct. The decision letter (DL) is dated 24 May 2010 and required the demolition of the dwelling and ancillary garden development and the cessation of the use of the land for residential purposes. The period for compliance was stated as 6 months (for the use) and 9 months for works of demolition and making good.
- 3.8 The period for compliance with the terms of the notices was informally extended until mid-summer 2011; however, requests for compliance since then have not met with success despite extensive communication between the Council and the applicant. Moreover, notwithstanding the presence of the extant enforcement notices and the failed appeal against the same, the applicant undertook an extension (to form a lounge) to the unauthorised dwellinghouse with these works commencing in October 2013. These works were inspected on 12 May 2014 where it was also noted that it appeared that preparatory works were in place to facilitate a further extension to the dwelling (this time to the bedroom).
- 3.9 Concerns regarding the applicant's failure to comply with the extant enforcement notices, coupled with the erection of an unauthorised extension (and the apparent intent to undertake further works) resulted in the Council applying to the High Court for an Injunction. The application for the Injunction was granted by his Honour Judge Seymour following a hearing held on 30 October 2014. The requirements of the injunctive Order are (in summary):
 1. The cessation of the residential use of the specified garden land by no later than 30 April 2014;
 2. The removal of all ornamental planting, decorative features and raised beds from the specified garden land by no later than 30 October 2015; and,
 3. The demolition of the unauthorised dwellinghouse (including the porch and recently completed extension) by no later than 30 April 2016.
- 3.10 Site visits undertaken at key dates reveal that points 1 and 2 of the injunctive Order have not been complied with.

4.0 THE PROPOSAL

- 4.1 Notwithstanding the fact that the Enforcement Appeal Inspector agreed with the Council's assessment that the works undertaken did not amount to the conversion of the former field shelter but rather the erection of a free standing dwellinghouse within the fabric of the former field shelter (see paragraph 3.7 above), the applicant describes the proposal as the retrospective change of use of the field to a single storey timber cabin (a reference is made to September 2005). The application form also cites the change of use of grazing land to curtilage (with reference to 2003). A further reference is made to the applicant being in residence in Oct 2002. It should be noted, however, that any reference to dates of occupation are moot in this application. This is because this application does not seek to establish a lawful use by the passage of time (such considerations are stymied by the extant enforcement notices which prevent the applicant establishing a residency under the '4 year rule'), but instead seeks planning permission based on the favourable consideration of the planning merits of the application.
- 4.2 The information submitted, that is the application form and plans, indicate that the application is limited to the extent of the building the applicant considers to be the original field shelter and does not include permission for the porch extension (undertaken between 2008 and 2009) and the lounge extension (erected October 2013).
- 4.3 The application is supported by a petition of support dated September 2014 and contains 26 signatures. A written extract of what appears to be a response from the Environment Agency (EA) is also included as is a flood map produced by the EA and this shows the site to lie in flood Zones 2 (Medium Risk) and 3 (High Risk). The EA has caveated the response provided to the applicant to the effect that it is not a flood risk assessment (FRA). The applicant has, however, taken forward this information and produced a FRA to support the application. A further submission in support of the application is an extract of an email between Natural England (NE) and the applicant. In this extract NE advises that it is for the LPA to apply its avoidance strategy to mitigate harm to the SPA. NE comments, however, that if the applicant was in occupation prior to March 2005 (i.e. prior to the SPA designation) it is its view no harm would arise to the SPA.
- 4.4 The applicant has also provided a written response (by email sent 31/12/2015) to the objection raised by Chobham Parish Council advising that the Parish Council's response is incorrect as she has not previously applied for a change of use of the field shelter and also makes reference to the Parish Council's response of no objection to an application for a change of use of an agricultural barn at Bourne Farm.

5.0 CONSULTATION RESPONSES

- | | | |
|-----|------------------------------------|---|
| 5.1 | Surrey County
Highway Authority | No comment. |
| 5.2 | Natural England | Summary: as there was not a lawful residence in situ in March 2005, the property has not been included in baseline household figures, the applicant should therefore comply with the LPA's SPA avoidance strategy (in terms of mitigation i.e. SANGS and SAMM contributions).

If compliance with avoidance strategy is not secured it is likely NE would object to the proposal. |
| 5.3 | Environment Agency | Comments awaited – will be reported by way of update. |
| 5.4 | Chobham Parish
Council | Development in the Green Belt – previous application was refused by the Planning Inspector at appeal. |

6.0 REPRESENTATION

At the time of preparation of this report 23 representations of support have been received, in general these submissions do not provide an assessment of any material planning considerations to justify a grant of why planning permission, however some refer to an improvement in the appearance of the site and the fact the applicant manages and cares for the land to an exemplary standard as planning considerations.

7.0 PLANNING CONSIDERATION

- 7.1 The nature of the application and the site's location mean that the following matters are the main consideration in the determination of this application:
- Impact on the Green Belt (including whether the application represents inappropriate development, causes harm to openness and the purposes of the Green Belt)
 - Impact on Flooding
 - SPA and infrastructure
 - Very Special Circumstances (including consideration of the applicant's personal circumstances and Human Rights).
- 7.2 **Impact on the Green Belt**
- 7.2.1 Development in the Green Belt is strictly controlled with the aim of preserving the openness and the undeveloped rural character of these areas. At para 89 of the NPPF this is taken forward as a presumption against the erection of new buildings except in a few restricted circumstances.

The applicant is not seeking a determination on the grounds of any of the stated exceptions and it is clear the applicant contends that the works associated with the timber dwelling are not a new build but rather a conversion of the former field shelter. This was a matter of some debate at the Enforcement Appeals and it is noted that the Planning Inspector addressed this point in the Decision Letter (para.2) as reproduced below:

Although the appellant has not challenged the wording of the allegation in Notice B, she refers to having converted the field shelter to a dwelling. The Council submitted that the works undertaken cannot reasonably be considered works for conversion. From my own observations on site and from the evidence at the inquiry, I find that the dwelling is not a conversion of the shelter but a freestanding building constructed within the field shelter.

Notwithstanding this the Council is charged with determining the application as submitted by the applicant and so this report will consider whether the works undertaken in the formation of the timber dwelling comply with para 90 of the NPPF which states that certain other forms of development are not inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This, amongst four other specified exceptions provides that *'the re-use of buildings provided that buildings are of permanent and substantial construction'* would not be inappropriate. It would therefore seem reasonable to again consider whether the former fielder shelter was of permanent and substantial construction and whether the works undertaken can reasonably be considered to be works of conversion. Key to this assessment is the photographic evidence in the Council's possession.

- 7.2.2 The Council has relied on a photograph taken in 2004 showing the condition of the former fielder shelter. This formed part of the Council's defence against the appeal of the enforcement notices and was accepted by the Inspector as evidence in that appeal. The applicant has never contested this photograph in any way. This shows a small ramshackle building of mixed timber and corrugated metal construction. It is in poor condition and does not appear to readily or easily lend itself to conversion. This photograph will be displayed at the Planning Applications Committee meeting to enable Member consideration on this point.
- 7.2.3 Later photographs of the building, most tellingly those taken in October 2009 show larger parts of the outer skin of the former field shelter removed to expose the new dwelling erected inside. It does not appear that any part of the former field shelter supports or forms part of the concealed dwelling. Later photographs of the application building show that this bears no visible resemblance to the former scale or appearance of the former field shelter, nor is there any evidence to show that any part of that structure still exists. While it is noted the applicant now advises that the field shelter was removed in 2013, due to it collapsing onto the internal structure beneath, it remains that photographs taken in 2009 support the Council's former assessment (and that of the subsequent appeal Inspector) that the former field shelter simply enclosed and concealed the newly erected dwelling. Indeed, the applicant's explanation of why the former field shelter no longer exists (i.e. it

having simply collapsed) simply supports the Council's assessment that this shelter was not of permanent and substantial construction, nor had the fabric of it been used in a substantive manner as one would reasonably expect with works of conversion.

7.2.3 On the basis of the evidence available to the Council, it is therefore considered the dwelling on site cannot reasonably be said to have arisen as a result of works of conversion of the field shelter. Moreover, the application is not supported by any information or evidence to show how the former field shelter was converted to form substantive elements, fabric or parts of the unauthorised dwelling on site today. The only reasonable conclusion, therefore, is that the application for retrospective planning permission for the conversion of the former field shelter to a timber dwellinghouse must fail.

7.2.3 In light of the assessment above it is considered reasonable to assess whether there is any planning policy support for the erection of an unfettered and independent dwelling in the Green Belt. In this regard the planning history of the application site shows that the Council and the Planning Inspectorate have previously resisted any proposal to erect a new dwelling on the land. This outcome is in line with the both the national planning policy guidance and local plan policies in place at the time of those determinations. The NPPF and the Surrey Heath Core Strategy and Development Management Policies (CSDMP) both published in 2012 now providing the framework against which applications are assessed. However, the guiding principles governing isolated new builds in the Green Belt has not changed. Indeed as set out at 7.2.1 above, para.89 of the NPPF sets out those limited circumstances where new build is acceptable. The proposal cannot be reasonably considered to fall within any of the stated exceptions. With this in mind, the proposal can only reasonably be considered to be inappropriate development in the Green Belt.

7.2.4 The application also includes the formation of an area of previously open countryside to form a garden serving the unauthorised dwellinghouse. This amounts to a change of use of the land in question and is development requiring planning permission. The use and the associated hardstanding and features erected are also the subject of the enforcement notices and the High Court Injunction. Such development is not listed as an exception to the general thrust of development being inappropriate development in the Green Belt. It must also be noted that the domestication of the land in question gives rise to more than a technical breach of planning control and represents inappropriate development.

7.2.5 Indeed the character of the land which is situated in a rural and open location has changed dramatically from being open and undeveloped to being segmented into areas of low to mid-level planting, gravel paths and hardstanding. This development represents a form of countryside encroachment which the Council routinely seeks to avoid. The enclosure, planting and domestication of the land to form the garden, together with the unauthorised dwelling, is contrary to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and conflicts with three of the purposes of the Green Belt i.e. to

check the unrestricted sprawl of large built up areas; to prevent merging of town into one another; and, to assist in safeguarding the countryside from encroachment.

7.2.6 In summary, the application represents inappropriate development and causes further harm to the openness of the Green Belt and the purposes of including land within it. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The following paragraphs consider whether, in addition to the Green Belt harm, there is any other harm caused. Paragraph 7.5 then considers whether there are any VSC.

7.3 Flooding

7.3.1 The site lies in Flood Zone 3 and the unauthorised residential is a more vulnerable use. The NPPF advises that development for 'more vulnerable' uses, such as residential, should be directed to areas with a lower probability of flooding. In addition para 103 of the NPPF advises that development in one area should not displace flood waters and give rise to a problem, or increase problems, experienced elsewhere. An application for residential development in flood zone 3 can be approved; however this can only be done following the receipt of a site specific flood risk assessment and when the Sequential Test and Exception Tests have been passed.

7.3.2 The Sequential Test is essentially a means of directing development to areas with a lower probability of flooding, where this is not possible, the Exception Test requires the development proposal to demonstrate wider sustainability benefits to the community that outweigh the flood risk associated with development, in addition to the development being safe for its lifetime.

7.3.3 The application is supported by a short Flood Risk Assessment and this has been referred to the Environment Agency for consideration. While officers note that the content of this document does not include a Sequential Test or demonstrate that there are no other sites with a lower probability of flooding available (and as such anticipate that an objection will be raised), the lack of formal comments from that consultee at this time mean that an update will be provided.

7.4 SPA and infrastructure

7.4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2006 requires the LPA to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 38 (3) advises that the development plan is the documents (taken as a whole) which have been adopted or approved in relation to that area. The Council's Adopted CIL and Infrastructure Delivery Supplementary Planning Document is therefore part of the development plan and accordingly consideration could be given to whether the proposal is CIL liable. However, it is considered the specific circumstances and site history of the case (primarily that the works of conversion / new build would have commenced

prior to the adoption of the Council's former infrastructure charging scheme) are material considerations to justify setting aside the CIL requirement.

7.4.2 However, notwithstanding the observation above, and in line with the response provided by Natural England, it is noted that any occupation of the land since the SPA designation in 2005 has been unlawful or illegal. With this in mind the dwelling has not been included in the baseline housing figures. Because of this it is considered that a SAMM contribution of £368 should be secured such that the LPA could, in the event planning permission were granted, pool this contribution towards the strategic access management and monitoring of the SANGS which in themselves provide the main means by which new dwellings mitigate their impact on the SPA.

7.4.3 A SAMM contribution has not, at the time of writing been secured, and for this reason this is taken forward as a reason for refusal.

7.5 Very Special Circumstances

7.5.1 Given the identified harm in the paragraphs above it is necessary to consider whether there are any VSC. The NPPF advises that when considering any application LPA's should ensure substantial weight is given to any harm to the Green Belt and that VSC will not exist unless the harm (to the GB and any other harm) is clearly outweighed by other considerations (para 87 and 88).

7.5.2 The applicant has not submitted a very special circumstances case however, on the basis of the significant history and circumstances of this case it is considered necessary for the following points to be considered in turn:

- I. The size of the dwelling house and the visibility of it from public view;
- II. Consistency and fairness of approach with other applicants and other developments in the vicinity and Borough;
- III. Need and alternatives;
- IV. Personal circumstances; and,
- V. Consideration of Human Rights.

7.5.3 (i) Size and visibility of development

The fact the timber dwellinghouse (minus the porch and the lounge extension) is a modest building of 9.1m by 3.3m and stands 2.4m high (using the measurements supplied by the applicant) does not change the assessment that it is inappropriate development. Furthermore, the fact the site is well screened, or that the applicant manages the land well, does not alter this. Whether seen or unseen the harm to openness exists and there are many green belt sites in the Borough where this argument could be repeated again and again. These matters cannot be considered to be very special circumstances to justify a grant of planning permission.

7.5.4 (ii) Consistency and fairness of approach with other developments

The applicant has referred to a number of other examples in the Borough where she considers the Council has applied Green Belt policy inconsistency. However, each proposal is always assessed on its own merits based upon the individual site circumstances and any other material considerations. Thus, precedent cannot be said to represent a VSC. Moreover the applicant's case does not appear to be directly comparable with any other application.

7.5.5 The LPA has therefore not been inconsistent or unfair to the applicant with its application of policy. On the contrary the LPA has shown considerable leniency in its approach.

7.5.5 (iii) Need and alternatives

It is accepted that the applicant requires alternative living accommodation. However, given, the period of time the applicant has been aware of the breach of planning control it is considered only very limited weight can be given to this argument.

7.5.6 (iv) Personal circumstances

It is clear that a refusal of planning permission would be likely to give rise to a need for alternative accommodation and that this could prove stressful or give rise to other health concerns. However, there is no known change in the applicant's circumstances that would warrant the LPA coming to a different view that either the appeal inspector or his Honour Judge Seymour.

7.5.7 (vi) Human Rights

Both the previous Inspector and his Honour Judge Seymour have fully considered the Human Rights Act 1998 in respect of this case. There is nothing before the Council with this application to come to a different conclusion in this respect.

7.5.8 Conclusion in relation to VSC

Overall, it is not considered that the matters raised by the application and addressed above, either on their own, or cumulatively, amount to VSC to outweigh the harm to justify a grant of planning permission.

**8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE
(AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE
MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 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.

9.0 CONCLUSION

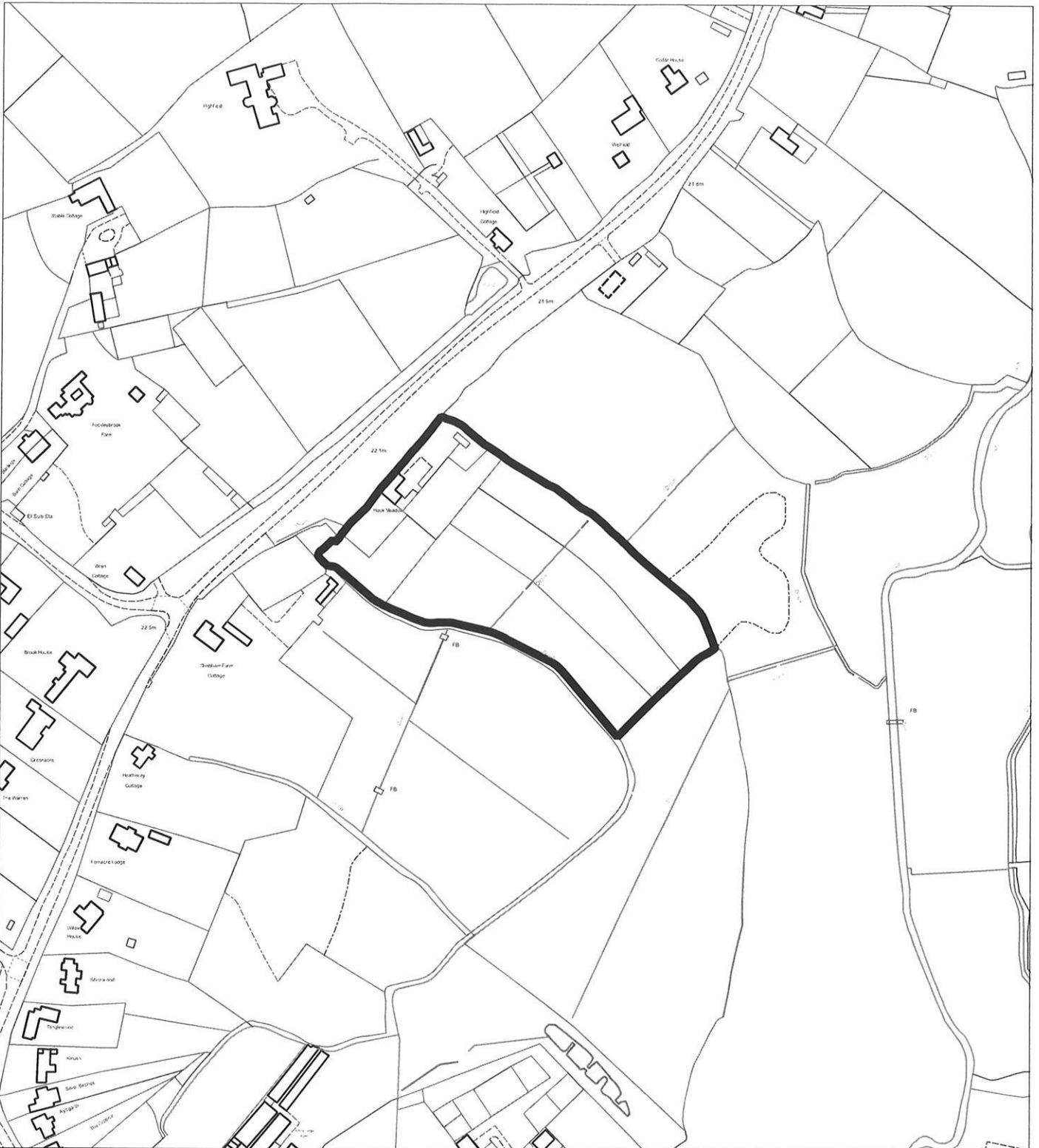
- 9.1 This application seeks planning permission for the conversion of former field shelter to a single storey timber dwellinghouse and the retention of a garden area to the same. The application is retrospective and the development is the subject of extant enforcement notices (appeal dismissed) and a High Court Injunction requiring the demolition of the dwelling and garden structures and the making good of the land. This report explains that the works undertaken cannot reasonably be considered to be those of conversion and are in fact the erection of a new build dwellinghouse (a view shared by the inspector in 2010). The report explains that the works comprising the dwellinghouse and the creation of the garden are inappropriate development in the Green Belt, are harmful to its open and rural character, and, conflict with the purposes of including land in the Green Belt. There is no compelling case of very special circumstances to clearly outweigh the harm to the Green Belt.
- 9.2 The application would, if approved, give rise to an additional lawful dwelling within 5km of the Thames Basin Heath SPA, and accordingly it is considered a SAMM payment should be secured. At the time of writing there is no mechanism in place to secure this.
- 9.3 The application is therefore recommended for refusal for the reasons detailed below.

REFUSE for the following reason(s):-

1. The Local Planning Authority is not satisfied that the former field shelter was of permanent and substantial construction as required by paragraph 90 of the NPPF and as such, the authority cannot reasonably conclude that the building was suitable for conversion to a dwellinghouse. Moreover the application is not supported by any evidence or plans demonstrating how substantive structural or other elements of the former field shelter were utilised or retained in the works undertaken in the creation of the dwellinghouse. It is not therefore considered the applicant has sufficiently and robustly demonstrated that works do not comprise the erection of a new dwellinghouse as alleged in the extant enforcement notices or addressed by the Appeal Inspector at paragraph 2 of the appeal decision letter (ref: APP/D3640/C/09/2117978 dated 24 May 2010). This element of the proposal is therefore inappropriate development in the Green Belt

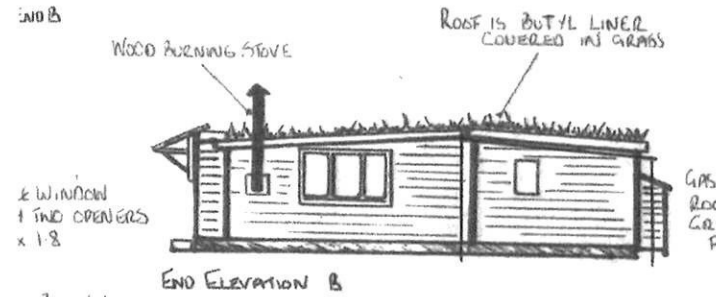
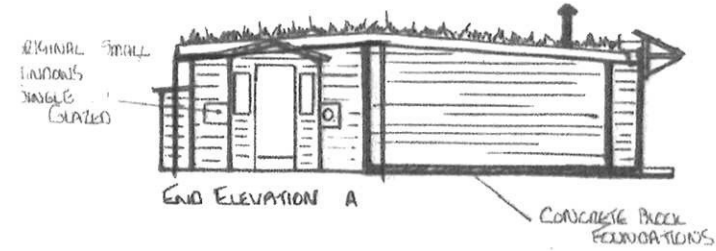
which is, by definition, harmful and by its very nature causes harm to the openness of the Green Belt. Moreover, the creation of the residential curtilage to serve as garden land to the unauthorised dwellinghouse causes further harm to the open and undeveloped character of the area and results in an enclosed and domesticated area of land. The resulting countryside encroachment is contrary to the purposes of including land in the Green Belt. As such the development is contrary to the the aims and objectives of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or payment of the SAMM payment in advance of the determination of this application, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
3. There are no very special circumstances present to clearly outweigh the identified harm to the Green Belt and accordingly the proposal is contrary to the aims and objectives of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.

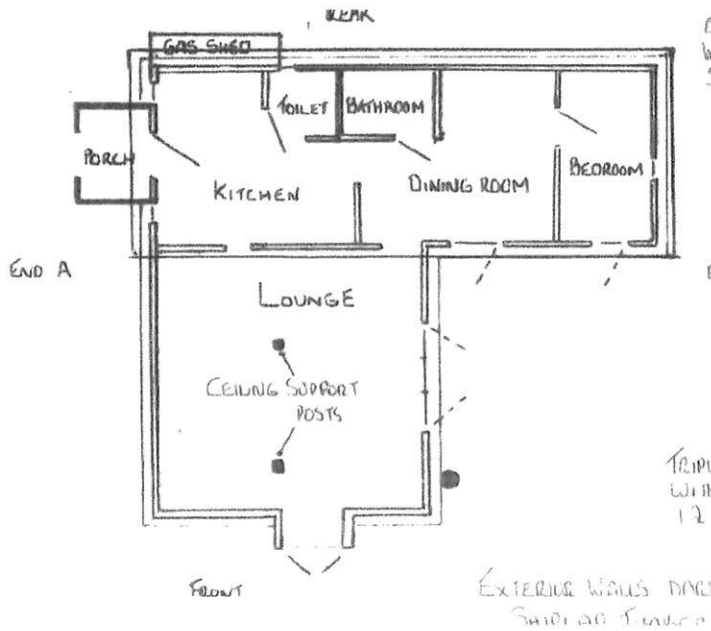
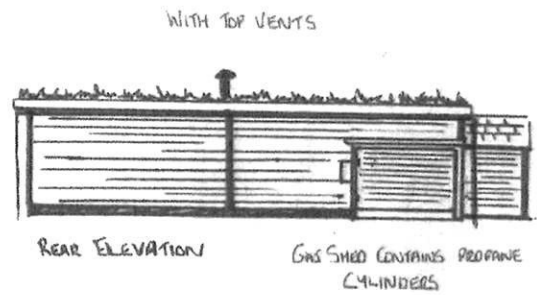
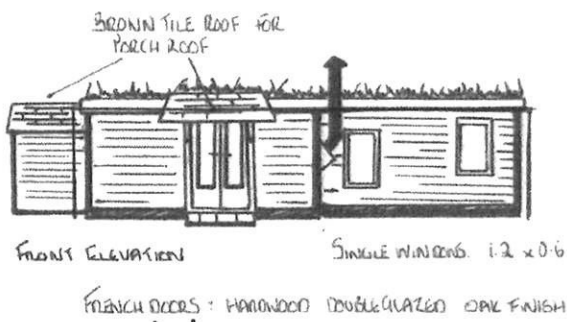


Title	Planning Applications		Page	2 of 3
Application number	15/0868		Scale @ A4	1:3,000
Address	HOOK MEADOW, PHILPOT LANE, CHOBHAM, WOKING, GU24 8HD		Date	25-01-2016
Proposal	Change of use of former field shelter and erection of extensions to it, to form single storey dwelling house and creation of residential curtilage (retrospective).			
<p>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</p>				

Submitted plans



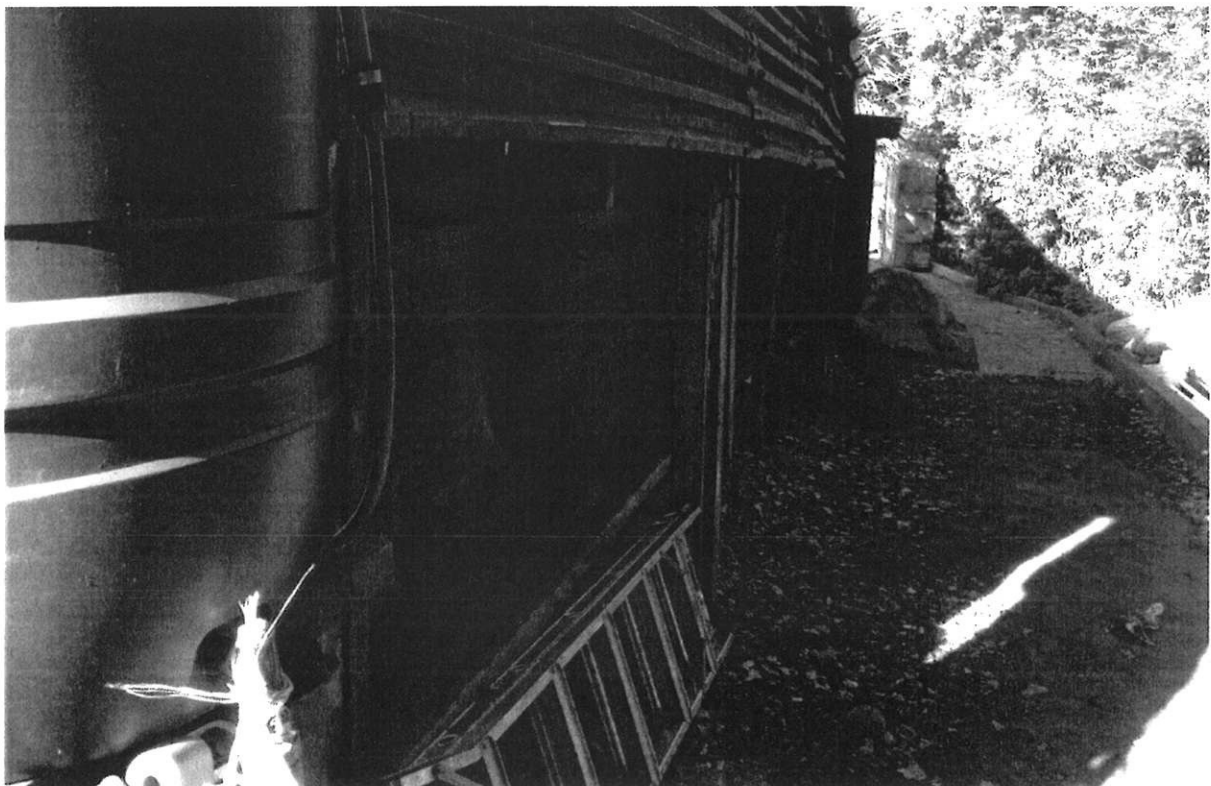
WINDOWS: DOUBLE GLAZED UPVE OAK FINISH



Photograph of original field shelter taken February 2004.



Photograph taken in October 2009 showing part removal of original field shelter to reveal dwelling beneath



Photograph of existing unauthorised dwelling house taken May 2014



2015/1047

Reg Date 30/11/2015

Chobham

LOCATION: THE CASTLE GROVE INN, SCOTTS GROVE ROAD, CHOBHAM, WOKING, GU24 8EE

PROPOSAL: Erection of a two storey rear extension following the part demolition and conversion into 2 three bedroom semi-detached houses and 1 one bedroom bungalow with parking and access. (Amended plans rec'd 08/01/16).

TYPE: Full Planning Application

APPLICANT: Lux Homes Ltd

OFFICER: Duncan Carty

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of a Local Ward Councillor it has been called in to be determined by the Planning Applications Committee.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application site relates to a vacant public house located at the road junction of Scotts Grove Road, Castle Grove Road and Guildford Road in the Green Belt, south of the Chobham village. The proposal relates to the part demolition and erection of a two storey rear extension to a vacant public house along with its conversion (along with an existing outbuilding) into 2 no. three bedroom houses and 1 no one bedroom bungalow with parking and a modified access from Scotts Grove Road.
- 1.2 The proposal is CIL liable and a SAMM payment of £934 has been received. The current proposal is therefore considered to be acceptable in terms of its impact on principle (loss of business accommodation), Green Belt, local character, residential amenity, highway safety, local infrastructure and the SPA. The application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 This application site relates to a vacant public house located at the angled road junction of Scotts Grove Road, Castle Grove Road and Guildford Road in the Green Belt, south of the Chobham village. The site is roughly triangular in shape with the existing public house fronting onto and positioned close to this road junction. In front of the public house is a small parking area, which accesses directly onto Scotts Grove Road very close to this road junction.
- 2.2 A vacant former stable building is located to the rear and close to the boundary with Scotts Grove Road with a parking area and beer garden beyond. Further land beyond (under the control of the applicant but not forming part of the application site) is part of the beer garden and part woodland.

- 2.3 The public house was closed during the Summer 2015 with the upper floor (four bedroom) flat still occupied for residential purposes. Hoarding has been erected to part of the site boundaries, much lower in height to the front.

3.0 RELEVANT HISTORY

- 3.1 BGR 4002 Formation of car park for 24 vehicles. Approved in December 1962 and implemented.
- 3.2 BGR 8269 Erection of extensions and alterations (including part demolition). Approved in September 1972 and implemented.
- 3.3 SU/90/0939 Conversion of outbuilding into a skittle alley. Approved in November 1990 but not implemented.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the part demolition and erection of a two storey rear extension to a vacant public house along with its conversion (along with an existing outbuilding) into 2 no. three bedroom houses and 1 no one bedroom bungalow with parking and a modified access from Scotts Grove Road. The demolition relates to single storey elements to the front, side and rear of the existing public house.
- 4.2 The proposed two storey rear extension would have a depth of 9.5 metres and a width of 8.6 metres with a double gable roof over to a maximum height of 7.6 metres (0.7 metres lower than the ridge of the existing building), reduced to 5.8 metres at the eaves (0.4 metres lower than the eaves for the existing building). The net gain in floorspace, over the size of the original buildings, would be 74 square metres.
- 4.3 The proposal would reconfigure, and reduce the size of, the existing car park, with a modified access onto Scotts Grove Road. The proposal would provide nine parking spaces to serve this development. The proposed units would be provided with private amenity space with boundary treatments proposed to subdivide the site.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Chobham Parish Council An objection raised on highway safety reasons for additional driveway and parking area and bungalow (additional dwelling in the Green Belt).

6.0 REPRESENTATION

At the time of preparation of this report, no representations have been received raising an objection and three representations have been received in support but which raise the following issues:

- 6.1 Query the future use of the land outside of the application site but within the control of the applicant [*Officer comment: This does not form a part of the application site but would have a nil use if this proposal is approved and built/converted*]
- 6.2 The highway safety issues raised by the provision of parking close to the road junction [*Officer comment: the parking arrangements have been amended with this element of the proposal deleted*]

7.0 PLANNING CONSIDERATION

- 7.1 This planning application relates to a site falling within the Green Belt. As such, the National Planning Policy Framework (NPPF); Policies CP11, CP14, DM9, DM11 and DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012; and Policy NRM6 of the South East Plan 2009 (as saved) are relevant to the consideration of this proposal. Advice set out in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; the Infrastructure Delivery SPD 2014; and, Planning Practice Guidance are also relevant.
- 7.2 The main considerations for this application are:
 - The principle of the development;
 - Impact on the Green Belt;
 - Impact on local character;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on local infrastructure; and
 - Impact on the Thames Basin Heaths Special Protection Area.

7.3 The principle of the development

- 7.3.1 The proposal would result in the permanent loss of commercial floorspace at this site by the loss of the public house use. Policy DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that the loss of employment sites is acceptable where it would not result in the loss of units which could be capable of use for commercial purposes unless it can be demonstrated that there is no longer a need for such units.

The applicant has provided a justification for this loss on the following basis:

- the public house has been closed since June 2015 and has been marketed since without success to retain its public house use;
- its relatively more remote location (500 metres) from Chobham village centre;
- the decline in barrelage (from 90 in 2012 to 47 in 2014) and local competition in better (i.e. more central) locations such as Chobham village; and
- the property is in a poor state of repair and requires significant investment to bring it up to a suitable standard for continued use.

7.3.2 It is considered that the loss of the commercial business is accepted in this case, with the principle for the development accepted and the proposal complying with Policy DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.4 Impact on the Green Belt

7.4.1 Paragraphs 89 and 90 of the NPPF indicate that *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"* and that *"the re-use of buildings provided that the buildings are of permanent and substantial construction"*, provided that the re-use preserves the openness of the Green Belt and does not conflict with its purposes, are not inappropriate development in the Green Belt.

7.4.2 The current proposal relates to the provision of a rear extension to the existing principal building (the public house) increasing the size of this building from 207 to 281 square metres. This represents an increasing of 36% which is considered to be a proportionate form of development. With this level of increase, it is considered prudent to remove permitted development rights for further extensions to these properties and the erection of outbuildings. The existing buildings (to be re-used) are permanent and substantial in construction. Whilst the proposal would provide added mass (at first floor level), it is noted that the proposal would result in a material reduction in the intensity of use of, and activity on, the site (compared with the authorised use), and reductions in the amount of hardstanding on the site. As such, the extension and conversion of the existing buildings is not considered to be inappropriate development complying with the NPPF on Green Belt grounds.

7.5 Impact on local character

7.5.1 The proposed extension would be located to the rear of the building but would be clearly seen from Scotts Grove Road and Guildford Road approaches to the road junction with Castle Grove Road. The proposed extension would be slightly lower in form, appearing sub-servient to the main building and providing a design which would be in keeping with the existing building.

7.5.2 As such, no objections are raised to the proposal on character grounds, complying in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.6 Impact on residential amenity

- 7.6.1 The application site is set some distance for the nearest residential property (Castle Grove House, about 85 metres to the north east) and it is not considered that the proposal would have any material impact upon this or any other nearby residential property.
- 7.6.2 The proposed rear extension would extend close to the existing outbuilding (to be converted into a bungalow). The bungalow has been designed so that its habitable room windows and doors and private amenity space are located on the opposite side of this building from the extension. The nearest first floor window in the rear elevation of the rear extension would also be positioned about 8 metres from the private amenity space for the (proposed) bungalow, with views obscured by the presence of this building. It is, however, considered necessary to limit permitted development rights for these properties on residential amenity grounds because of this relationship. With this restriction in place, this relationship for future occupiers of these units is considered to be acceptable.
- 7.6.3 As such, no objections are raised to the proposal on residential amenity grounds, complying in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.7 Impact on highway safety

- 7.7.1 The proposal would reduce the traffic generation and parking demand for the site (when compared to the public house use). The level of parking proposed (9 spaces) to support this proposal meets parking standards. In addition, the amended layout removes parking previously allocated to the front of the existing building very close to the road junction. These improvements are considered to be of benefit to highway safety. The angled road junction at Scotts Grove Road, Castle Grove Road and Guildford Road will require visibility across the application site (in front of the front main wall of the existing public house building). It is considered appropriate to control the boundary treatment and landscaping this location to secure visibility at this junction with a maximum height of boundary treatment to 800mm. above ground level (see proposed Condition 4 below) a height restriction recommended by the County Highway Authority who have raised no objections to the proposal on highway safety grounds.
- 7.7.2 As such, no objections are raised to the proposal on parking and highway safety grounds, complying in this respect with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.8 Impact on local infrastructure

- 7.8.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. In this case, the proposal would result in a net increase of floorspace less than this threshold. As such, this development would not be CIL liable.

7.8.2 No objections are therefore raised to the proposal in these grounds with the proposal complying with Policy CP12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Infrastructure Delivery SPD 2014.

7.9 Impact on the Thames Basin Heaths Special Protection Area

7.9.1 In January 2012 the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS. As SANGS is considered to be a form of infrastructure, it is pooled through CIL. The Council currently has sufficient SANGS capacity to mitigate the impact of the development on the SPA.

7.9.2 Policy CP14B requires that all net new residential development provide contributions toward Strategic Access Management and Monitoring (SAMM) measures. As such, subject to a payment of £943 received in respect of SAMM prior to the determination of this application or the completion of a legal agreement to secure this contribution. In this case, this payment has been received and the proposal would therefore accord with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document. 2012.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included the following:-

a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

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

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.

9.0 CONCLUSION

- 9.1 The current proposal is considered to be acceptable in terms of its principle and its impacts on the Green Belt, local character, residential amenity, highway safety, local infrastructure and the SPA. The application is recommended for approval.

10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The proposed development shall be built in accordance with the following approved plans: 15-P1207-112, 15-P1207-113 and 15-P1207-LP01 received on 27 November 2015 and 15-P1207-111 Rev. A and 15-P1207-CP101 Rev. A received on 8 January 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 Planning Practice Guidance.

3. The building works, hereby approved, shall be constructed in external fascia materials; brick, tile, bonding and pointing, to match those of the existing building.

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

4. Notwithstanding the provisions of the Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no further extensions, garages or other buildings shall be erected without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual amenity of the Green Belt and residential amenity and to accord with Policies CP1, DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

5. 1. No development shall take place until full details of both hard and soft

landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS]. The boundary treatment to the front of the main building (to be converted to houses) facing the road junction (with Castle Grove Road and Guildford Road) shall be at a height no greater than 800mm. above ground level.

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**

Reason: To preserve and enhance the visual amenities of the locality and highway safety in accordance with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. Details of the proposed modified access to Scotts Grove Road including visibility zones, shall be submitted to and approved by the Local Planning Authority. The access shall be provided prior to first occupation and the visibility zones shall be kept permanently clear of any obstruction.

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

8. Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as must be agreed with the Local Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

Reason: The condition above is required in order that the development

should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

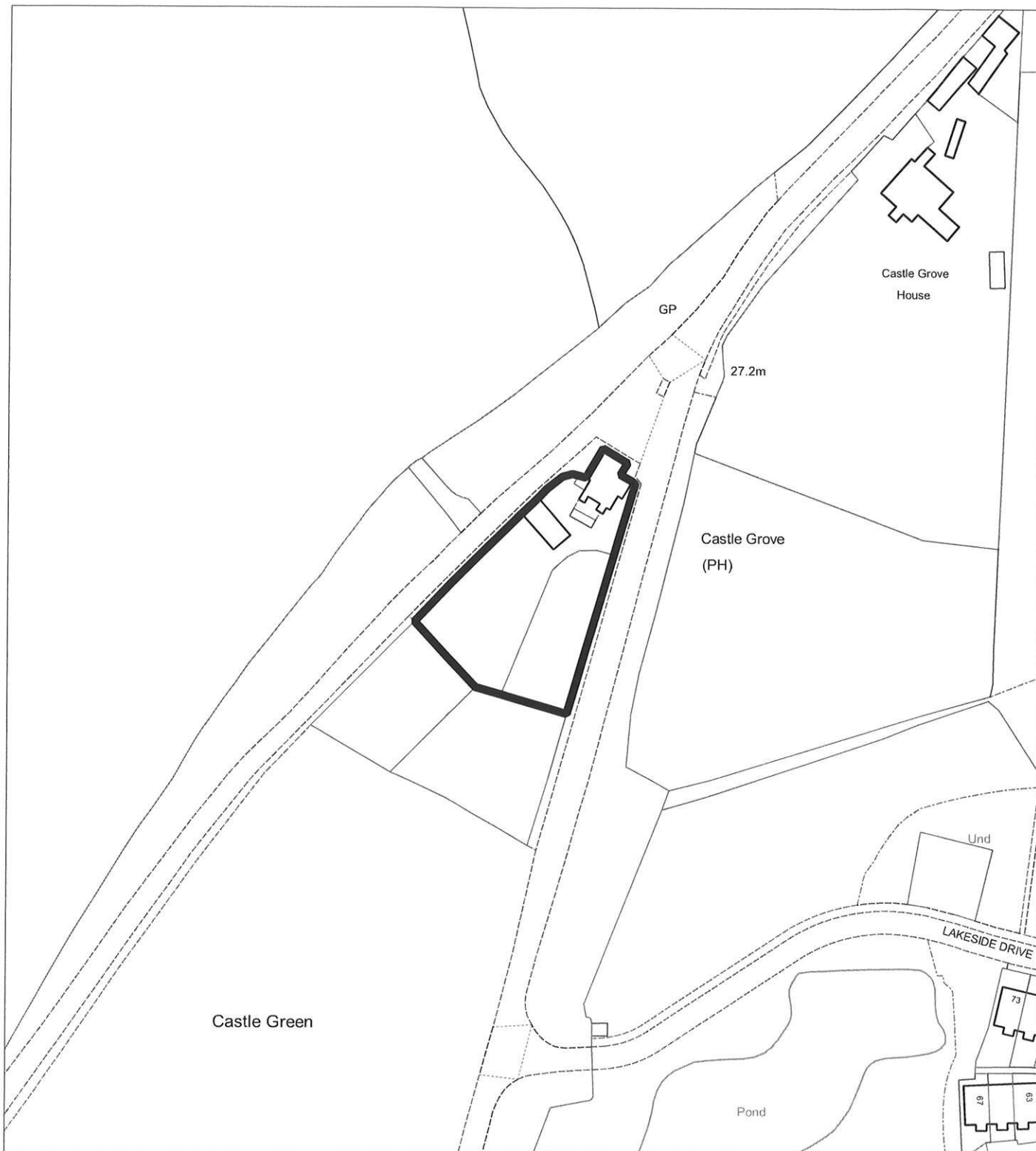
9. The development hereby approved shall not be occupied unless and until the existing vehicular access to the Scotts Grove Road (proposed to be removed) has been permanently closed and any kerbs and footway, fully reinstated.

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

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.

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Title	Planning Applications		Page	1 of 3
Application number	15/1047		Scale @ A4	1:1,250
Address	THE CASTLE GROVE INN, SCOTTS GROVE ROAD, CHOBHAM, WOKING, GU24 8EE		Date	25-01-2016
Proposal	Erection of a two storey rear extension following the part demolition and conversion into 2 three bedroom semi-detached houses and 1 one bedroom bungalow with parking and access. (Amended plans rec'd 08/01/16).			
<small>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</small>				

SU/15/1047 – CASTLE GROVE INN, SCOTTS GROVE ROAD, CHOBHAM

Layout and elevations



ELEVATION 1



ELEVATION 2



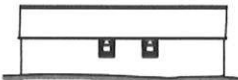
ELEVATION 3



ELEVATION 4



ELEVATION 5



ELEVATION 6



ELEVATION 7

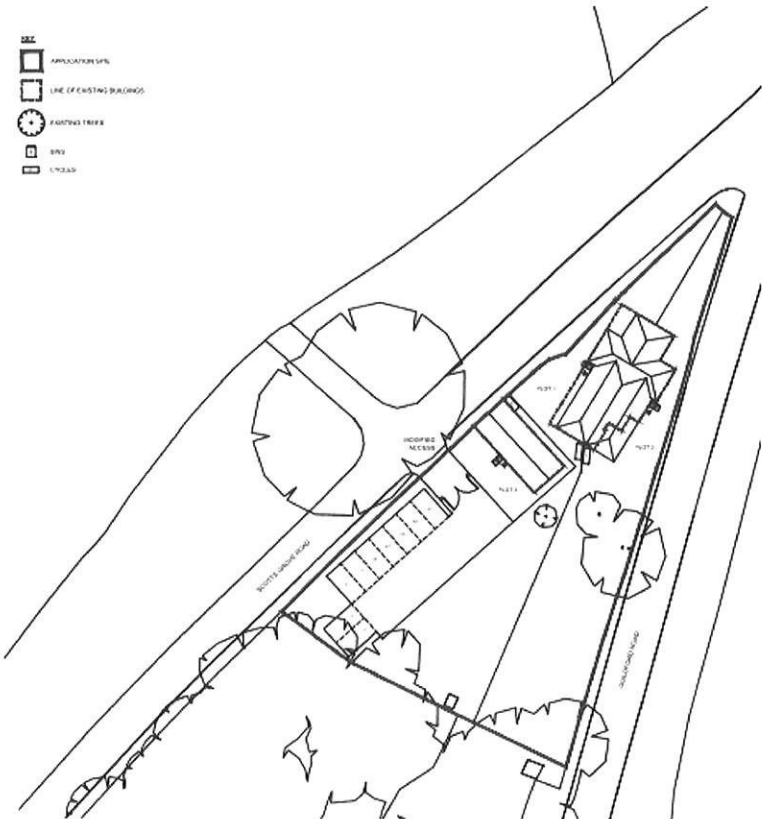


ELEVATION 8



ELEVATION 9

- APPLICATION SITE
- LINE OF EXISTING BUILDINGS
- EXISTING TREES
- DRIVE
- FOOTPATH



SU/15/1047 – CASTLE GROVE INN, SCOTTS GROVE ROAD, CHOBHAM

Front of Public House



Rear of Public House



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APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR CONSIDERATION BY THE PLANNING APPLICATIONS COMMITTEE

NOTES

Officers Report

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site Description
- Relevant Planning History
- The Proposal
- Consultation Responses/Representations
- Planning Considerations
- Conclusion

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in the report.

How the Committee makes a decision:

The Planning Applications Committee's decision on an application can be based only on planning issues. These include:

- Legislation, including national planning policy guidance and statements.
- Policies in the adopted Surrey Heath Local Plan and emerging Local Development Framework, including Supplementary Planning Documents.
- Sustainability issues.
- Layout and design issues, including the effect on the street or area (but not loss of private views).
- Impacts on countryside openness.
- Effect on residential amenities, through loss of light, overlooking or noise disturbance.
- Road safety and traffic issues.
- Impacts on historic buildings.
- Public opinion, where it raises relevant planning issues.

The Committee cannot base decisions on:

- Matters controlled through other legislation, such as Building Regulations e.g. structural stability, fire precautions.
- Loss of property value.
- Loss of views across adjoining land.
- Disturbance from construction work.
- Competition e.g. from a similar retailer or business.
- Moral issues.
- Need for development or perceived lack of a need (unless specified in the report).
- Private issues between neighbours i.e. boundary disputes, private rights of way. The issue of covenants has no role in the decision to be made on planning applications.

Reports will often refer to specific use classes. The Town & Country Planning (Use Classes) Order 1995 (as amended) is summarised for information below:

A1. Shops	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
A2. Financial & professional Services	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
A3. Restaurants and Cafes	For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes.
A4. Drinking Establishments	Public houses, wine bars or other drinking establishments (but not nightclubs).
A5. Hot Food Takeaways	For the sale of hot food consumption off the premises.
B1. Business	Offices, research and development, light industry appropriate to a residential area.
B2. General Industrial	Use for the carrying on of an industrial process other than one falling within class B1 above.
B8. Storage or Distribution	Use for the storage or as a distribution centre including open air storage.
C1. Hotels	Hotels, board and guest houses where, in each case no significant element of care is provided.
C2. Residential Institutions	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
C2A. Secure Residential Institutions	Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
C3. Dwelling houses	Family houses or houses occupied by up to six residents living together as a single household, including a household where care is provided for residents.
C4. Houses in Multiple Occupation	Small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
D1. Non-residential Institutions	Clinics, health centres, crèches, day nurseries, day centres, school, art galleries, museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training areas.
D2. Assembly & Leisure	Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used).
Sui Generis	Theatres, houses in multiple paying occupation, hostels providing no significant element of care, scrap yards, garden centres, petrol filling stations and shops selling and/or displaying motor vehicles, retail warehouse clubs, nightclubs, laundrettes, dry cleaners, taxi businesses, amusement centres and casinos.