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Tuesday, 31 January 2017

To: The Members of the **Planning Applications Committee**  
(Councillors: Edward Hawkins (Chairman), David Mansfield (Vice Chairman), Richard Brooks, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Jonathan Lytle, Katia Malcaus Cooper, Adrian Page, 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, Rebecca Jennings-Evans and Max Nelson

#### Site Visits

**Members of the Planning Applications Committee and Local Ward Members 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 Thursday 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 **Thursday, 9 February 2017 at 6.30 pm**. The agenda will be set out as below.

Please note that should all applications not be completed on 9 February 2017, the meeting will reconvene at **7pm on Monday 13 February 2017**.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

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#### AGENDA

Pages

- 1 Apologies for Absence**
- 2 Minutes** **5 - 10**

To confirm and sign the non-exempt minutes of the meeting held on 12 January 2017.

**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: 16/0554 - Land south of 24-46 (evens), Kings Road and 6 & 9 Rose Meadow, West End GU24 9LW** **11 - 48**
- 5 Application Number: 16/0679 - Land South East of 4-14 (evens) Kings Road, West End Woking** **49 - 78**
- 6 Application Number: 16/1048 - Land south of Beach House, Woodlands Lane, Windlesham GU20 6AP** **79 - 100**
- 7 Application Number: 16/0779 - Whitehill Farm, Kings Ride, Camberley GU15 4LZ** **101 - 120**
- 8 Application Number: 16/0947 - Orchard Cottage, Shepherds Lane, Windlesham GU20 6HL** **121 - 148**
- 9 Application Number: 16/1041 - Unit 2, adjacent to Waitrose, 150-152 London Road, Bagshot** **149 - 176**
- 10 Application Number: 16/1087 - Land between 4 and 5 School Lane, Windlesham GU20 6EY** **177 - 196**
- 11 Application Number: 16/1063 - 1, 1A & 3 Guildford Road, Frimley Green, Camberley GU16 6NL** **197 - 210**
- 12 Exclusion of Press and Public**

The Planning Applications Committee is advised to RESOLVE that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt

information as defined in the paragraphs of Part 1 of Schedule 12A of the Act, as set out below:

	<u>Item</u>	<u>Paragraph(s)</u>	
	9	3	
<b>13</b>	<b>Exempt Minutes</b>		<b>211 - 212</b>
	To confirm and sign the exempt minutes of the meeting held on 12 January 2017.		

### **Glossary**

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**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 12 January 2017**

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

- |                             |                         |
|-----------------------------|-------------------------|
| - Cllr Richard Brooks       | + Cllr Adrian Page      |
| + Cllr Nick Chambers        | + Cllr Robin Perry      |
| - Cllr Mrs Vivienne Chapman | + Cllr Ian Sams         |
| + Cllr Colin Dougan         | + Cllr Conrad Sturt     |
| Cllr Surinder Gandhum       | - Cllr Pat Tedder       |
| + Cllr Jonathan Lytle       | + Cllr Victoria Wheeler |
| - Cllr Katia Malcaus Cooper | + Cllr Valerie White    |
- + Present  
- Apologies for absence presented

Cllr Ian Sams attended from min 40/P.

Substitutes: Cllr Ruth Hutchinson (In place of Cllr Pat Tedder)

In Attendance: Emma Pearman, Neil Praine, Michelle Fielder, Jonathan Partington, Gareth John and Lee Brewin

**38/P Minutes**

The non-exempt minutes of the meeting held on 15 December 2016 were confirmed and signed by the Chairman.

**39/P PRB First Residential Phase Design Codes**

The Committee received a report on the Design Codes for the first phase of residential development at the former PRB site, pursuant to planning conditions.

Members noted the two design codes relating to land in the northern and southern parcels.

Members were advised of the following update:

*'Recommendation changed to APPROVE.*

*The change to the recommendation reflects the fact that revised Design Codes, in line with the advice of the Urban Design Officer, have been received. The revised codes are those provided in the agenda papers.'*

The approach of the two design codes followed the principles of the approved Site Wide Code and Regulatory Plan, which was approved by the Planning Applications Committee in July 2016. The report added a further layer of detail to the Deepcut SPD. Members were advised that the Site Wide Design Code had been subject to review by Design SE and the two design codes for consideration

now built upon those principles. Reserved matters applications would also be subject to review by Design SE.

**Resolved that the revised Design Codes pursuant to planning conditions be approved as amended.**

**40/P Application Number: 16/0920 - Lynwood, Heath Rise, Camberley, GU15 2ER**

The application was for the variation of condition 4 of Appeal Decision APP/D3640/A/10/2133102 to planning permission SU/09/0814 so as to allow changes to windows, doors, basement layout and the erection of dormer windows on all 3 plots, and changes to roof for Plot 3 (retrospective for Plots 1 and 2).

This application would normally have been determined under the Council's Scheme of Delegation for Officers, however it had been reported to the Planning Applications Committee at the request of the Executive Head of Regulatory.

Members were informed that there was a condition attached to the application which removed permitted development rights should the Committee be minded to approve the application. The landscape plan had also been revised to mitigate the gaps in the existing vegetation. However, some Members still felt that the proposal would be overbearing. Some councillors requested that the word 'suitable species' in condition 7 be changed to 'native species'.

**Resolved that application 16/0920 be approved, as amended subject to the conditions as set out in the report of the Executive Head – Regulatory.**

**Note 1**

It was noted for the record that Cllrs Edward Hawkins and Colin Dougan declared that they knew the developer.

**Note 2**

The recommendation to approve the application as amended was proposed by Councillor David Mansfield and seconded by Councillor Adrian Page.

**Note 2**

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

Voting in favour of the recommendation to approve the application as amended:

Councillors Nick Chambers, Colin Dougan, Edward Hawkins, Ruth Hutchinson, Jonathan Lytle, David Mansfield, Adrian Page, Ian Sams, Victoria Wheeler and Valerie White.

Voting against the recommendation to approve the application as amended:

Councillors Robin Perry and Conrad Sturt.

**41/P Application Number: 16/0925 - By Pass Nursery, Blackstroud Lane East, Lighthwater GU18 5XR**

The application was for the erection of a detached two storey dwelling with further basement accommodation, following demolition of all existing buildings and caravan.

This application would normally have been determined under the Council's Scheme of Delegation, however, it had been reported to the Planning Applications Committee at the request of Cllr White.

Members received the following updates:

*'A member site visit was undertaken on the 5th January 2017. The following were in attendance, Cllr E Hawkins, Cllr S Gandhum, Cllr R Perry and the case officer Mr N Praine.*

**ADDITIONAL INFORMATIVE**

*In respect of waste, the applicant is encouraged to break up any hardstanding and waste for removal in an efficient way to ensure minimal vehicular movements when removing waste from site. Additionally the applicant is encouraged to explore recycling and reclaim facilities when removing waste from site. Waste materials must not be burnt on site, the applicant is also reminded of Environmental Health legislation and could be fined up to £20,000 for on-site burning.'*

Some Members had concerns that the proposal was situated in the Green Belt but officers advised that this issue was covered in the agenda report. Paragraph 7.4.3 of the report outlined the special circumstances for allowing development in the Green Belt.

Despite these circumstances some Members still felt that the proposal had a greater impact on the Green Belt.

Some Members suggested that the wording in the update, 'additionally the applicant is encouraged to explore recycling and reclaim facilities when removing waste from site', the word 'encouraged' should be changed to 'required'.

**Resolved that application 16/0925 be approved, as amended subject to the conditions as set out in the report of the Executive Head – Regulatory.**

**Note 1**

It was noted for the record that Cllrs Colin Dougan, Edward Hawkins, Ian Sams and Conrad Sturt declared that they knew the applicant as he had been a councillor at Surrey Heath.

**Note 2**

The recommendation to approve the application as amended was proposed by Councillor Edward Hawkins and seconded by Councillor Robin Perry.

### **Note 3**

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

Voting in favour of the recommendation to approve the application as amended:

Councillors Nick Chambers, Colin Dougan, Edward Hawkins, Ruth Hutchinson, Jonathan Lytle, David Mansfield, Adrian Page, Robin Perry, Ian Sams and Conrad Sturt

Voting against the recommendation to approve the application as amended:

Councillors Victoria Wheeler and Valerie White.

### **42/P Application Number: 16/0951 - 3 Blackthorn Drive, Lightwater, GU18 5YW**

The application was for the erection of two storey rear/side extension, first floor rear/side extension above existing garage, single storey front/side extension and part conversion of garage and associated alterations (amendment to 16/0411). (Amended Plan - Rec'd 14/12/2016).

This application would normally have been determined under the Council's Scheme of Delegation for Officers, however, it had been reported to the Planning Applications Committee at the request of Cllr Valerie White.

Members received the following updates:

*'Just to point out that paragraph 4.2 should have also drawn attention to the proposed flue on the rear elevation which is different to the previous application, however it is not considered that this would cause any harm to character or amenity and as such does not change any conclusions within the report.'*

Cllr White advised that Windlesham Parish Council had asked her to call in the application to Committee. However, following subsequent amendments, the Parish Council concerns had been withdrawn.

**Resolved that application 16/0951 be approved subject to the conditions as set out in the report of the Executive Head – Regulatory.**

### **Note 1**

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

### **Note 2**

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

Voting in favour of the recommendation to approve the application :

Councillors Nick Chambers, Colin Dougan, Edward Hawkins, Ruth Hutchinson, Jonathan Lytle, David Mansfield, Adrian Page, Robin Perry, Ian Sams, Conrad Sturt, Victoria Wheeler and Valerie White.

**43/P Application Number: 16/0935 - 181 Ambleside Road, Lightwater, GU18 5UW**

The application was for the erection of two storey and single storey front rear and side extensions and raising of existing roof to provide two storey, 4 bed dwelling.

This application would normally have been determined under the Council's Scheme of Delegation for Officers, however it had been reported to the Planning Applications Committee at the request of Cllr White.

Members received the following updates:

*An email with attachments has been received from the agent for the application. This email provides 3 plan attachments which seek to demonstrate that the current application is smaller than that which has already been approved.*

*'In this regard it is noted that the approved development has a larger floor area than that which is currently proposed. However officers do not object to the proposal on the basis of a floor space increase per se, rather it is the configuration of the development and the proposed two storey development in close proximity to the shared boundary with no.179 which is, specifically, of concern.'*

Some Members asked whether the Lightwater design statement had been taken into account with regards to this application. Officers confirmed that the application had regard for this.

**Resolved that application 16/0935 be refused for the reasons as set out in the report of the Executive Head – Regulatory.**

**Note 1**

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

**Note 2**

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

Voting in favour of the recommendation to refuse the application:

Councillors Nick Chambers, Colin Dougan, Edward Hawkins, Ruth Hutchinson, Jonathan Lytle, David Mansfield, Adrian Page, Robin Perry, Ian Sams, Conrad Sturt, Victoria Wheeler and Valerie White.

**44/P Exclusion of Press and Public**

The Committee resolved, that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for minute 45/P and 46/P, on the ground that it would involve a likely disclosure of exempt information as defined in paragraph 3, 6 and 7 of Part 1 of Schedule 12A of the Act.

**45/P Exempt Minutes**

The exempt minutes of the meeting held on the 15 December 2016 were confirmed and signed by the Chairman.

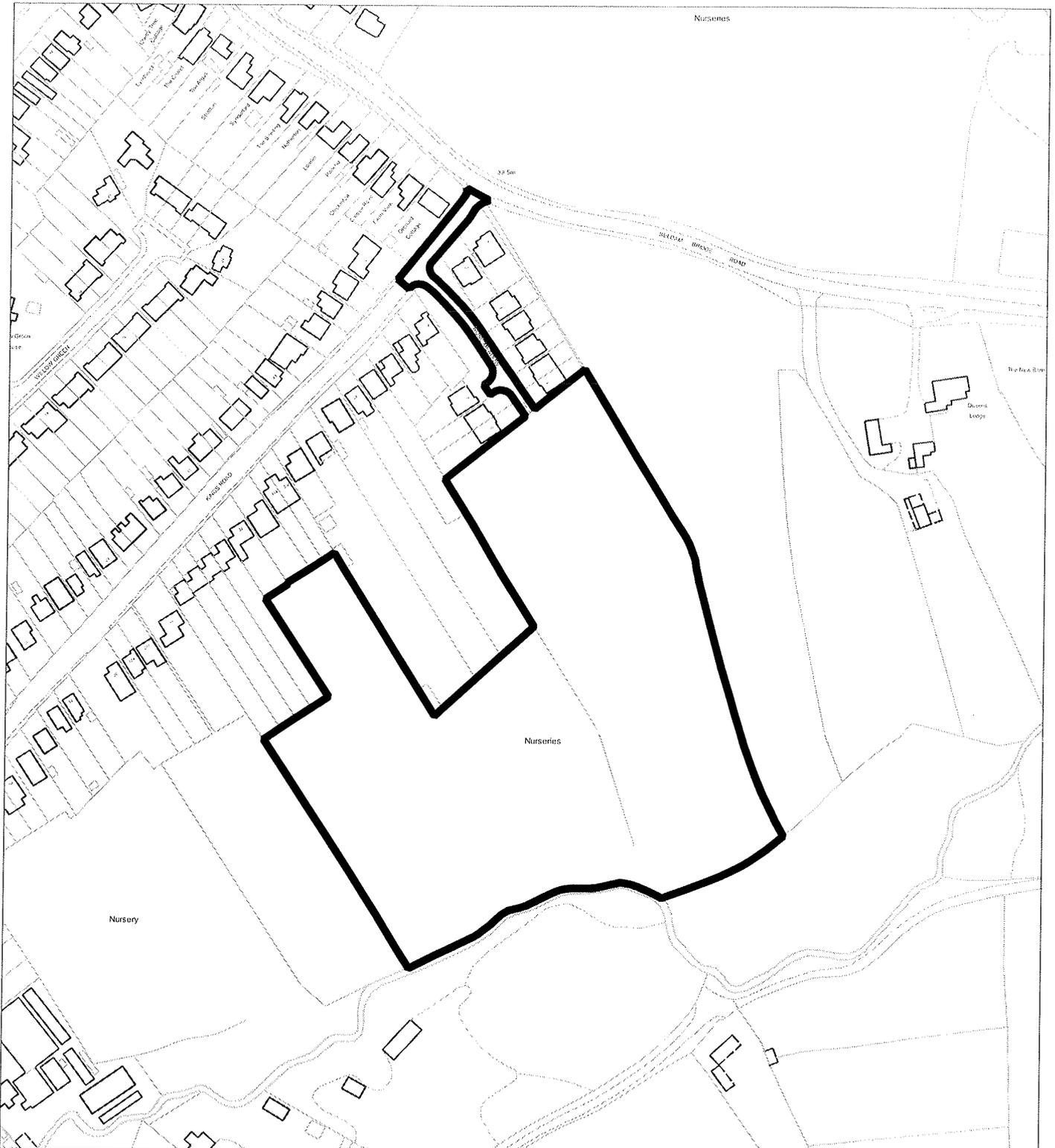
**46/P PRB Deepcut - Urgent Item**

The Committee received an urgent update report on the PRB Deepcut.

**47/P Review of Exempt Item**

It was resolved that minute 46/P remain exempt.

Chairman



<b>Title</b>	Planning Applications		<b>Page</b>	2 of 8
<b>Application number</b>	16/0554		<b>Scale @ A4</b>	1:2,500
<b>Address</b>	LAND SOUTH OF 24-46 (EVENS), KINGS ROAD, WEST END, WOKING, GU24 9LW		<b>Date</b>	20-01-2017
<b>Proposal</b>	Application for the approval of reserved matters (appearance, landscape, scale and layout) pursuant to outline planning permission APP/D3640/W/15/3028247 [SU/14/0532] for the erection of 84 dwellings (including 8 one bedroom flats, 34 two bedroom houses, 28 three bedroom houses and 14 four bedroom houses) with access from Rose Meadow.			
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**LOCATION:** LAND SOUTH OF 24-46 (EVENS), KINGS ROAD AND 6 & 9 ROSE MEADOW, WEST END, WOKING, GU24 9LW

**PROPOSAL:** Application for the approval of reserved matters (appearance, landscape, scale and layout) pursuant to outline planning permission APP/D3640/W/15/3028247 [SU/14/0532] for the erection of 84 dwellings (including 8 one bedroom flats, 34 two bedroom houses, 28 three bedroom houses and 14 four bedroom houses) with access from Rose Meadow. (Amended Plans and Additional Plan/Info - rec'd 07/12/2016). (Amended Info and Plans recv'd 12/12/16). (Amended and Additional Plans recv'd 13/12/16). (Amended Information recv'd 14/12/16). (Additional & amended plans recv'd 15/12/16). (Additional plans recv'd 16/12/16). (Amended plans recv'd 5/1/17 & 6/1/17).

**TYPE:** Reserved Matters

**APPLICANT:** William Lacey Group Ltd

**OFFICER:** Duncan Carty

**RECOMMENDATION: GRANT subject to conditions**

## 1.0 SUMMARY

- 1.1 This application relates to the approval of reserved matters pursuant to outline permission SU/14/0532, granted on appeal, relating 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. With the access details approved under the outline permission, the proposal relates to the approval of the appearance, scale, layout and landscaping. The development includes the provision of 8 no one bedroom flats, 34 no. two bedroom houses, 28 no. three bedroom houses and 14 no. four bedroom houses.
- 1.2 In terms of the principle, access, traffic generation, housing mix, archaeology and land contamination, these matters were considered at the outline stage. Contributions towards local infrastructure and SANG provision would be provided under the CIL scheme, and provision for SAMM and affordable housing were secured through a legal agreement attached to the outline permission. On this basis, the impact on local infrastructure, affordable housing provision and Thames Basin Heaths Special Protection Area were considered at the outline stage.
- 1.3 The reserved matters application proposal has been the subject to a Design Review and the recommendations have been taken into consideration in the revised proposal.
- 1.4 In terms of the impact on local character, trees/hedgerows, residential amenity, parking, highway safety, ecology, drainage, flood risk and crime, no objections are raised. As such, the current proposal is recommended for approval.

## **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 part of 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).
- 2.2 Part of a historic (pre-war) landfill site lies within the south east corner of the site. The Rose Meadow properties have been built relatively recently, i.e. since 2000, but are traditional in design and materials (in brick), being two storey detached and semi-detached dwellings. The residential properties in Kings Road are more of a mix of styles and sizes, and built in different ages.
- 2.3 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/14/0532 Outline application for the erection of 84 dwellings (including 8 no. one bedroom flats, 34 no. two bedroom houses, 28 no. three bedroom houses and 14 no. four bedroom houses. Non-determination appeal was allowed in December 2015.

A copy of this appeal decision is provided at Annex 1.

## **4.0 THE PROPOSAL**

- 4.1 The current proposal relates to the approval of the reserved matters (appearance, scale, layout and landscaping) pursuant to the approval on appeal of the outline permission SU/14/0532 for 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.
- 4.2 The application proposal provides a linear form of cul-de-sac development, taking into consideration the shape of the site, and based upon the schematic layout provided at the outline stage. The sole access would be, as approved at the outline stage, 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. The principal access road would lead from north to south towards the amenity land at the south boundary, including a (LEAP) and a (LAP), along with a balancing pond. Two link roads would be provided running west to east connecting to a further road, running north to south. The southerly link road, in its amended form, would have restricted emergency only access, in part.

4.3 The proposal would provide a two storey development form, arranged in detached, semi-detached and terraced forms, with typically traditional design. The ridge heights of these dwellings would be between 7.7 and 8.7 metres, with eaves heights at 5 metres. The dwellings would face the main highways and the layout has been split into component parts which have different design philosophies which include:

- The entry avenue (the north east part of the site)
- The mews and side streets (the north west part of the site)
- The parkland edge (the south part of the site).

4.4 The application has been supported principally by:

- Planning and Design and Access Statements;
- Transport Assessment and Travel Plan; and
- Housing Need and Supply Report.

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.

## **5.0 CONSULTATION RESPONSES**

5.1	County Highway Authority	Amended details provided for which comments are awaited. Any formal comments will be reported to the Committee.
5.2	Environmental Services	No objections.
5.3	Surrey Police	Comments awaited. Any formal comments will be reported to the Committee.
5.4	Natural England	No objections subject to SPA contributions being provided to the Chobham Meadows SANG.
5.5	Environment Agency	No objections.
5.6	Archaeological Officer	Comments awaited. Any formal comments will be reported to the Committee.
5.7	Arboricultural Officer	No objections.

5.8	Surrey County Council (Education)	Comments awaited. Any formal comments will be reported to the Committee.
5.9	Local Lead Flood Authority (SCC)	Amended details provided for which comments are awaited. Any formal comments will be reported to the Committee.
5.10	West End Parish Council	Object to the proposal on density/character grounds and does not provide for the elderly. If approved suggest conditions regarding management/maintenance of certain planted areas; improvements to the access road; permitted development rights to be removed that would add height/bulk to the roof level which would provide accommodation at this third storey height and to prevent any future extension being subdivided; and, the play area should be provided before any dwelling is occupied and retained for this purpose.

## 6.0 REPRESENTATION

At the time of preparation of this report, no representations in support have been received and 57 letters of objection, including one from the West End Action Group have been received which raise the following issues:

### 6.1 Principle

- The earlier appeal decision was flawed [*See Paragraph 7.3*];
- The Local Plan's artificial designation of this site as Countryside (beyond the Green belt) in order to impose a strict policy of restraint which the NPPF makes clear that safeguarded land is not allocated for development at this time [*See Paragraph 7.3*];
- The land is safeguarded and development can only come forward after a Local Plan review [*See Paragraph 7.3*];
- Under-counting of eligible housing sites in the HLSP. Shortfall is a consequence of developers delaying development at Deepcut. Other developers should not be allowed to profit from this at the expense of local communities [*See Paragraph 7.3*];
- This application should be refused so that the original appeal can be re-challenged [*See Paragraph 7.3*];
- Concern that all of these applications are being considered at the same time [*Officer comment: the Council has to determine these applications in a timely manner, and cannot stagger their decisions*];
- There is an 8.5 years supply of housing without the need to develop on this site [*See Paragraph 7.3*];
- The Core Strategy states that 20 homes for West End [*See Paragraph 7.3*];
- Number of proposed dwellings too high [*See Paragraph 7.3*];

- HLSP 2015-2020 indicates that housing targets are being met without the need for development of West End's green fields [*Officer comment: The HLSP 2015-2020 has been replaced by HLSP 2016-2021 and see Paragraph 7.3*];
- Impact on buffer between West End and Bisley [*See Paragraph 7.3*];
- West End has already made a large contribution [*See Paragraph 7.3*];
- The proposal is not sustainable (site has Minus 15 rating in the Interim Sustainability Appraisal 2013) [*See Paragraph 7.3*];
- In the light of the deficiencies of the appeal decision, the current application should not have been validated [*See Paragraph 7.3*];
- Site should be returned to Green Belt [*See Paragraph 7.3*];
- Govt. policy indicates a brownfield first policy, not the release of green field sites [*See Paragraph 7.3*].

## 6.2 Character

- Adding to the village will destroy its character [*See Paragraph 7.5*];
- Size of the development [*See Paragraph 7.5*];
- Loss of trees/hedgerows. Some trees have already been removed in readiness for this application [*See Paragraph 7.5*];
- Impact on woodland [*See Paragraph 7.5*];
- Too large and out of keeping [*See Paragraph 7.5*];
- Inappropriate density of development (24 dph in an area of 19/20 dph) [*See Paragraph 7.5*];
- Buildings are too close to the streams [*See Paragraph 7.5*];
- The proposal is not in keeping with the neighbouring character area in the Village Design Statement [*See Paragraph 7.5*];
- Provision of houses/flats is not in keeping with bungalows/dormer bungalows in the local area [*See Paragraph 7.5*];
- Building heights are out of proportion [*See Paragraph 7.5*];
- Use of materials and layout are urban, not in keeping with rural aspect of the local area, conflicting with Village Design Statement [*See Paragraph 7.5*];
- Road layout is incongruous [*See Paragraph 7.5*];
- The buildings designs and materials do not enhance the streetscene [*See Paragraph 7.5*];
- Housing estate-type development would be out of character;
- Insufficient landscape buffer/boundary treatment to adjoining residential property (in Rose Meadow);

- Large roof forms will lead to future conversions [See Paragraph 7.5];
- Crowded and cramped streetscene with very little space between some dwellings in contrast with Kings Road which has a more open feel [See Paragraph 7.5].

### 6.3 Highways and transportation matters

- Impact of increased traffic on congestion on the highway network, reflected by the number of car parking spaces on the site [See Paragraphs 7.3 and 7.6];
- Impact on private roads, Rose Meadow and Kings Road, and measures should be put in place following consultations with residents [See Paragraphs 7.3 and 7.6];
- Increased traffic use of public highway from pupils in the village commuting to school elsewhere [See Paragraphs 7.3 and 7.6];
- Impact on highway safety [See Paragraphs 7.3 and 7.6];
- Unsuitable access through a small cul-de-sac [See Paragraphs 7.3 and 7.6];
- The access to the development should be restricted to Beldam Bridge Road (and not Kings Road) [See Paragraphs 7.3 and 7.6];
- Traffic survey undertaken during significant road works to Beldam Bridge Road and should be re-surveyed when road is back to normal use [See Paragraphs 7.3 and 7.6];
- Dangerous access onto a winding road [*Officer comment: This relates to a different site*];
- Proposed roads are too narrow, restricting access for emergency vehicles [See Paragraphs 7.3 and 7.6];
- Insufficient parking [See Paragraphs 7.3 and 7.6];
- Upgrading of local roads, suggested by the developer, as not occurred [See Paragraphs 7.3 and 7.6];
- Travel plan indicates that schools are within walking distance, but these are already full and over-subscribed [See Paragraphs 7.3 and 7.6];
- Lack of visitor parking spaces [See Paragraphs 7.3 and 7.6].

### 6.4 Residential amenity

- Impact of pollution from increased traffic generation on road system [See Paragraph 7.7];
- Impact of noise from increased traffic generation on road system [See Paragraph 7.7];
- Impact of noise and disturbance and loss of peace and tranquillity [See Paragraph 7.7];
- Development should be fully screened from residential properties [See Paragraph 7.7];
- Impact from air and light pollution [See Paragraph 7.7];
- Overbearing impact [See Paragraph 7.7];
- Loss of privacy [See Paragraph 7.7];
- Loss of visual amenity [See Paragraph 7.7].

## 6.5 Drainage

- Impact on drainage (including surface run-off on adjoining sites/downstream) [See *Paragraph 7.8*];
- Impact on flood risk [See *Paragraph 7.8*];
- Impact on flood risk elsewhere [See *Paragraph 7.8*];
- Part of the site is in the floodplain [See *Paragraph 7.8*];
- Upgrade to the sewage system is required [See *Paragraph 7.8*];
- Concerns about provision of a pumping station and the future responsibility for its maintenance [See *Paragraph 7.8*];
- Thames Water concerns about the ability of the local waste water operations [See *Paragraph 7.8*].

## 6.6 Other matters

- Impact on over stretched services (doctors, schools, local hospital, employment) [See *Paragraph 7.3*];
- Impact on wildlife/protected species (red kites, owls, frogs, bats, badgers, hedgehogs, grass snakes, sparrowhawks, woodpeckers (Lesser Spotted, Great Spotted, Green), deer, buzzards, foxes [See *Paragraph 7.3*];
- Increased population without added infrastructure [See *Paragraph 7.3*];
- Cumulative impact with other developments [See *Paragraph 7.3*];
- West End should remain as a village [See *Paragraph 7.3*];
- Impact on health[See *Paragraph 7.3*];
- Developer should consult with local residents [*Officer comment: This is not a requirement for this form of development*]
- Development cannot proceed without meeting the requirements of Condition no 6 of the appeal decision regarding SANG provision [*Officer comment: the site has been allocated to the Chobham SANG*]
- The Council has ignored comments regarding the combined impact of the nearby (housing reserve site) housing development on the SPA and, as such, an Appropriate Assessment would be required [*Officer comment: these sites have been allocated to the Chobham SANG, and as such an Appropriate Assessment is not required*]
- The proposal seeks to ignore objections made by local residents [*Officer comment: This would not be a reason to refuse this application*];
- Development includes five bedroom properties and this is blatant opportunism by the developer [*Officer comment: This would not be a reason to refuse this application*];
- Play area insufficient for the proposed number of dwellings [See *Paragraph 7.10*];
- No bungalows proposed in the development [See *Paragraph 7.3*];

- No allocated SANG for West End [See Paragraph 7.12];
- Allocation to a SANG in Chobham to offer protection mitigation for the SPA is not accepted [See Paragraph 7.12];
- Natural England has tried to meet with the Council with regards to SANG delivery in West End and this has not occurred [See Paragraph 7.12];
- Ecological survey is inadequate [See Paragraph 7.3];
- Planned swales under the tree lines is unacceptable [Officer comment: The revised drainage details have removed the swale from this location];
- The still pond/catchment basin is in a dangerous location, adjacent to play area and fenced by only a post and rail fencing [Officer comment: Details of fencing would be required as part of the landscaping condition, see below];
- Details of external lighting have not been provided [Officer comment: Details of external lighting would be required by condition, see below];
- Increase in energy consumption and impact on global warming [Officer comment: This would not be a reason to refuse this application];
- Impact during construction including disruption, noise, dirt and heavy traffic. Application should not be approved until developer has made assurances and provisions to ensure impact is minimised and any financial and other issues are addressed. Concerns regarding approval of working hours. There should be no parking on Rose Meadow or waiting to go on site with engines running, regular cleaning and maintenance of road surface, contributions towards long term maintenance of the road surface [Officer comment: The requirements of a method of construction statement are set out in Condition 7 of the appeal decision];
- Wildlife corridors have not been provided to all site boundaries [See Paragraph 7.3];
- Loss of green space [See Paragraph 7.3]; and
- Need for a construction management plan. The Management Company of the private road (Rose Meadow) requests a copy of this plan, which also needs to be agreed with the Council, and the developer (Shanley Homes) is keen to start in January 2017 [Officer comment: The requirements of a method of construction statement are set out in Condition 7 of the appeal decision].

## 7.0 PLANNING CONSIDERATIONS

- 7.1 The application site is located within a site which has been part of a housing reserve site, adjoining the settlement of West End, but is defined as Countryside (beyond the Green Belt) and has received outline permission SU/14/0532, on appeal, for which the access has been agreed under this permission. This application seeks the approval of the remaining reserved matters – including the appearance, scale, layout and landscaping.
- 7.2 As such, the National Planning Policy Framework and its associated Planning Practice guidance 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; and West End Village Statement SPD 2016 (VDS) 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 Since the appeal decision, officers do not consider that there has been any significant change in circumstances. For completeness a copy of the appeal decision including the conditions is attached (Annex 1) and for reference purposes, the main issues and conclusions in this decision, which also apply to this submission, are summarised below:

1. The principle of the development has been approved;
2. The access arrangements (with the vehicular access from Rose Meadow) has been approved;
3. The density and housing mix has been approved;
4. No objections to the impact of the proposal upon highway safety including the level of parking. In addition, no objections were raised to the cumulative impact on increased traffic from this proposal (along with other developments within the housing reserve site) [*See Paragraphs 37-40 of appeal decision and Conditions 11 and 13*];
5. No objections in principle to the impact of the proposal on residential amenity grounds, particularly in relation to any increase in noise whilst noting the outline nature of the approved scheme [*See Paragraphs 46 and 47 of appeal decision*];
6. No objections to the impact of the proposal on ecology and archaeology [*See Paragraphs 41 and 48 of appeal decision and Conditions 4 and 12*];
7. 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 appeal [*See Paragraphs 43-45 and 51 of appeal decision*];
8. No objections to the impact of the proposal on affordable housing provision, the housing mix, crime and open space provision. A level of affordable housing (32 units) will need to be provided on site and this has been provided under a legal agreement attached to this appeal decision and, as such, no objections are raised on these grounds. [*See Paragraph 50 of appeal decision*]; and
9. No objections on drainage, flood risk and land contamination although further drainage details were expected at the reserved matters stage [*See Paragraph 42 of the appeal decision and Conditions 6 and 10*].

7.4 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:

- Impact on local character, trees and hedgerows;
- Impact on parking capacity and highway safety; and
- Impact on residential amenity.

Other matters including:

- Impact on drainage and flood risk;
- Impact on crime;
- Open space provision; and
- Impact on the Thames Basin Heaths Special Protection Area.

## **7.5 Impact on local character, trees and hedgerows**

7.5.1 Policy DM9 of the CSDMP indicates that development should respect and enhance the local, natural or historic character of the environment and provide high quality design layouts which maximise the opportunities for linkages to the surrounding area and local services. Paragraph 56 of the NPPF indicates that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 of the NPPF indicates that it is important to plan positively for the achievement of high quality design and inclusive design for all development. Paragraph 64 of the NPPF indicates that permission should be refused for development of poor design which fails take the opportunities available for improving the character and quality of an area and how it functions.

7.5.2 The application site falls outside of the character areas within the West End Village Design Statement SPD 2016 (VDS), just south of Character Area 3. The VDS indicates that this Character Area has an open and rural feel with larger rear gardens and vegetation between properties. The relationship of the proposed development with this adjoining Character Area is addressed below (Paragraphs 7.5.6 to 7.5.13).

7.5.3 The proposal would provide a cul-de-sac form of development formed off a main access road from Rose Meadow, with a connecting emergency access road. Whilst the applicant has no control over the land to the west (land south of 20-22 Kings Road), scope for a connection to this site would be provided. The proposed development would be set back from and on lower land than the Kings Road properties, but would be seen as a continuation of the short cul-de-sac in Rose Meadow. The majority of the site would not be clearly visible for the public domain (particularly Rose Meadow and Kings Road), with the exception of the entry avenue, clearly visible from Rose Meadow.

7.5.4 The application site is relatively self-contained, when viewed from the open land to the south and east (in the Green Belt). Paragraph 33 of the appeal decision indicated:

*“The site is located on the edge of the village, to the rear of properties on Kings Road. 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 countryside would be limited.”*

7.5.5 The proposed layout is broadly in a similar form to that shown at the outline stage (as a schematic layout), for which objections were not raised. However, the current application proposal has been the subject of a Design Review process in liaison with the Council's Urban Design Officer and, following the receipt of comments from the Design Review Panel, has been the subject of amendments. The main conclusions of the Panel and how those issues have been addressed follow. The Council's Urban Design Officer is satisfied that the scheme has addressed the comments of the Design Review Panel and will deliver a high quality housing scheme.

### The design response to the wider context

- 7.5.6 The Design Review Panel considered that the site is visually contained and sits within a largely suburban edge of a village. The Panel acknowledged that the character of the immediate area is not a form or density to emulate, which gives the opportunity to respond more evidently to the site and its setting. The structure of the site is linear, with features running perpendicular to the brook (The Bourne). The retention of trees running approximately north to south within the site was welcomed by the Panel, but how the space they sit within is managed needed careful thought. Moreover, the Panel was of the opinion that how the site related to the surrounding area in terms of connectivity needed more work i.e. the site is in danger of being isolated and the original layout made introducing future linkages problematic.
- 7.5.7 In response, the applicant has retained the majority of the trees at the existing field boundary running north to south across the site, and trees to the site boundaries, but also a couple of oak trees close to the site entrance (to the front of Plot 3). The proposal has been amended to turn the residential dwellings Plots 72 and 73 to face the landscape buffer and trees to improve surveillance. The gardens of Plots 22 and 39 have been extended to include the landscape buffer (and retained trees) to more clearly define the future management of this land (also see paragraph 7.5.12 below). The access roads are provided to the south west corner of the site (adjacent to land to the south of 22-24 Kings Road, as a part of the housing reserve site which would assist future connectivity).

### The layout and public realm

- 7.5.8 The Design Review Panel indicated that the main street (entry avenue) would be sinuous, with parallel kerb lines and geometries that are typical of roads built to prioritise the movement of vehicles, not people on foot or bicycle. The Panel indicated that there would be an opportunity to introduce traffic calming features into this street - on-street parking, pinch points, etc., to help moderate speeds whilst enabling the alignment of the street to better reflect the linear field patterns linked by less rigid east-west lanes which would introduce a hierarchy of streets and spaces, helping to make the scheme more navigable whilst adding character through a varied streetscape. The Panel encouraged the applicant to consider the choice of surface materials so that maintenance is manageable and noise from passing vehicles is reduced. This would not mean that the streetscape could not support diverse materials; rather they should be used to support other functions of the streets, such as where junctions occur or where a traffic calming feature is present. The original layout varied little in terms of density and massing across the site and it was considered by the Panel that the keeping of some of the existing stands of trees and modifying the density around the site would help differentiate parts of the site, which in turn will help reinforce character. The Panel also considered that the open space as originally proposed would not be as well-resolved as it could be with most of the space tucked away and faced by car parking and how this space integrates with the brook could be more explicit.
- 7.5.9 The revised submission has provided a design strategy with three distinct character areas, as confirmed in paragraph 4.3 above. The entry avenue has a lower density, predominantly detached, with main facades in brick to reflect the existing properties in Rose Meadow. This avenue is to be tree-lined with soft landscaping provided, especially to the plot edges. The mews and side streets character area would provide a mix of detached, semi-detached, terraced and flatted properties at a medium density and would introduce some render/tile hanging. The parkland edge character area would provide a mix of semi-detached, terraced and flatted properties in brick. This would provide each part with a more distinctive character and this approach is considered to be acceptable.

- 7.5.10 The entry avenue has been amended to be slightly more sinuous and, with the introduction of built-outs between Plots 4/78/79 and Plots 38/39/73, a ramp at the access and on-street parking and an emergency access restriction outside Plots 18-21 and opposite the open/play space. Whilst the details of surface materials for the roads are to be considered under condition 8 of the outline permission, some indication of a variety to road surfaces, at pinch-points (build-outs) and road junctions has been indicated.
- 7.5.11 As previously indicated, the proposal would retain a number of trees on the site, including more trees close to the site access. Trees to the site boundaries, particularly with the Green Belt, are also to be retained. This provision is to be enhanced by trees and hedging to the frontages of properties particularly in the entry avenue to reflect the VDS character area but also to the other streets and open space to the south boundary. This provision, along with its long term management, will be secured by condition, as set out below which would provide greater certainty of control over these spaces.
- 7.5.12 A plot boundary plan has been provided to more clearly defined the future ownership and control of all spaces within the site, defining the public and privately controlled spaces. The revised submission also included an indication of a range of different boundary treatments. Concerns were raised by the Urban Design Officer about the use of close boarded fencing, rather than hedging, to prominent boundaries. However, the consideration of boundary treatments and the long term management of the land outside of private ownership/control would be undertaken by condition.

#### The built form and materials

- 7.5.12 The Design Review panel did not feel that, for the originally submitted proposal, there was a considered rationale for the built form; what was proposed, where and why. The Panel indicated that the site presents an opportunity for something which diversifies the local offer adding to the character of the area. Varying the density, adding building height where the topography allows, and introducing variation in the continuity of the built edge to the street was considered by the Panel to all help in increasing the character of the street. The site's location at the village edge and the number proposed would represent an opportunity to introduce more imaginative housing types. The Panel was encouraged by the simple palette of materials but considered a better rationale for how the materials supported the different areas within the scheme, its different spaces and hierarchy of spaces could reinforce the character. The Panel also considered that the parking arrangements should be revisited with a mix of parking solutions required. An estate management strategy needed to be developed, to avoid ambiguity of the responsibilities for common and private areas.
- 7.5.13 The proposal has been amended to provide a more coherent material palette to reinforce, with the proposed changes to the road hierarchy, the character areas (as indicated in Paragraph 7.5.10 above). The proposal has been deliberately provided at a maximum of a two storey height to reflect the size of dwellings in the adjoining VDS Character Area, and it is considered that any increase in height, notwithstanding the change in levels across the site, would not reflect this character or its rural edge location.

#### Conclusion

- 7.5.14 The current proposal would provide a design strategy to clearly define and separate out different parts of the site which would provide a form of development which helps reinforce the characteristics of the neighbouring settlement edge, including the nature of the adjoining Character Area as set out in the VDS, and through the Design Review process genuine improvements have been provided. The proposal would provide landscaping and has been arranged around the retention of the significant trees on the site, particularly the line of trees on the existing field boundary within the site, and soft landscaping to the

property frontages, especially to the plot edges, which is a positive feature of the development. It is therefore considered that the proposal would not only integrate into its village setting but also genuinely enhance and improve the character and quality of the local area.

7.5.15 It is considered that the proposed development is considered to be acceptable in design and character terms, complying with Policies CP2 and DM9 of the CSDMP and the NPPF.

## **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. Whilst the comments of the County Highway Authority are awaited for the current application, the Authority raised no objections to the outline proposal on traffic generation and highway safety grounds, subject to conditions.

7.6.2 The proposal would provide 191 garage or parking spaces, of which 20 spaces would be unallocated, 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 Inspector at Paragraph 38 of the appeal decision indicates that *"the traffic assessment identifies that in combination with other developments in the area, future development in the area, future delays may be experienced on the A322 [Guildford Road] but the County Council is satisfied that suitable improvement works would increase capacity and improve the operation of the nearby [Fellow Green] 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 CIL tariff would provide potential funding for any necessary future improvements."* The cumulative impact of the current proposal with other nearby housing proposals, and their combined impact on the highway network, have therefore been taken into account.

7.6.4 The Inspector for the appeal decision agreed with the County Highway Authority that the poor surface of Kings Road, particularly between Rose Meadow and A322 Guildford Road, and the effect of increased traffic on this highway would not be a reason to refuse this quantum of development on the application site. As such, and subject to the comments of the County Highway Authority, no objections are raised on these grounds, with the proposal complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

## **7.7 Impact on residential amenity**

7.7.1 The existing properties 6 and 9 Rose Meadow are positioned such that the flank walls of these properties face the application site, with windows at ground and first floor level. The nearest proposed dwellings (Plots 1 and 84) would have their flank walls set 4 metres for the mutual boundaries and 6.5-7 metres from the flank walls of these properties. These levels of separation are considered to be acceptable.

7.7.2 The remaining neighbouring dwellings which bound the application site (24-46 Kings Road) have rear gardens which face the application site. Proposed Plots 70-72 have a boundary with the long rear gardens of 38-44 Kings Road, with the 11 metre separation distance between the rear walls of Plots 71 and 72 facing this mutual boundary and 8.5 metres between the flank wall of Plot 70 and this mutual boundary. These levels of separation are considered to be acceptable.

- 7.7.3 The rear boundaries of Plots 60-65 and the flank boundaries of Plots 59 and 69 face the flank boundary of the long rear garden of 40 Kings Road with minimum separation distances of 11 and 4 metres respectively provided which would provide an acceptable relationship with this property and its respective garden.
- 7.7.4 The rear gardens of neighbouring dwellings 32-36b Kings Road would face the rear of Plots 55-59. A minimum distance of 10 metres from the rear wall of these dwellings to the mutual rear boundaries and 36 metres from the principal rear wall of the nearest existing property would be retained. This level of separation is considered to be acceptable.
- 7.7.5 The proposal would lead to an increase in traffic noise from increased movements on adjoining streets, especially Rose Meadow. In this respect, the applicant had provided an acoustic report for the appeal scheme to which the Council's Senior Environmental Health Officer had 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.
- 7.7.6 The current proposal is therefore considered to be acceptable on residential amenity grounds, with the proposal complying with Policy DM9 of the CSDMP.

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

- 7.8.1 As indicated in Paragraph 7.3 above, no objections were raised at outline stage to the impact of the proposal on drainage and flood risk. The current application has been supported by a drainage strategy which would build upon Condition 10 of the appeal decision. No objections have been raised by the Environment Agency but the comments of the LLFA are awaited, following the receipt of amended drainage details, and will be reported to the Committee.
- 7.8.2 The proposed is considered to be acceptable, subject to the comments of the LLFA, complying with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

## **7.9 Impact on local infrastructure**

- 7.9.1 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.
- 7.9.2 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. The Inspector for the appeal decision indicated, at paragraph 38, that the CIL tariff can include highway improvements to benefit the local highway network if future capacity issues arise.
- 7.9.3 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 was separately assessed, under paragraphs 43-45 of the appeal decision, where it was concluded that a contribution towards education for this proposal had not been justified by the education authority, Surrey County Council. Consequently in the officer's opinion, requesting this contribution would not comply with the tests set out in Paragraph 204 of the NPPF.

7.9.4 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.

## **7.10 Open space provision**

7.10.1 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 proposed layout indicates the provision of open space of about 3,000 square metres (including play space of about 500 square metres) proposed towards the south boundary of the site. 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.

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

7.11.1 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.

7.11.2 As indicated in Paragraph 7.12.2 above, the CIL charging schedule incorporates SANGS funding. Whilst at the time of the assessment of the appeal it was not necessary to consider whether there is an availability of SANG capacity to accommodate this development at the time of that decision with Condition 5 of the appeal decision provided to deal with this uncertainty. Subsequently, the site now falls within the Chobham SANG and the release of SANG capacity has been provided for this scheme meeting the tests set out in The Conservation of Habitats and Species Regulations 2010. No objection is therefore raised to the proposal on these grounds.

7.11.3 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 of £48,392 is required. This contribution has through the legal agreement attached to the appeal decision and, as such, no objections are raised on these grounds.

7.11.4 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 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. The outline permission (granted on appeal) provided a legal agreement to secure the provision of sufficient amount of affordable housing and a SAMM contribution.
- 8.2 The current proposal has been the subject to a Design Review process with significant benefits gained to local character building on the original outline planning permission SU/14/0532, granted on appeal. The development would integrate with the residential properties in Rose Meadow and the wider area and improve the character and quality of the area. As such, this 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.

## 11.0 RECOMMENDATION

**GRANT** permission subject to the following conditions:

1. The proposed development shall be built in accordance with the following approved plans: P941.101 Rev. J, P941.102, P941.103 Rev. G, P941.104 Rev. G, P941.105 Rev. G, P941.106 Rev.G, P941.107 Rev. G, P941.108 Rev. C, P941.201, P941.202, P941.A. 201, P941.A.202, P941.A.203, P941.B.201, P941.B.202, P941.B.203, P941.C.201, P941.C.202, P941.C.203, P941.D.201, P941.D.202, P941.D.203, P941.D1.201, P941.D1.202, P941.D1.203, P941.E.201, P941.E.202, P941.E.203, P941.E.204, P941.F.201, P941.F.202, P941.F.203, P941.F1.201, P941.F1.202, P941.G.201, P941.G.202, P941.G.203, P941.G1.201, P941.H.201, P941.H.202, P941.H.203, P941.J.201, P941.K.201, P941.K.202, P941.L.201, P941.M.201, P941.M.202, P941.1.201, P941.1.202, P941.2.201, P941.3.203, P941.3.301, P941.3.302, P941.3A.201, P941.3A.202, P941.4A.201, P941.GAR.201, P941.GAR.202, P941.GAR.203 and P941.GAR.204; 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.

2. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

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

3. The garaging/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.

4.
  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].
  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**
  3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 20 years.

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

5. Details of the play area equipment and boundary treatment for the play area shown on the approved drawings shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the approved development.

Reason: To support the provision of informal recreation space within the development and to comply with Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. The applicant is reminded that the conditions and legal agreement attached to outline permission SU/14/0532, granted on appeal, remain in force for the approved development.
2. Party Walls (etc) Act 1996 DE3
3. CIL Liable CIL1



## 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 report<sup>1</sup> 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 time<sup>2</sup>. 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.

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<sup>1</sup> Paragraph 26

<sup>2</sup> 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 applies<sup>3</sup>, 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 Hunston<sup>4</sup> 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

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<sup>3</sup> S38(6) of the Planning and Compulsory Purchase Act 2004

<sup>4</sup> 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 Regulations<sup>5</sup> 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

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<sup>5</sup> 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 law<sup>6</sup>.
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

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<sup>6</sup> 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 SAMM 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

## **APPEARANCES**

### FOR THE APPELLANT:

Matthew Reed	Counsel
Andrew Stallan	Planning Consultant (Agent)
Stuart Crickett	Planning Consultant (Agent)
Graham Bellamy	Transport Consultant
Simon Maiden-Brooks	Flooding and Drainage Consultant

### FOR THE LOCAL PLANNING AUTHORITY:

Duncan Carty	Senior Planner
Jane Ireland	Planning Policy Manager
Laura James	Principal Solicitor

### INTERESTED PERSONS:

William Bain	Local resident
Jason Ing	Local resident
Jeffrey Llewellyn	West End Action Group and local resident
Diane Doney	Local resident
Ian Allard	Local resident
Guy Consterdine	West End Action Group and local resident
Douglas Bond	Local resident
Beulah Kingston	Local resident
Mike Lazer	Local resident
Charlotte Waters	Rose Meadow Management Committee and local resident

## **DOCUMENTS**

Document 1	Housing land supply scenarios
Document 2	E-mail dated 15 September 2015 from Paul Druce of Surrey CC to Stuart Crickett
Document 3	Draft Unilateral Undertaking
Document 4	Drawing P941/02 Rev B
Document 5	Justification Statement from Surrey CC in respect of requested education contribution (26 June 2015)
Document 6	Council's Housing Completions 01/04/2014 – 31/03/2015
Document 7	Letter in respect to Heather Farm SANGS from Ray Morgan, Chief Executive of Woking Borough Council to Chris Lacey, Chief Executive of William Lacey Group
Document 8	Second Draft Unilateral Undertaking

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place other than in accordance with the recommendations set out in Section 6.0 of the Ecological Report by ACD dated September 2014 and Section 5.0 of the Reptile Survey Report by ACD dated June 2014.
- 5) No development shall take place until written approval has been obtained from the Local Planning Authority that an appropriate Suitable Alternative Natural Green Space (SANGS) has been secured so as to avoid any significant effects of the development on the Thames Basin Heaths Special Protection Area. No dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the SANGS up to an acceptable standard have been completed.
- 6) Prior to commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application/appeal, will be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. No development shall take place until the scheme has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until a detailed remediation strategy to bring the site to a condition suitable for its intended use has been submitted to and approved in writing by the Local Planning Authority. In the event that contamination is found, that was not previously identified, at any time during the development, this will be reported in writing to the Local Planning Authority and any work on site should cease until an investigation and risk assessment is undertaken and the site is remediated in accordance with a scheme approved in writing by the Local Planning Authority. Infiltration SuDS shall only be used for areas where it has been proven that there are no unacceptable risks from contamination.
- 7) No development shall take place until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of parking for the vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; a programme of works (including measures for traffic management); provision of boundary hoardings; hours of construction; and confirmation that there will be no on-site burning during any site clearance, demolition and

- construction works. The development shall be carried out in accordance with the approved Statement.
- 8) No development shall take place until details of the surface materials for the roads, car parking areas and driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 9) No development shall take place until details of the proposed finished floor levels of all buildings and finished levels of all roads and driveways within the site in relation to the existing ground levels and adjoining land (measured from a recognised datum point) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 10) No development shall take place until full details of the foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage details shall ensure attenuation of the 1:100 year event with a 30% allowance for climate change. The development shall be carried out in accordance with the approved details.
  - 11) No development shall take place until details of the proposed refuse and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 12) Prior to the commencement of development, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the lighting supports, posts or columns, details of their location and a full technical specification. The approved lighting shall be provided prior to first occupation of the development.
  - 13) Prior to first occupation of the development hereby approved, a Travel Plan to promote sustainable patterns of movement shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, it shall be implemented.

16/0554 – LAND SOUTH OF 24-46 KINGS ROAD AND 6 & 9 ROSE MEADOW, WEST END

Proposed site plan





Typical Elevations



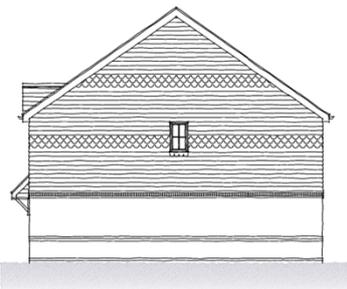
FRONT ELEVATION



SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



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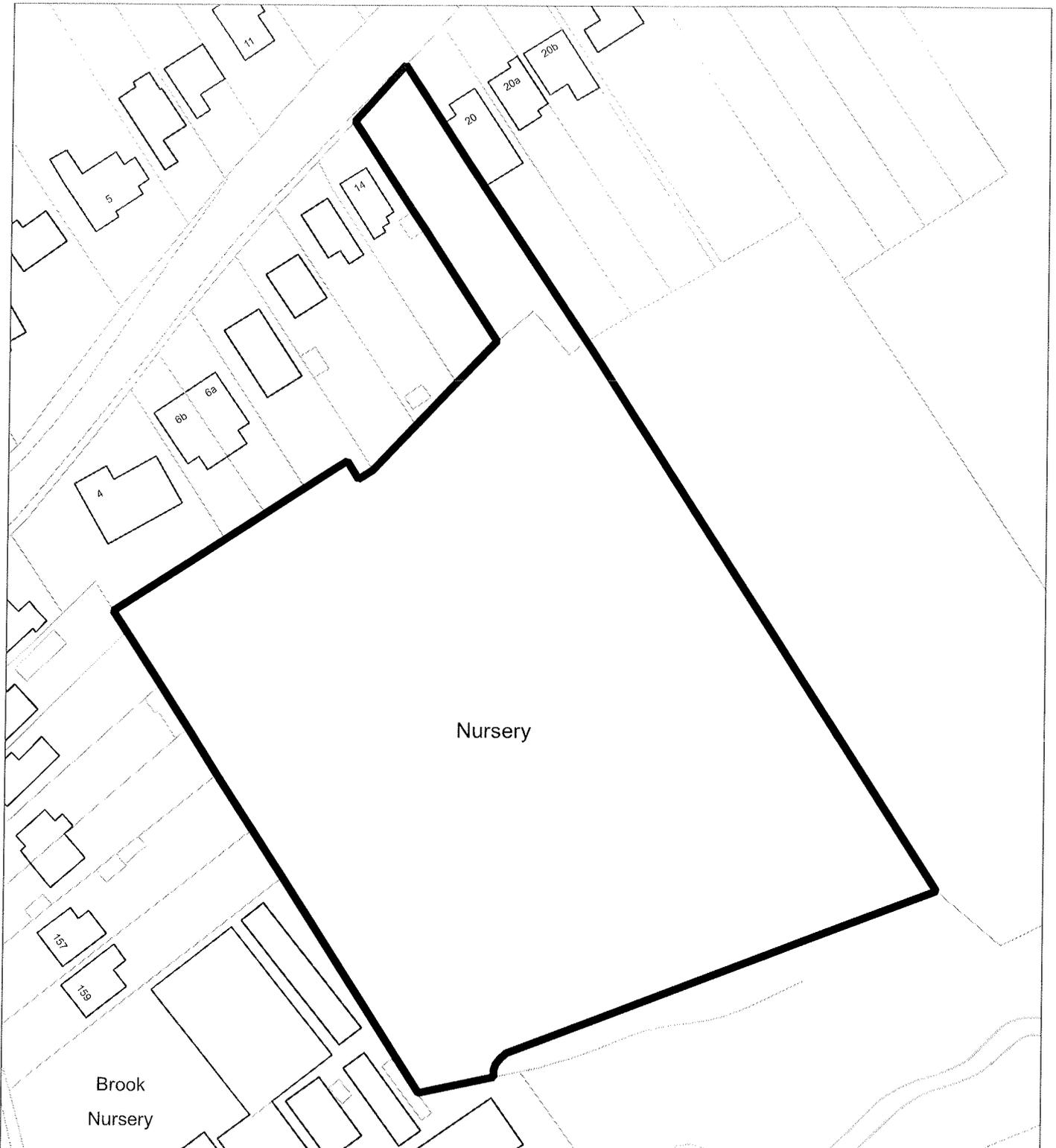


SIDE ELEVATION

16/0554 – LAND SOUTH OF 24-46 KINGS ROAD AND 6 & 9 ROSE MEADOW, WEST END

Site Pictures





<b>Title</b>	Planning Applications		<b>Page</b>	3 of 8
<b>Application number</b>	16/0679		<b>Scale @ A4</b>	1:1,000
<b>Address</b>	LAND SOUTH EAST OF 4-14 (EVENS), KINGS ROAD, WEST END, WOKING		<b>Date</b>	20-01-2017
<b>Proposal</b>	Residential development of 35 dwellings comprising of 8 four bedroom, 10 three bedroom, 10 two bedroom houses and 3 two bedroom and 4 one bedroom flats with associated access, car and cycle parking, refuse/recycling storage and landscaping. (Additional Plan & information recv'd 03/08/2016). (Additional info recv'd 4/8/16). (Additional Info Rec'd 05/08/2016).			

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**LOCATION:** LAND SOUTH EAST OF 4-14 (EVENS), KINGS ROAD, WEST END, WOKING

**PROPOSAL:** Residential development of 35 dwellings comprising of 8 four bedroom, 10 three bedroom, 10 two bedroom houses and 3 two bedroom and 4 one bedroom flats with associated access, car and cycle parking, refuse/recycling storage and landscaping. (Additional Plan & information recv'd 03/08/2016). (Additional info recv'd 4/8/16). (Additional Info Rec'd 05/08/2016). (Additional Info recv'd 20/10/16). (Additional/Amended Info - Rec'd 09/01/2017). (Additional Information - Rec'd 16/01/2017).

**TYPE:** Full Planning Application

**APPLICANT:** Ms Thorpe  
Thakeham Homes Ltd

**OFFICER:** Duncan Carty

**RECOMMENDATION: GRANT subject to legal agreement and conditions**

## 1.0 SUMMARY

- 1.1 This full application relates to the erection of 35 dwellings on land to the south of Kings Road at the edge of West End, including an access and landscaping and the provision of a play area. Ecological compensation is to be provided off-site on land at Chapel Lane, Bisley.
- 1.2 The application site forms a part of the West End housing reserve site and the principle for residential development has been established by the Borough's housing supply position and the appeal decision on a nearby site (SU/15/0532 - land south of 24-46 Kings Road and 6 & 9 Rose Meadow). The application proposal has been the subject of a Design Panel Review, and has been subsequently amended to reflect the concerns raised by the Panel.
- 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 and affordable housing provision, crime and the Thames Basin Heaths Special Protection Area, no objections are raised. A legal agreement is required to provide affordable housing, a SAMM contribution and the provision of an ecological and arboricultural method and delivery of ecological compensation provided off-site. With the completion of such an agreement and subject to conditions, no objections are raised to the proposal.

## 2.0 SITE DESCRIPTION

- 2.1 The housing part of the site relates to former nursery land to the south of Kings 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 over 10 years and is now in a poor condition. The site lies to the south of the residential properties 4-14 Kings Road and lies to the east of 149-159 Guildford Road, all of these properties falling within the settlement of West End. The site also lies to the east of Brook Nursery and west of a field (to the rear of 20-22 Kings Road); both sites also falling within the housing reserve site. Land immediately to the south is wooded and falls within the Green Belt.
- 2.2 The application site measures 1.25 hectares and falls predominantly within an area of low flood risk (Zone 1 as defined by the Environment Agency) with a small proportion at the south boundary within an area of medium risk (Zone 2). The Bourne lies further south with commercial buildings beyond. All of the land to the south falls within the Green Belt.

## 3.0 RELEVANT HISTORY

### On the application site:

- 3.1 None.

### Other West End housing reserve sites:

- 3.2 SU/14/0451 Erection of 2 no five bedroom and 1 no four bedroom two storey detached dwellings with detached double garages with accommodation in the roof on land south of Beldam Bridge Road. *Approved in October 2016.*
- 3.3 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 this appeal decision is attached at Annex 1 of SU/16/0554 being reported elsewhere on this Agenda.
- 3.4 SU/15/0445 Erection of residential development to provide 95 dwellings with vehicular/pedestrian accesses, parking, landscaping and open space on land north and east of Malthouse Farm, Benner Lane. *Refused in October 2015 and subsequent appeal allowed in November 2016.*

A copy of this appeal decision is attached at Annex 1.

- 3.5 SU/16/0323 Outline planning application for the erection of up to 85 dwellings with new access, landscaping and open space on and north of Beldam Bridge Road. *Approved in July 2016.*

#### **4.0 THE PROPOSAL**

- 4.1 The current proposal relates to the erection of 35 dwellings with its proposed access from Kings Road. The access would be provided between 14 and 20 Kings Road. The proposal would provide 4 no. one bedroom, 13 no. two bedroom, 10 no three bedroom and 8 no four bedroom dwelling units. The proposal would provide two storey development in a traditional form but with modern detailing with dwellings which range in ridge height from about 8 to 9.3 metres with eaves heights of 5 metres. The dwellings would be arranged around two cul-de-sacs, with a destination green located close to the access point, and pedestrian/vehicular links to the green, including play space, to the south part of the site.
- 4.2 The proposal would provide 75 parking spaces, including drive, garage and courtyard spaces.
- 4.3 The application has been supported principally by:
- Design and Access Statement (and Addendum);
  - Transport Statement; and
  - Housing Land Supply Report.
  - Flood Risk Assessment;
  - Surface Water Drainage Strategy;
  - Land Contamination Assessment;
  - Noise Assessment;
  - Tree Report and Constraints Advice;
  - Ecological Impact Assessment (and Addendum);
  - Utilities Report;
  - Energy Statement; and
  - Statement of Community Involvement.

## 5.0 CONSULTATION RESPONSES

- |      |  |   |
|------|--|---|
| 5.1  | County Highway Authority                           | No objections.  |
| 5.2  | Environmental Services                             | No objections.  |
| 5.3  | Surrey Wildlife Trust                              | No objections.  |
| 5.4  | Natural England                                    | No objections.  |
| 5.5  | Archaeological Officer                             | No objections.  |
| 5.6  | Arboricultural Officer                             | No objections.  |
| 5.7  | Surrey County Council (Local Lead Flood Authority) | No objections.  |
| 5.8  | Drainage Engineer                                  | No objections.  |
| 5.9  | Urban Design Officer                               | No objections.  |
| 5.10 | West End Parish Council                            | An objection is raised on the grounds that the density of the development is out of character with the village; local infrastructure is not capable of sustaining the development; inadequate parking provision for visitors; and, is premature with no wildlife, traffic or contaminated land surveys provided. The future upkeep of the unadopted road (Kings Road) has not been considered, with local residents concerned about the financial implications of the collective upkeep of the unmade road. |

## 6.0 REPRESENTATION

At the time of preparation of this report, 34 representations, including one from the West End Action Group, raising an objection had been received which raise the following issues:

### 6.1 Principle

- This is a housing reserve site and it has been determined by the Council in previous applications that such sites can only be determined following a review of the Local Plan. This has not happened and application should be rejected [See *Paragraph 7.4 below*];
- The appeal decision SU/14/0532 should not be seen as a precedent for the release of such land [See *Paragraph 7.4 below*];

- Combined impact with other nearby proposals [*Officer comment: Each application is to be determined on their own merits*];
- The site is on safeguarded land [see *Paragraph 7.4*];
- The West End reserve sites should not be used to fill the Borough five year supply [see *Paragraph 7.4*];
- 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 7.4*];
- No sign of by-pass [*Officer comment: The bypass proposal has been deleted*];
- The site is unsustainable having a Minus 15 rating in the Site Allocations work (SA/SEA Interim Report 2013) [See *Paragraph 7.4*];
- Non-conformity with NPPF policy on sustainable development [see *Paragraph 7.4*];
- Site should be returned to Green Belt [*Officer comment: This can only be undertaken through a Green Belt boundary review*];
- Restraint on development in order to protect the intrinsic character of the countryside [See *Paragraph 7.4*];
- The proposal should follow the Windlesham decision [See *Paragraph 7.4*];
- The principle for sustainable development in the NPPF does not apply [See *Paragraph 7.4*];
- The site is so rural that it falls outside of the West End Village Design Statement [*Officer comment: The site falls outside of the scope of the West End Village Design Statement 2016, but other locations outside of the settlement are within its scope. Please also see Paragraph 7.5*].

## 6.2 Character and Green Belt reasons

- Layout is cramped and unimaginative [see *Paragraph 7.5*];
- Impact on the character of the village and countryside [see *Paragraph 7.5*];
- Impact on character of open space and fields [see *Paragraph 7.5*];
- Merging of settlements (Bisley and West End) [see *Paragraph 7.5*];
- Loss of trees and woodland [see *Paragraph 7.5*];
- Overdevelopment of the site [see *Paragraph 7.5*];
- Incongruous [see *Paragraph 7.5*];

- Small front garden depth would be out of keeping [see *Paragraph 7.5*];
- Loss of open space and fields [see *Paragraph 7.5*];
- Density of development much greater than adopted West End Village Design Statement indicates. The density of nearby (reserve) sites should not be used as a precedent [see *Paragraph 7.5*];
- A lack of a meaningful relationship between the development and its immediate surroundings [see *Paragraph 7.5*];
- Impact on local character/streetscene [see *Paragraph 7.5*].

### 6.3 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [see *Paragraph 7.6*]
- Increased air and noise pollution [see *Paragraph 7.6*]
- Increased light pollution [see *Paragraph 7.6*]
- Loss of sunlight [see *Paragraph 7.6*]
- Overbearing impact on, and loss of privacy and visual amenity to, adjoining residential properties [see *Paragraph 7.6*].

### 6.4 Highway and transportation matters

- Impact on road infrastructure from increased traffic [see *Paragraph 7.7*];
- Increased traffic resulting in traffic congestion and increased risk of accident, including with pedestrians on Kings Road, at local road junctions and wider road network [see *Paragraph 7.7*];
- Insufficient provision for refuse vehicles [see *Paragraph 7.7*];
- Highway (Kings Road) should be made up to (adoptable) highway standards [see *Paragraph 7.7*];
- Highway (Kings Road) should be improved at the developer's expense [*Officer comment: This is not a planning matter*];
- Unsuitable access [see *Paragraph 7.7*];
- Poor condition of Kings Road [see *Paragraph 7.7*];
- Bus services less than indicated in statement [see *Paragraph 7.7*];
- Impact on highway network during construction [*Officer comment: If minded to approve, details of a method of construction would consider this issue*].

### 6.5 Other matters

- Impact on the SPA [see *Paragraph 7.8*];

- Impact on wildlife and their habitats – bats, birds (including red kites, buzzards, sparrows, goldfinches, greenfinches, kingfishers, woodpeckers and sparrowhawks), hedgehogs, grass snakes, deer, owls and frogs. [see *Paragraph 7.8*];
- Lack of SANG development in West End. People will not travel to Chobham SANG. The combination of the housing reserve development sites should require the provision of a SANG in West End [see *Paragraph 7.8*];
- A sensitive lighting scheme is likely to be required for ecological reasons [see *Paragraph 7.8*];
- The proposal fails the appropriate assessment under the Bird Directive, with no binding commitment to pay the required SAMM contribution [see *Paragraph 7.8*];
- Impact on drainage (including local ditches/Bourne stream, dirty water/run-off) and flooding [see *Paragraph 7.9*];
- Impact on the flood risk and the floodplain (Zone 2 – medium risk) [see *Paragraph 7.9*];
- Impact on local infrastructure (school places, doctors) which is unsustainable [see *Paragraph 7.10*];
- The lack of a legal agreement to provide affordable housing [see *Paragraph 7.11*];
- Impact on Brentmoor SSSI/SPA [*Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. See also Paragraph 7.8*];
- Impact on local services (sewage system, water and electricity) and liability for their cost [*Officer comment: This is not a material planning matter*];
- Impact on property value [*Officer comment: This is not a relevant planning matter*];
- Land contamination [see *Paragraph 7.9*]; and
- Applicant should be bound to invest in community or infrastructure initiatives in order to secure support from residents [see *Paragraph 7.10*].

At the time of preparation of this report, 7 representations in support had been received making the following comments:

- 6.6
- Proposal will deliver high quality new homes, including 40% much-needed affordable homes to help young people get onto the property ladder; and
  - Need provision of rented properties of social housing.

## 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).
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); 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; and the West End Village Design Statement 2016 (VDS) 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 2016-2021 (September 2016).
- 7.3 The main issues and considerations:
- The principle for the development;
  - Impact on local character and trees;
  - Impact on residential amenity;
  - Impact on highway safety;
  - Impact on ecology and the Thames Basin Heaths Special Protection Area;
  - Impact on land contamination, drainage and flood risk;
  - Impact on local infrastructure and financial considerations;
  - Impact on affordable housing provision and housing mix;
  - Impact on archaeology; and
  - Open space provision.

#### **7.4 Principle of development**

- 7.4.1 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. 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. As such, it is clear that the local spatial strategy would not support the release of the application site for housing.
- 7.4.2 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental; and within its series of core principles includes the proactive delivery of housing, by providing a rolling five year supply of housing (plus buffer). The economic and social benefits of the

proposal have to be weighed against any environmental harm caused by the proposal. The NPPF also has within its core principles the need to recognise the intrinsic character and beauty of the countryside. However, in the balancing of these and other core principles, the need for housing is a very strong material consideration in favour of housing development, particularly where a five year supply (plus buffer) of housing cannot be demonstrated. The conclusions in paragraph 7.9 of this report regarding the acceptable impact of the proposal on the SPA would indicate that the proposal would be regarded as sustainable development and Paragraph 119 of the NPPF and Footnote 9 are not engaged.

- 7.4.3 The HLSP 2016-2021 confirms that the Borough cannot demonstrate that a five year supply of housing (plus buffer) can be currently provided for the Borough, and this position has not changed since its publication in September 2016. The application site forms a part of a housing reserve site, under Policy H8 of the Surrey Heath Local Plan 2000 (as saved), demonstrating its acceptability for release for housing at some stage.
- 7.4.4 Whilst a different conclusion has occurred for the Heathpark Wood Windlesham housing reserve site (March 2016 refusal SU/15/0590 now subject to appeal), the circumstances for the current proposal are significantly different with a number of housing releases already on the West End housing reserve site. Following the appeal decision for SU/14/0532 (Land south of 24-46 Kings Road and 6 & 9 Rose Meadow), and other decisions under SU/16/0323 (Land north of Beldam Bridge Road), SU/14/0451 (Land south of Beldam Bridge Road) and SU/15/0594 (Land north and east of Malthouse Farm, Benner Lane), all of which fall within the same West End housing reserve site, the principle for the current proposal is considered to be acceptable, subject to the following assessment.

## **7.5 Impact on local character and trees**

- 7.5.1 Policy DM9 of the CSDMP indicates that development should respect and enhance the local natural or historic character of the environment and provide high quality design layouts which maximise the opportunities for linkages to the surrounding area and local services. Paragraph 56 of the NPPF indicates that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 of the NPPF indicates that it is important to plan positively for the achievement of high quality and inclusive design for all development.
- 7.5.2 The residential development part of the application site falls outside of the character areas within the West End Village Design Statement SPD 2016 (VDS), but the access road falls within Character Area 3 of the VDS. The VDS indicates that this Character Area has an open and rural feel with larger rear gardens and vegetation between properties. The proposed access road would have very little impact, in itself, on this Character Area and the relationship of the proposed development with this adjoining Character Area is addressed below (Paragraphs 7.5.5 to 7.5.10). The application site is fairly well contained with views into the site from the south (i.e. the Green Belt) by the heavy tree and vegetative screen and topography.
- 7.5.3 The proposal would provide a cul-de-sac form of development, providing two smaller road branches with a connecting footpath link and would have one sole

principal access from Kings Road. Whilst the applicant has no control of land to the west and east of the site, which form a part of the wider West End housing reserve site, scope for connections to these sites would be provided. The proposed development would be located on land set back from, lower than, and behind the residential properties on, Kings Road. Views of the proposed development from Kings Road, and any other public vantage point, would be fairly limited.

- 7.5.4 The current proposal would extend the built edge of the settlement of West End towards the settlement of Bisley. The nearest edge of Bisley is 355 metres from the application site. However, the proposal would not result in a significant reduction in the minimum gap between these settlements and, noting the Green Belt status of land in between; the proposed open space to the south edge to the site; the housing reserve status of the application site; and, the limited views across this gap, this proposal in the officer's opinion would therefore not result in the coalescence of the settlements.
- 7.5.5 The application proposal has been the subject of a Design Review process in liaison with the Council's Urban Design Officer and, following the receipt of the comments of the Design Review Panel, has been the subject of amendments. The main conclusions of the panel and how those issues have been addressed follow and the Council's Urban Design Officer is satisfied that the scheme has addressed the comments of the Design Review Panel and will deliver a high quality housing scheme.

#### The design response to the wider context

- 7.5.6 The Design Review Panel considered that, for the original scheme, there was scope to improve access to the stream and onto the wider countryside and the rationalisation of green space could improve opportunities to provide more usable amenity space for residents. The Panel considered that opportunities for improved connectivity should be explored including the provision of future connections to the west and east of the site (to other parts of the housing reserve site). Concern was raised about the proposed access to the site, and the wider access from Kings Road, which could be relieved, in the future, by connecting to other parts of the housing reserve site.
- 7.5.7 The proposal has been amended to indicate potential future links to the sites to either flank, including a potential pedestrian link from the access road into the adjoining site to the east (land south of 20-24 Kings Road) to improve connectivity. The south boundary of the site is the limit of land ownership for the applicant and, as such, no access to The Bourne further south could be achieved. The land in between is wooded and would provide, with the proposed open space, a green backdrop to the southern portion of the site.

#### The layout and public realm

- 7.5.8 The Design Review Panel did not object to the general layout but considered that more could be made of the open space at the southern part of the site and, the purpose of green space, further north and closer to the site entrance be better rationalised and used to provide a harder, more urban square. The Panel considered that although there are a large number of trees on the site, these trees

are predominantly not of good quality but some could be retained to help structure the layout. The Panel was of the view that the overall layout needed to be reinforced to provide a stronger north to south link and improve links between the housing to the north part of the site and the open space to the south. The development also needed to provide a more positive relationship to the east boundary, where currently a close boarded fence is proposed, and provide porous surfacing to improve surface water drainage.

- 7.5.9 The design philosophy has been strengthened by a clearer definition of spaces within the site; including the green heart (as an entry point for the development and providing a focal point for the development); the mews to the north west corner of the site; and, the lower density of housing to the south and east sides of the site. The proposal has been amended to introduce a north-south pedestrian link to improve pedestrian access to the open space to the south boundary of the site and the provision of the open space to the south boundary softens the appearance of the site from the Green Belt to the south. The clearer definition of space and the improvements provided considerably improve the layout and connectivity within the site (and future connectivity outside of the site).
- 7.5.10 It is considered that the green heart closer to the site entrance would provide a soft landscaped entrance to the site, which would be used as an informal sitting-out area. The Urban Design Officer considers that this would provide an arrival point and would improve the distinctiveness of the development. The retention of groups of the plantation trees would not be practical where they have been formed in a much wider group and would appear misshapen if only retained in smaller groups. The quality of the majority of these trees, as former nursery stock, is also very poor. Only the best specimens, which are predominantly located close to the site boundaries, would be retained, and replacement planting proposed with structured soft landscaping using more appropriate species, taking into account the strong emphasis of the north to south lines of nursery trees on the site. The fence on the east boundary with the adjoining site to the east (land south of 20-24 Kings Road) is not owned or controlled by the applicant and therefore its removal cannot be enforced. However, soft landscaping including small tree groups in the shared spaces would be able to provide some softening of this edge. Whilst, the amendments include the introduction of some porous material, the drainage requirements would be considered as a part of the landscaping and surface water drainage details to be required by condition.

#### The built form and materials

- 7.5.11 The Design Review Panel considered that, architecturally, more could be undertaken to provide a distinct character. The site is visually isolated allowing a detailed design response that is not reliant upon cues from the immediate built environment. The applicant was encouraged to differentiate this scheme from local housing stock by exploring opportunities for providing a contemporary response and lowering energy usage. The original approach was over-complex and the Panel was of the opinion that a simpler range of materials and forms would help generate a more cohesive character. Furthermore, the Panel considered the necessity to demonstrate that the building heights respond to the topography of the site, with the flats provided close to the open space to allow the residents to take advantage of this amenity space.

7.5.12 The proposal has been amended to indicate a narrower palette of materials (principally brick and boarding – deleting a range of brick and render finishes) and has simplified the design to provide traditional, gable roofed dwellings with a contemporary design. This includes larger windows (than would traditionally be provided for residential properties) which improve solar gain, bay and box windows with fenestration improvements to key vista buildings. This is considered to be an acceptable approach. The use of boarding helps to provide a more rural/agricultural feel to the development, which is considered to be appropriate for its settlement edge location. The flats are provided to the west side of the development, but with adequate garden sizes provided and the additional pedestrian link, the occupiers of these properties would have access to an acceptable level of amenity space. The two storey form of the development is considered to reflect the general character of the adjoining settlement, and provide an appropriate design response to the application site. In the officer's opinion, the revised proposal would achieve a distinctive character.

### Conclusion

- 7.5.13 The current proposal would provide a form of development which helps reinforce the characteristics of the neighbouring settlement edge, and through the Design Review process genuine improvements have been provided. A balance has been struck between the more urban approach suggested by the Design Review Panel and the edge of settlement setting, and nature of the adjoining Character Area as set out in the VDS, with the use of materials and the provision of a green heart providing a focal point and a real sense of place for the development and to help reflect its edge of settlement location. It is considered that the proposal would not only integrate into its village context but also genuinely enhance the character and quality of the local area.
- 7.5.14 The proposed development is acceptable in terms of its impact on local character and trees complying with Policy DM9 of the CSDMP and the NPPF.

## **7.6 Impact on residential amenity**

- 7.6.1 Policy DM9 of the CSDMP indicates that development should provide sufficient private and public amenity space and respect the amenities of the occupiers of neighbouring properties and uses. The proposal would provide dwellings with rear gardens abutting the north boundary of the site with a minimum separation distance of 9.5 metres to the rear boundaries and 22.5 metres to the main rear walls to the properties fronting Kings Road (4-14 Kings Road).
- 7.6.2 The proposal would also provide rear gardens abutting the west boundary of the site with a minimum separation distance of 10 metres to the rear boundaries and 39 metres to the main rear walls to the properties fronting Guildford Road (149-159 Guildford Road). The side wall of the corner units (Plot 26-27) would, at 6.5 metres, fall closer to the west boundary of the site, with a separation distance of 30 metres to the main rear wall of 151 Guildford Road. Noting the two storey form of the development, these levels of separation are considered to be acceptable.
- 7.6.3 With rear garden depths predominantly around 10-12 metres, each unit would be provided with a sufficient level of private amenity space considered appropriate for

the size of the units.

- 7.6.4 The proposal would provide a form of development, including an access road, which would increase the level of noise in the local area, from the proposed use and traffic movements generated by the proposal. However, the level of increase is not considered to have any significant impact on residential amenity.
- 7.6.5 As such, no objections are raised on residential amenity grounds, with the proposal complying with Policy DM9 of the CSDMP.

## **7.7 Impact on highway safety**

- 7.7.1 The proposal would provide an access onto Kings Road, which is an un-adopted road, which for much of its length is in poor condition. Due to its closer proximity to the application site, the principal access to the site would be to the west access point on Kings Road, on the Guildford Road junction. The traffic assessment provided with the application has assessed the individual impact of the development, and the cumulative impact with nearby (housing reserve site) developments. It has concluded that the principal access onto the adopted highway network (Kings Road/Guildford Road junction) would operate within capacity and the proposal would not significantly add to the traffic on the wider highway network. The assessment also noted the sustainable location in close proximity to the A322 Guildford Road and the local bus routes and facilities.
- 7.7.2 The County Highway Authority has raised no objections to the proposal, on the basis of the provision of the best available visibility to this road junction within the scope of the road network with the principal access to the site would be from the west access point of Kings Road, and less likely to be from the east access with Beldam Bridge Road so reducing the conflict with the other housing reserve sites. Noting the size of the development, and likely traffic generation, it is not considered that the cumulative impact of this development along with other nearby sites would have an adverse impact on highway safety.
- 7.7.3 The proposed parking provision of 75 spaces for the development would meet the parking standard. As such, there are no objections to the proposal on highway safety and parking capacity grounds, with the proposal complying with Policies CP11 and DM11 of the CSDMP.

## **7.8 Impact on ecology and the Thames Basin Heaths Special Protection Area**

- 7.8.1 The current proposal has been supported by an ecological assessment which has concluded that there is no evidence of protected species on the site. Whilst there was no evidence of bats roosts identified, it was acknowledged that the site is used for foraging and commuting by bats and that the proposal would result in the loss of woodland habitat. As such, off-site compensatory works are required for this proposal. This includes woodland enhancement at a wooded site at Church Lane, Bisley. This approach has been supported by the Surrey Wildlife Trust, subject to the completion of a legal agreement to secure this long term provision. As such, there are no objections to the proposal on ecology grounds, with the proposal complying with Policy CP14 of the CSDMP.
- 7.8.2 The application site falls about 0.65 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the SEP 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.

- 7.8.3 As indicated in paragraph 7.11 below, the CIL charging schedule incorporates SANGS funding, for residential development of 100 dwellings or less. The SPD confirms that SANG development would be required for sites of over 100 dwellings, or where the proposal forms a part of a wider site. On the basis of the different ownerships across the housing reserve site, and the smaller proportion of 35 dwellings proposed on the application site, it is considered prudent, in the same manner as the other developments within the housing reserve site, to require a contribution towards the Chobham SANG through the CIL process.
- 7.8.4 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 £20,369 is required. This contribution is required under a legal agreement.
- 7.8.5 On the basis of a completed legal agreement, the current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

## **7.9 Impact on land contamination, drainage and flood risk**

- 7.9.1 The application site relates to former nursery land, where the applicant's report has concluded that there is no contamination on the site, but a further assessment of ground gas would be required. The Council's Environmental Services team have concluded to raise no objections, subject to the provision of such a report (by condition).
- 7.9.2 The proposal has been supported by a surface water drainage strategy. The LLFA have raised no objections to the proposal on these grounds, subject to conditions. The south edge of the application site falls within flood Zone 2 (medium risk). None of the houses would fall within this Zone and the FRA provided for this proposal concludes that the proposal would not adversely affect flood risk. As such, there are no objections to the proposal on drainage and flood risk grounds, with the proposal complying with Policy DM10 of the CSDMP.

## **7.10 Impact on local infrastructure and financial considerations**

- 7.10.1 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. This development would be CIL liable and the final figure would need to be agreed following the submission of the necessary forms. For example, the applicant is claiming part exemption due to the provision of affordable housing and at the time of writing the final amount of social housing relief is unknown. However, on the basis of the information submitted to date the amount of CIL payable is likely to be in the region of £400,000. Informatives would be added to the decision advising the applicant of the CIL requirements.

- 7.10.2 The CIL scheme provides for funding for SANG; open space; local transport projects and pedestrian safety improvements; play areas and equipped play space; indoor sports and leisure facilities; community facilities; waste and recycling; strategic transport projects; and flood defence and drainage improvements.
- 7.10.3 The CIL scheme does not provide for education. The Council has previously considered any request for contributions towards education under Paragraph 204 of the NPPF and the PPG. The comments of the Education Authority are awaited but the experience of recent appeal decisions for other parts of the West End reserve site (SU/14/0532 and SU/15/0594) indicate that the justification previously put forward by the Education Authority was not sufficiently justified enough, individually or cumulatively, to meet the tests set out in the NPPF and PPG.
- 7.10.4 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development, if it were approved, would result in a local financial benefit, for reasons as already outlined it has been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm.

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

- 7.11.1 Policy CP5 of the CSDMP requires the on-site provision of 40% of dwellings (14 units) provided as affordable housing. Policy CP6 of the CSDMP also requires the Council to promote a range of housing types which reflect the need for market and affordable housing. The current proposal would provide 14 affordable housing units, secured through a legal agreement and provide a range of housing sizes, which will contribute towards the mix of new housing provided across the Borough. As such and subject to the completion of a legal agreement to secure the provision of the affordable units, no objections are raised on these grounds, with the proposal complying with Policies CP5 and CP6 of the CSDMP.

## **7.12 Impact on archaeology**

- 7.12.1 The current proposal has been supported by a desk top archaeological study as required under Policy DM17 of the CSDMP, which concludes that there is unlikely to be any significant archaeological remains due to the site history, including its former use as a nursery. The Surrey County Council Archaeological Unit raise no objections on archaeological grounds, subject to condition, with the proposal complying with Policy DM17 of the CSDMP.

### **7.13 Open space provision**

- 7.13.1 The proposal incorporates a play area as part of a wider open space of about 1,300 square metres, to the south west corner of the application site. The play area to be provided would be about 100 square metres which would provide adequate facilities to comply with Policy DM16 of the CSDMP, subject to the detail being agreed and provided condition. Under these circumstances, no objections are raised to the proposal, with the proposal complying with Policy DM16 of the CSDMP.

## **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 and crime. In relation to the provision of off-site ecological compensation measures and affordable housing, and a contribution towards SAMM, a legal agreement is required and with this provision, no objections are raised on these grounds.
- 8.2 The proposal has been the subject of a Design Review process with significant benefits to local character provided from this development. The proposal would integrate well with its surroundings, noting its edge of settlement location and the setback of development from Kings Road and improve the character and quality of the area. As such, the application is recommended for approval, subject to the completion of a legal agreement.

## **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 a receipt of a satisfactory legal agreement to secure off-site ecological compensatory measures, affordable housing provision and SAMM by 14 February 2017 and 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: M-001 Rev. I, M-004 Rev. B, M-005 Rev. B, M-010 Rev. B, HT-01-2H6 Rev. C, HT-02-2H6 Rev. D, HT-02-2H7 Rev. B, HT-03-3H7b Rev. C, HT-03H7b PLAN, HT-06-3H7b Rev. C, HT-07-3H7b Rev. C, HT-08-3H10b Rev. C, HT-09-3H10b Rev. C, HT-10-3H10b Rev. C, HT-11-3H10b Rev. C, HT-3H10.4b, HT-12-3H12b Rev. C, HT-13-4H1 Rev. C, HT-14-4H1b Rev. C, HT-15-4H2f Rev. D, HT-16-4H2f Rev. D, HT-17-4H2f Rev. C, HT-18-4H2bf Rev. D, HT-19-4H2bf Rev. D, HT-20-4H2bf Rev. D, HT-21-4H2bf Rev. D, HT-22-4H2bf Rev. C, HT-23-1BF Rev. D, HT-24-1BF Rev. D, HT-25-1BF.1 Rev. C, HT-26-1BF Rev. C, and HT-27-S2F2 Rev. B, 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 details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

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

4. 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, street furniture and bollards, public art, 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].

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**
3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 20 years.

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

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 roads, private drives, 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. The garaging and 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. 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 and the National Planning Policy Framework.

8. No construction of the development hereby approved shall be commenced prior to the submission of a ground gas report (including a mitigation strategy) has been submitted to and approved by the Local Planning Authority. the approved development shall be implemented in accordance with the approved details.

Reason: In the interest of pollution control and to comply with the National Planning Policy Framework.

9. Prior to the implementation of the development hereby approved, details of the finalised drainage layout of the site including the carrier pipes and SuDS features and supporting microdrainage calculations, proposed flow controls including orifice controls of small diameters, flow control devices, lang and cross sections of each SuDS element and details of their proposed maintenance regimes for each of the SuDS elements shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the drainage system is maintained throughout its lifetime and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the implementation of the development hereby approved, details of how the sustainable drainage system will cater for system failure or exceedence events, both on and off site, shall be submitted to and approved by the Local Planning Authority. The approved development shall be implemented in accordance with these approved details.

Reason To ensure that the proposal has fully considered system failure and to comply with Policy DM10 of the Surrey Heath Core Strategy and development Management Policies 2012.

11. Prior to the occupation of the approved development, a verification report carried out by a suitably qualified engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the sustainable drainage system has been constructed in accordance with the approved scheme.

Reason: To ensure that the sustainable drainage system has been constructed in accordance with Condition 12 above and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development

Management Policies 2012.

12. Details of a high friction surfacing on the southbound A322 Guildford Road approach to Kings Road (to be extended to provide a minimum anti-skid length of at least 50 metres from the north edge of this junction) shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the approved development.

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

13. Details of visibility splays from Kings Road at the A322 Guildford Road junction shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the approved development.

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

14. 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) method of keeping the highway clean during site clearance and construction phases
- (g) hours of construction
- (h) confirmation that there will be no on-site burning of material

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 highway safety nor cause inconvenience to other highway users or have an adverse impact on residential amenity 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.

15. Details of the play area equipment and boundary treatment for the play area

shown on the approved drawings shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the approved development.

Reason: To support the provision of informal recreation space within the development and to comply with Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012.

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: In the interests of archaeology and to accord with the National Planning Policy Framework.

#### Informative(s)

1. CIL Liable CIL1
2. The applicant is advised of the requirements of the Section 106 legal agreement attached to this permission.
3. Party Walls (etc) Act 1996 DE3

**In the event that a satisfactory legal agreement has not been received by the 14 February 2017 to secure ecological compensatory measures, affordable housing provision and a contribution towards SAMM the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-**

1. 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 the 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).
2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, to secure affordable housing provision, the applicant has failed to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
3. In the absence of the a completed legal agreement under section 106 of the Town and Country Planning Act 1990, to off-site ecological compensatory measures, the

applicant has failed to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Proposed site plan



Typical Streetscenes



Typical Elevations

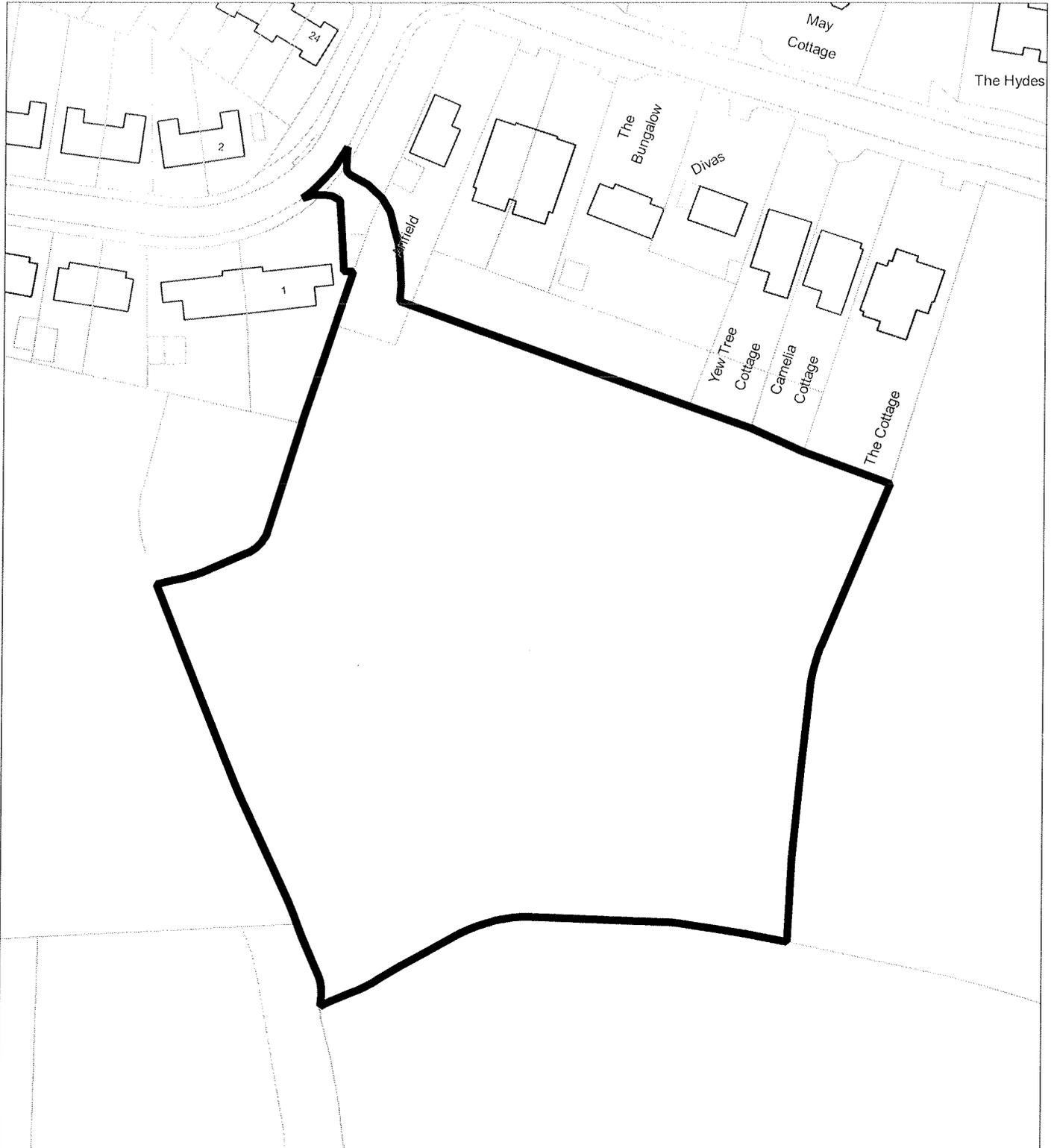








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<b>Title</b>	Planning Applications		<b>Page</b>	1 of 8
<b>Application number</b>	16/1048		<b>Scale @ A4</b>	1:1,000
<b>Address</b>	LAND SOUTH OF BEACH HOUSE, WOODLANDS LANE, WINDLESHAM, GU20 6AP		<b>Date</b>	20-01-2017
<b>Proposal</b>	Outline application for the erection of 15 dwellings comprising houses for the over 55s (Class C3) and houses for the Windlesham Trust Community Home (Class C2) with access off Broadley Green. Access only with all other matters reserved.			
<small>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2017</small>				

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**LOCATION:** LAND SOUTH OF BEACH HOUSE, WOODLANDS LANE, WINDLESHAM, GU20 6AP

**PROPOSAL:** Outline application for the erection of 15 dwellings comprising houses for the over 55s (Class C3) and houses for the Windlesham Trust Community Home (Class C2) with access off Broadley Green. Access only with all other matters reserved.

**TYPE:** Outline

**APPLICANT:** Windlesham Community Homes Trust Lavignac Securities

**OFFICER:** Ross Cahalane

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This application seeks outline planning permission for the erection of 15 dwellings comprising houses for the over 55s (Class C3) and houses for the Windlesham Trust Community Home (Class Cc) with access off Broadley Green. Outline approval is only being sought in respect of establishing the principle of the proposed development and the means of access, with all other matters in respect of appearance, landscaping, layout and scale being reserved.
- 1.2 The proposal is presented as a rural exception site and the applicant claims that the development meets the definition of affordable housing and, therefore is not inappropriate development in the Green Belt. However, as detailed in this report in the officer's opinion the proposal does not meet the Annex 2, NPPF definition of affordable housing and cannot be considered to constitute a rural exception site under Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies (CSDMP). The proposal is therefore inappropriate and harmful development in the Green Belt.
- 1.3 By virtue of the built form and spread of development the proposal causes further harm to the openness of the Green Belt and, by association, would conflict with the purposes of including land within it. In addition, harm would arise from the development upon ecology and the Thames Basin Heath SPA. Notwithstanding the Council's lack of a five year housing land supply, there are no very special circumstances that amount to outweigh the harm. The application is therefore recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises of approximately 0.9 ha area of open undeveloped land to the south of Woodlands Lane and its junction with Broadley Green. The land currently contains a mobile field shelter used to keep one horse on site, with part of the application site being the rear garden of Anfield House, Woodlands Lane. The site has an even gradient and falls 1m from north to south and is virtually level from west to east. It is enclosed by wooden access gates with closeboard fencing at

either side utilising an existing dropped kerb off Broadley Green, and post and rail fencing along the other site boundaries.

- 2.2 The site is almost entirely within the Green Belt but adjacent to the defined settlement of Windlesham, with the proposed vehicular access junction with Broadley Green located within the garden curtilage of 'Anfield House', Woodlands Lane - which is within the settlement boundary. The adjacent settlement area along Broadley Green and Woodlands Lane comprises a number of semi-detached and detached two storey and bungalow properties of varying age and architectural style, with open land to the south, east and west.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 13/0092 Change of Use of Anfield House, Woodlands Lane from (C3) dwelling house to mixed use with Veterinary Practice (Sui Generis) at ground floor and residential (C3) above following the erection of a single storey side and rear extension and raising of the roof to provide accommodation in the roof space.

*Granted 10 May 2013 (not implemented – permission now expired)*

### **4.0 THE PROPOSAL**

- 4.1 Outline planning permission is sought for the erection of 15 dwellings comprising houses for the over 55s (Class C3) and houses for the Windlesham Trust Community Home (Class Cc) with access off Broadley Green. Outline approval is only being sought in respect of establishing the principle of the proposed development and the means of access, with all other matters in respect of appearance, landscaping, layout and scale being reserved.
- 4.2 The proposed site plan and site layout plan indicates that the dwellings would all be detached and single storey, consisting of two bedrooms with their own private rear amenity areas, and some with their own off-street parking areas. However, one of the two floorplans included as part of the indicative site plan provided contains three bedrooms. An area of public amenity space would appear to be provided within the centre of the site, with a further area of open land along the west of the entrance road adjacent to No. 1 Broadley Green. Vehicular access would be off Broadley Green, between No. 1 and the rear of Anfield House, where an existing field gate leads to the application site.
- 4.3 The applicant's Planning Statement (PS) initially states that the proposal should allow for a 100% affordable on site housing provision, but then states in paragraph 1.11 that following local consultation (further details of which have not been included) the proposal seeks to provide each unit for the housing needs of local residents over the age of 55, including two Class Cc units for Windlesham Community Home Trust at cost, to secure the Trust's ambitions and needs.

The other 13 proposed units would be made available in the first place to local residents. The PS advises that this form of housing can be secured by way of a Section 106 agreement.

- 4.4 The PS outlines that Windlesham Community Home Trust was formed and registered as a charity in 1993, and was originally conceived because some people in the village became concerned that when elderly residents could no longer look after themselves in their own homes, there was nowhere in the village where they could move. Over the years the Trust has looked at over 40 sites and made preliminary planning enquiries on a number. It is stated that it has not been easy to find a site with access to the village centre and public transport that is affordable and where planning could be granted.
- 4.5 In support of the application the following documents have also been submitted:
- Design and Access Statement
  - Access Statement
  - Sustainability and Energy Statement
  - Tree Report
  - Landscape Appraisal
  - Ecology Report.

## 5.0 CONSULTATION RESPONSES

- |     |  |  |
|-----|--|--|
| 5.1 | County Highways Authority                          | No objections raised on safety, capacity or policy grounds, subject to conditions <i>[See Section 7.4 below]</i> .   |
| 5.2 | Surrey Wildlife Trust                              | Comments <i>[See Section 7.6]</i> .  |
| 5.3 | Surrey County Council (Lead Local Flood Authority) | Awaiting comments <i>[See Para 7.9.3 for flood risk considerations]</i> .  |
| 5.4 | Windlesham Parish Council                          | Comments <i>[The Committee did not object in principle but commented that the location is green belt land]</i> .   |
| 5.5 | Surrey Police Crime Prevention Design Advisor      | Comments - raised concern regarding the car parking layouts for some of the Plots and therefore recommends a planning condition requiring the development to achieve the full Secured by Design (SbD) award. <i>[This matter can be considered at reserved matters stage in determining appearance, landscaping, layout and scale]</i> . |
| 5.6 | Council Arboricultural Officer                     | No objection, subject to condition <i>[See Para 7.9.2]</i> .   |

## 6.0 REPRESENTATION

6.1 At the time of preparation of this report, one letter of support has been received, commenting that there is a severe shortage of adequate housing and will add huge value to the fabric of Windlesham's community. 27 objections have been received from 23 residences, raising the following concerns:

- Allocation site for Class C3 and Cc housing would be contrary to local and national Green Belt policy
- New buildings represent inappropriate development within the Green Belt and would cause significant harm to its openness
- Applicant has failed to demonstrate very special circumstances to outweigh the harm to the Green Belt
- Plenty of brownfield sites to achieve same accommodation
- Fail to respect and enhance the undeveloped rural character of the area

*[Officer comment: Refer to Sections 7.2, 7.3 and 7.10]*

- Several proposed parking spaces back onto residential gardens leading to safety concerns
- Vehicular access is neither safe nor practical. Traffic would also increase
- Existing parking provision is at a premium

*[Officer comment: Refer to Section 7.4]*

- Increased pollution from traffic detrimental to residents
- High noise and air pollution for future residents due to close proximity to motorway
- Land acts as buffer between Woodlands Lane houses and motorway

*[Officer comment: Future occupier and neighbouring amenity considerations cannot be considered as part of the current outline application.]*

- Local Plan review and Windlesham Neighbourhood Plan should be completed before any further housing projects are approved

*[Officer comment: Refer to Para 7.1]*

- The model of Cc care lacks sufficient detail
- No demonstrable need for additional Class Cc/over 55's units in Windlesham rather than any other housing – Almshouses and several care homes in vicinity
- Provision of just two homes for the Trust will not be financially viable
- Proposal is commercial enterprise for financial gain and should not be connected to the Trust

- Final plans for proposed care home on Chertsey Road yet to be approved
- Windlesham has more than met its quota for new houses  
*[Officer comment: Refer to Sections 7.2 and 7.3 for the relevant in-principle considerations]*
- Destruction of natural habitat for wildlife including legally protected species. Nesting kestrels, deer and a range of bird species (including those considered at risk the RSPB) have been spotted on the land  
*[Officer comment: Refer to Section 7.6]*
- Concerns regarding drainage and adverse effects on water table  
*[Officer comment: Refer to Para 7.9.3]*
- Surrounding infrastructure cannot support additional housing along with Heathpark Wood proposal
- Village facilities hard to access for proposed residents and no GP surgery in village  
*[Officer comment: The site is considered to be within a sustainable location adjoining the settlement boundary of Windlesham and in close proximity to its village amenities]*
- Field is a site of historical importance having seen the crash of an RAF plane during WWII, killing seven people.  
*[Officer comment: The application site is not listed under the National Heritage List for England as an historic war site, and does not fall under any other heritage designation]*
- Would set precedent for development of other Green Belt sites  
*[Officer comment: Each application is considered on its own site-specific planning merits.]*

## **7.0 PLANNING CONSIDERATION**

7.1 This outline application, seeks to establish the principle of the proposed development and the means of access only. Policies CPA, CP2, CP5, CP6, CP12, CP14, DM5 and DM11 within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) are relevant. The National Planning Policy Framework (NPPF) is also a material consideration. The Windlesham Neighbourhood Plan is still under early preparation and therefore no weight can be given to its initial emerging evidence base at this point in time. The main issues to be considered in this outline application are:

- Principle and appropriateness of development in the Green Belt;
- Impact on the openness of the Green Belt and its purposes, and upon the character of the area;

- Means of access and highway impacts;
- Impact on residential amenities;
- Impact on ecology;
- Impact on the Thames Basin Heaths SPA;
- Impact on infrastructure and financial considerations;
- Other matters; and
- Very Special Circumstances.

## **7.2 Principle and appropriateness of development in the Green Belt**

7.2.1 The Government attaches great importance to Green Belts, stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence (Paragraph 79 of the NPPF refers). Paragraph 89 of the NPPF also states that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but lists exceptions to this. The applicant contends that this proposal falls under one of the listed exceptions i.e. *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.*

7.2.3 Policy DM5 (Rural Exception Sites) of the CSDMP sets out the approach to affordable housing in the Green Belt and states:

*Development consisting of 100% affordable housing within the countryside or Green Belt will be permitted where:*

*(i) There is a proven local need for affordable housing for people with a local connection to the area; and*

*(ii) The need cannot be met within the settlement boundary; and*

*(iii) The development will provide affordable housing for local people in perpetuity; and*

*(iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents.*

7.2.4 Paragraphs 4.3 and 4.4 of this report summarise the PS. The applicant contends that the proposed development complies with Policy DM5 as the enabling function of this scheme is to deliver houses for the Windlesham Community Home Trust, at cost, is a form of local community affordable housing; and, a rural exception site, providing homes for people with a local connection to the area. The applicant states that making available the remaining homes in the first place to local residents also ensures that the scheme is being responsive to local circumstances and local needs. However, the applicant does not propose 100% affordable housing arguing that this would not have responded to the local community need.

7.2.5 On the basis of this submission, it is considered that the proposed scheme could not be considered a rural exception site as it does not deliver 100% affordable housing. This is because the proposed accommodation does not meet the definition for Affordable Housing as outlined in Annex 2 of the NPPF, as it does not constitute either social rented, affordable rented or intermediate housing provided to eligible households whose needs are not met by the market. Intermediate housing is defined as homes for sale and rent provided at a cost above social rent,

but below market levels subject to the criteria in the affordable housing definition, which includes provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. Therefore, criteria (i) - (iv) of Policy DM5 do not apply.

7.2.6 Even if this proposal was 100% affordable housing then officers do not consider that the proposal satisfies all the criteria of DM5. It is accepted that there is a need for housing in the Borough and that the site is sustainable. However, no alternative site assessment has been submitted, which could have demonstrated that another, more suitable non-Green Belt site or previously developed site cannot be found locally for such accommodation. Additionally, there is no evidence provided to suggest that Windlesham residents are not able to find appropriate local places in existing local care homes. There is also no guarantee that this development would provide a local need in perpetuity. It is considered that the proposed priority offering of market housing to local residents of Windlesham would be unenforceable in practice by the Local Planning Authority under any reasonable terms of a Section 106 agreement and therefore, such an agreement cannot be relied upon.

7.2.7 Given the above, and given that the proposal meets none of the other exceptions under paragraph 89 of the NPPF, this development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The following paragraphs consider whether any other harm arises and then Section 7.10 considers whether very special circumstances exist. This includes further consideration of the applicant's arguments in respect of housing supply matters.

### **7.3 Impact on the openness of the Green Belt and its purposes, and upon the character of the area**

7.3.1 Although no elevation plans have been provided, the supporting Design and Access Statement (DAS) outlines that the proposed dwellings would be entirely single storey and the site layout plan indicates that they would each consist of two or three bedrooms. However, by virtue of the quantum of built form on open and undeveloped land, the development would be harmful to openness. In addition, by spreading development to the south outside the settlement area of Windlesham and further towards neighbouring settlements, by association this would conflict with the following purposes of the Green Belt as outlined in Para 80 of the NPPF:

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

The proposal would therefore be contrary to the purposes of including land in the Green Belt as outlined in Chapter 9 of the NPPF. Very Special Circumstances would then be required to justify its development (See Section 7.10 below).

7.3.2 Aside from the above Green Belt matters, it is considered that the indicative layout would integrate into its context. The proposed single storey form of the buildings,

including landscaping provision along the three site boundaries facing neighbouring open land, would assist in integration within its rural context. As such, it is not envisaged that the proposed form of development would be out of character with the surrounding area.

#### **7.4 Means of access and highway impacts**

- 7.4.1 Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.
- 7.4.2 An Access Statement Technical Note has been provided by the applicant, supported by car track swept path analysis plans, which explains how the site can be safely accessed by all road users and pedestrians, and that there is sufficient space to accommodate all the necessary vehicle and cycle parking required to meet standards. The supporting plans indicate that a total of 33 vehicle parking spaces would be provided, including 6 visitor spaces.
- 7.4.3 The County Highway Authority has been consulted and raises no objections on safety, capacity or policy grounds, subject to compliance with conditions relating to the provision of sufficient visibility zones; an uncontrolled pedestrian crossing including tactile paving across Broadley Green; securing parking layout; and, a construction transport management plan. It is therefore considered that subject to conditions the proposed development would not prejudice highway safety nor cause inconvenience to other highway users, in compliance with Policy DM11.

#### **7.5 Impact on residential amenities**

- 7.5.1 The applicant has chosen not to formally consider appearance, layout and scale matters under this outline application, and such matters may affect residential amenity. However, given the significant separation distances to neighbouring boundaries and private amenity areas as indicated on the submitted site plan, it is considered that the proposed accommodation could be designed in such a manner so as to provide sufficient light, outlook and private amenity space for future occupiers, whilst sufficiently respecting the amenities of neighbours in terms of loss of light, outlook, privacy or overbearing effects. It is not considered that the proposed vehicular access off Broadley Green would lead to adverse impact upon the amenity of surrounding neighbours in terms of additional noise and disturbance.

#### **7.6 Impact on ecology**

- 7.6.1 A Phase 1 Ecological Survey has been provided, which found a low probability of badgers being present on site, bats roosting on site or any other protected species. Surrey Wildlife Trust has been consulted and has commented that this report appears to have been prepared for a different development proposal for this site and consequently, the applicant's ecologist's recommendations are likely to have been based on a development scheme which appears to have left much of the site undeveloped, unlike the current application. The Ecology Report is also over two and a half years old. The Wildlife Trust has therefore advised that the Local Authority does not have up to date and relevant information concerning the

possibility of this development's impact on legally protected and biodiversity important species and habitats to be able to properly consider this material concern.

- 7.6.2 Policy CP14A of the CSDMP states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath. Para 109 of the NPPF requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. Furthermore, the Natural Environment and Rural Communities (NERC) Act (2006)(Section 40) states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Section 40(3) also states that, "conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat".
- 7.6.3 In light of the above policy considerations and legislative requirements, it is considered that the lack of up-to-date ecology information submitted required to assess the impact of the proposed development on legally protected species and the biodiversity value of the site would lead to unacceptable conflict with Policy CP14A of the CSDMP.

## **7.7 Impact on the Thames Basin Heaths SPA**

- 7.7.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.7.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available and it has been confirmed that existing capacity from the Station Road, Chobham SANG site has been allocated to the proposal.
- 7.7.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SAMM (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SAMM is required. In this instance a payment of £8,666.00 would be needed. In order to comply with Policy CP14B and

Policy NRM6 and the Thames Basin Heaths SPD, this would have to be paid by the applicant before full planning permission can be granted, if the scheme is considered acceptable regarding all other relevant planning merits. This has not been paid by the applicant. The lack of financial contribution towards SAMM would be contrary to Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

## **7.8 Impact on infrastructure and financial considerations**

- 7.8.1 As the proposal includes new Class C3 dwellings, the development would be CIL liable. However, CIL is a land charge that is only payable at commencement of works should full permission be granted following a successful appeal to the Planning Inspectorate. An advisory informative would be added accordingly.
- 7.8.2 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development, if it were approved, would result in a local financial benefit, for reasons as already outlined it has been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm.

## **7.9 Other matters**

- 7.9.1 As already outlined, the proposal is not considered to constitute affordable housing for planning purposes. As such, the proposed development would also fail to meet the affordable housing provision requirements outlined under Policy CP5 of the CSMP, which states that for development comprising of between 10-14 Class C3 units, the Council would aim for a 30% on-site provision of affordable housing, and no information has been provided by the applicant to assess any site-specific viability issues arising from the development.
- 7.9.2 There are no Tree Preservation Orders within or adjacent to the proposal site. A Tree Report by MJC Tree Services Ltd has been provided, which concludes that up to six mature trees are proposed to be removed to facilitate the development, subject to future monitoring of their condition. However, all of these are rated as being of low amenity value. Although the applicant has chosen not to formally consider landscape matters under this outline application, the Council's Arboricultural Officer has been consulted and has raised no objection, subject to planning conditions in respect of tree protection and a landscape management plan outlining mitigation of the proposed tree loss.
- 7.9.3 The site is located within Flood Zone 1 and an area of low risk from surface water flooding. A Sustainability & Energy Statement has been provided and indicates that surface water run-off will be dealt with on site and will discharge to infiltration trenches or soakaways. Additionally, water efficiency measures are proposed and it is also recommended to rainwater butts to store rainwater for use with landscaping maintenance. As such, subject to no objection raised by, Surrey County Council as the Lead Local Flood Authority, no in-principle objections are raised at this stage in terms of flood risk impacts.

## **7.10 Very Special Circumstances**

7.10.1 On the basis of the identified harm in paragraphs 7.2 – 7.9 above namely the inappropriateness and harm to the Green Belt including its openness; the lack of provision of affordable housing; the potential harm to legally protected species and biodiversity value of the site; and, the lack of financial contribution towards SAMM measures, it is therefore necessary to consider whether alone or in combination, there are very special circumstances (VSC) to outweigh this combined harm.

7.10.2 It is noted that the applicants have not put forward any VSC as it is argued that the proposal is not inappropriate development. Section 6 of the PS more specifically argues that owing to the extent and nature of the Council's lack of a five year housing supply, a case for demonstrating VSC is unnecessary. The applicant states that:

*If it did the shortage of housing in Surrey Heath would be a material consideration in balancing harm to the Green Belt by reason of being inappropriate development. The existence of the shortage of housing land adds to the benefit and need for the appropriate development in the Green Belt. [Para 6.21]*

The applicant also argues that releasing these units would have the added benefit of releasing existing larger housing stock in Windlesham itself.

7.10.3 It is acknowledged that the Council has a significant housing need for an ageing population and currently falls short of having a 5 year housing land supply. In such an instance, the Local Plan policies relating to the supply of housing (CPA & CP3) cannot be considered up-to-date as outlined in Paragraph 49 of the NPPF. It is also accepted that a shortage of housing land when compared to the needs of an area is capable of amounting to VSC, although the Courts have held that a lack of a five year supply does not automatically lead to a case of VSC. However, Policy CP3 of the CSDMP states that the Council will make provision for additional dwellings by promoting the use of previously developed land in settlement areas and after 2025, if insufficient sites have come forward within settlement areas, then consider release of sustainable sites in Countryside beyond the Green Belt. The vast majority of the application site is not previously developed, or in a settlement area, and is in the Green Belt and not within the Countryside beyond the Green Belt or a Housing Reserve Site.

7.10.4 Therefore, in this instance it is not considered that the current circumstances leading to the Council's lack of five year supply provision would, in itself, outweigh the substantial and demonstrable harm arising from the proposed residential units and associated access and parking areas within undeveloped land in the Green Belt.

7.10.5 It is accepted that the application site is identified as a developable site within the Council's Strategic Land Availability Assessment (SLAA) 2016. However, this assessment notes that it is within the Green Belt but adjoining the settlement area of Windlesham and therefore, taking regard of the NPPF the site is considered suitable as a possible rural exception site. Furthermore, it must be noted that although the SLAA is an important source of evidence to inform plan making, it

does not make decisions about the future of sites. The SLAA provides background evidence on the potential availability of land for development. It is the development plan (CSDMP 2012) which will determine which of those sites in the SLAA are the most suitable to meet the Borough's future needs. Accordingly, the SLAA is a policy neutral document and inclusion of a site in it does not mean that it will necessarily be allocated in the Development Plan, or gain planning permission.

## **8.0 CONCLUSION**

- 8.1 The proposal would represent inappropriate development which is, by definition, harmful to the Green Belt. In addition, the development by virtue of the additional footprint, bulk, mass and spread of urban development within undeveloped open land would impact on its openness and conflict with the purposes of the Green Belt. In addition, it has not been demonstrated that the proposed development would not result in harm or loss to legally protected and biodiversity important species and habitats and in the absence of a payment or a completed legal agreement, the applicant has failed to contribute towards strategic access management and monitoring (SAMM) measures. There are no very special circumstances, alone or in combination, to outweigh the significant harm identified above. The application is therefore recommended for refusal.

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

- 9.1 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:
- 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.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal does not meet the definition of Affordable Housing, as outlined in Annex 2 of the National Planning Policy Framework (NPPF) and is not a Rural Exception Site. Even if accepted as a Rural Exception Site the applicant has failed to demonstrate to the satisfaction of the Planning Authority that there is a proven local need for people with a local connection to the area; that the need cannot be met within the settlement boundary; and, that this development would deliver affordable housing for local people

in perpetuity. As such the proposal represents inappropriate and harmful development in the Green Belt. Furthermore, by reason of its footprint, floor area, bulk, mass and spread of urban development within undeveloped open land, would result in a quantum of built form that would cause significant harm to the openness of the Green Belt and the purposes for including land within it. The development is therefore contrary to Policies CP1, CP2 and DM5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.

2. The proposed accommodation does not meet the definition of Affordable Housing as outlined in Annex 2 of the NPPF. Therefore, the proposal fails to contribute toward the provision of affordable housing. The proposal would not deliver a development which would meet the housing requirement of all sectors of the community, and as it comprises between 10-14 Class C3 units and in the absence of site-specific viability information, is therefore contrary to the aims and objectives of policies CP5, CP6 and DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.
3. It has not been demonstrated that the proposed development would not result in harm to or loss of legally protected and biodiversity important species and habitats. The proposal therefore fails to demonstrate compliance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.
4. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, 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).
5. There are no very special circumstances which either alone, or in combination, outweigh the harm to Green Belt, and other harm, identified in reasons 1-4 above. The proposal is therefore considered to be contrary to the objectives of Chapter 9 of the National Planning Policy Framework 2012.

#### Informative(s)

1. Decision Notice to be kept DS1
2. Advise CIL Liable on Appeal CIL3

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Location plan/context plan



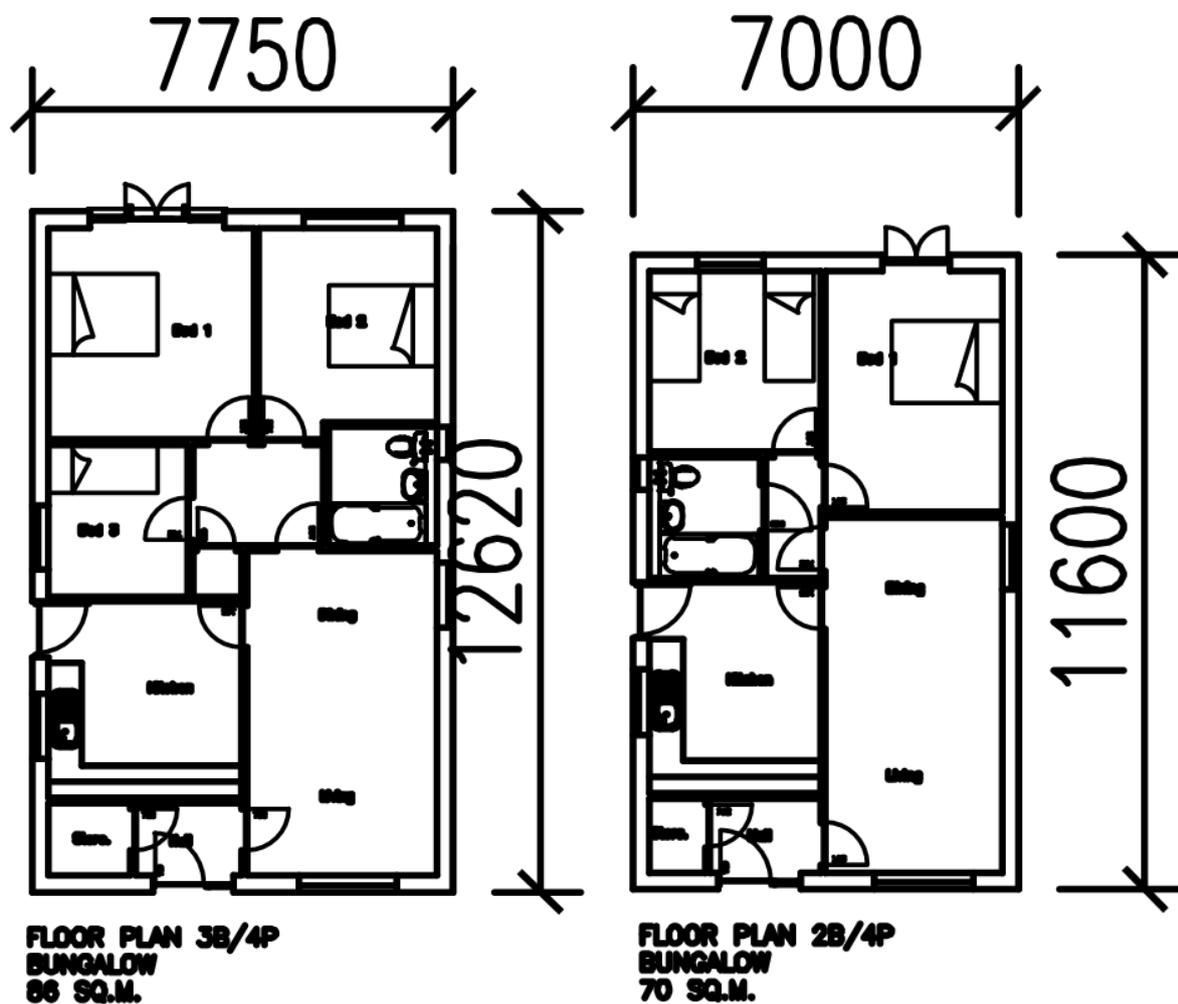
Site entrance



Indicative site layout



Indicative floor plans



16/1048 - LAND SOUTH OF BEACH HOUSE, WOODLANDS LANE, WINDLESHAM, GU20 6AP

Site Pictures

Site facing towards Woodlands Lane



Facing northwest towards Broadley Green



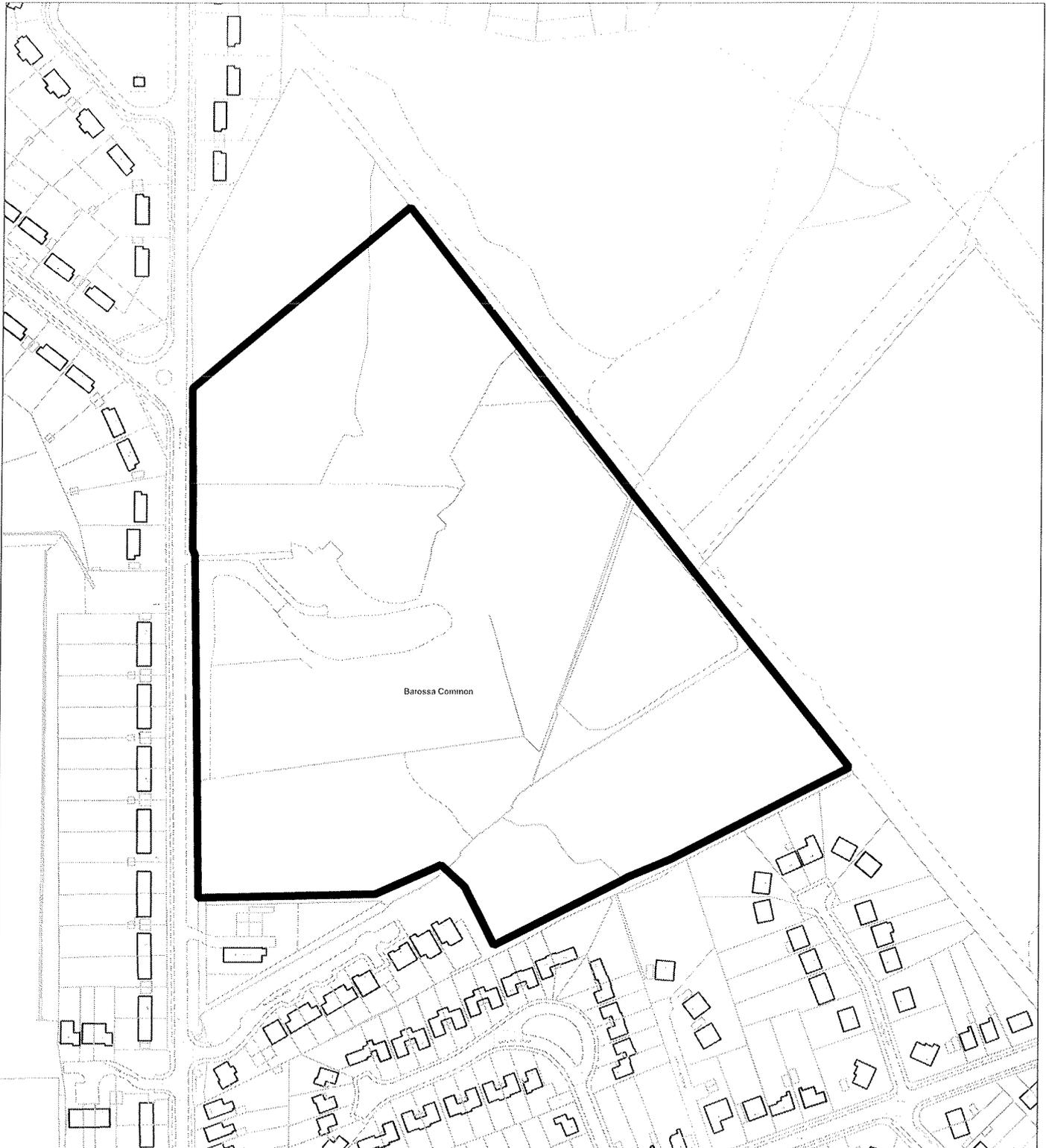
Facing southeast



Facing southwest



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<b>Title</b>	Planning Applications		<b>Page</b>	8 of 8
<b>Application number</b>	16/0779		<b>Scale @ A4</b>	1:2,500
<b>Address</b>	WHITEHILL FARM, KINGS RIDE, CAMBERLEY, GU15 4LZ		<b>Date</b>	20-01-2017
<b>Proposal</b>	Erection of 4 no. blocks part two storey /part two storey with accommodation in the roof, with balconies and roof gardens, to provide 21 no. two/three bedroom units and 20 no. two storey units of extra care residential accommodation along with car, cycle and buggy parking, access and landscaping including footpaths links.			
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**LOCATION:** WHITEHILL FARM, KINGS RIDE, CAMBERLEY, GU15 4LZ

**PROPOSAL:** Erection of 4 no. blocks part two storey /part two storey with accommodation in the roof, with balconies and roof gardens, to provide 21 no. two/three bedroom units and 20 no. two storey units of extra care residential accommodation along with car, cycle and buggy parking, access and landscaping including footpaths links.

**TYPE:** Full Planning Application

**APPLICANT:** Court House Care Ltd

**OFFICER:** Duncan Carty

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This planning application relates to the erection of four blocks of development in the form of two storey and two storey with accommodation in the roof accommodation to provide 21 two/three bedroom and 20 two bedroom units of extra care residential accommodation. This development is in addition to the 3,476 square metre, 64 bed two storey care home currently being built under permission SU/15/0106. The site is located on land at Whitehill Farm on the east side of Kings Ride located in the Countryside (beyond the Green Belt) close to the defined settlement of Camberley. The site lies very close to the Old Dean Common which forms part of the Thames Basin Heaths Special Protection Area (SPA).
- 1.2 It is considered that the current proposal would have an urbanising impact spreading significant development across the site which would have an adverse visual impact on its countryside character and trees, and it is not considered that the proposal could be provided without an adverse impact on the integrity of the Thames Basin Heaths Special Protection Area. The current proposal is recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is an irregularly shaped site, within which a care home development is under construction, falling within the Countryside (beyond the Green Belt). The application site has an area of about 6.3 hectares. The application site comprises an area predominantly of open grassland, with woodland to the north, east and south on land owned by the applicant. Part of this woodland, which falls predominantly outside the application site on land owned by the applicant, is protected by a Tree Preservation Order (TPO 07/86) and a portion is a Site of Nature Conservation Interest (SNCI).

- 2.2 To the east of the land owned by the applicant is the Old Dean Common which is a Site of Specific Scientific Interest (SSSI) within the Thames Basin Special Protection Area (SPA) both falling within the Countryside (beyond the Green Belt). Land to the south and immediately west of the land owned by the applicant falls within the settlement of Camberley. Housing formerly owned by the Ministry of Defence lies opposite the application site to the west, and to the north west of the application site. Residential properties in Woodlark Glade, Whitehill Close and College Close lie to the south of land owned by the applicant. The site access would be set over 200 metres from the junction of Kings Ride with College Ride and 750 metres from the junction with A30 London Road. A public footpath lies to the rear (east) boundary between land owned by the applicant and Old Dean Common.

### **3.0 RELEVANT HISTORY**

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

- 3.1 SU/05/0028 Reserved matters application pursuant to planning permission SU/96/0494 as varied by planning permission SU/04/0731 for the erection of outdoor and indoor recreational facilities and associated parking area. Approved in December 2006.
- This permission followed outline permission SU/96/0494 and a series of time limit extensions to that permission. This development remained extant until the construction of the care home (under SU/15/0106 below) because access works were constructed within the time limit to implement this permission. This would have provided a development of 1,365 square metres.*
- 3.2 SU/11/0451 Erection of a 63 bedroom two storey residential care home and other associated development including landscaping, parking and access. Approved in April 2012. *This would have provided a development of 3,085 square metres.*
- 3.3 SU/15/0106 Erection of a 64 bedroom two storey residential care home and other associated development including landscaping, parking and access. Approved in May 2015 and under construction and will provide a development of 3,476 square metres.
- 3.4 SU/16/0948 Variation of Condition 7 of planning permission SU/15/0106 to allow the provision of an alternative parking layout. *This application is under consideration.*

### **4.0 THE PROPOSAL**

- 4.1 The current proposal is to erect four blocks of development in the form of two storey and two storey with accommodation in the roof accommodation to provide 21 two/three bedroom and 20 two bedroom units of extra care residential

accommodation. A shared lounge is also proposed within this accommodation (in Block 1). The proposed blocks (Blocks 1 and 2, facing north and east respectively) would be provided to the front of the approved care home and to the north flank and rear (Blocks 3 and 4, facing south/east and west, respectively). Blocks 1 and 2 would face onto a parking area with Blocks 3 and 4 arranged around the car parking for these blocks. The car parking for the care home would be repositioned closer to the front of that building and along with the realigned access road would result in the alternative parking arrangements for the approved care home, proposed to be varied under application SU/16/0948. The access onto Kings Ride is proposed as previously approved under SU/16/0106 (and earlier permissions).

4.2 Each of the blocks would have a two storey form, with part accommodation in the roof, with flat roof (including roof level gardens) elements, providing predominantly wood cladding above a brick finish, with some render and glazing panels. Dormers and Juliet balconies are to be provided with narrow front and rear gardens for the ground floor units.

4.3 The following table provides further details of the proposal, as compared with the approved scheme SU/15/0106 (in metres/squared metres):

	APPROVED SCHEME	BLOC K 1	BLOCK 2	BLOCK 3	BLOCK 4
No. of units	64	12	6	16	7
Floor area	3476	1816	888	2410	1073
Maximum height	10.6	10.5	10.5	10.5	10.5
Eaves height	6.3	6.1	6.1	6.1	6.1
Maximum width	74.7	60.5	29.7	50.5	39.4
Maximum depth	43.8	15.9	12.9	33.0	13.0

The proposal would provide a total of 6,187 square metres of new accommodation, representing an increase of 178% over the approved care home proposal under SU/15/0106.

4.4 The applicant has defined the overall proposal as a “care village”. The scheme is proposed to be extra care accommodation, with a care package to support future residents. This form of development provides self-contained residential accommodation, but with a minimum care package on arrival for which the applicant considers to be Class Cc development and supporting accommodation e.g. shared lounges/bar and the use of the adjoining care home development.

4.5 A total of 41 car parking spaces would be provided across the wider site, arranged close to the respective blocks including to the front of the proposed building.

4.6 The approved care home building (under SU/15/0106) is set a minimum of about 100 metres from the front boundary of the site with Kings Ride and 80 metres from the rear boundary. Elements of the current proposal would be positioned a minimum of 14.8 metres from the front boundary of the site with Kings Ride (Block 2) and 14.8 metres from the rear boundary (Block 4).

4.7 The application has been supported by a planning statement which confirms the proposal occupancy as follows:

*"The dementia care units within the care village will cater to older people with varying dependency levels and the units will create an environment that allows people with care needs to maintain their independence for as long as possible. The model is able to cater for residents with a high level of dependency and therefore also provide an alternative to a care home. In addition, the extra care units will be adjacent to a care home which will be capable of providing care to residents with a range of dementia needs, including those with a physical need in addition, and has been specifically designed for their requirements. With this ability, a number of high dependency residents who would otherwise have to have an enforced hospital stay, can be accommodated on a continuing-care basis."*

4.8 In support of the application, the further documents have been submitted:

- design and access statement;
- planning needs assessment report;
- transport statement;
- sustainability statement;
- ecology report including updated ecological walkover report (addendum);
- habitats regulations assessment;
- landscape and visual appraisal report;
- waste management statement;
- flood risk assessment;
- ground investigation report; and
- arboricultural report.

## **5.0 CONSULTATION RESPONSES**

- |     |                            |  |
|-----|----------------------------|--|
| 5.1 | County Highway Authority   | No objections.   |
| 5.2 | Natural England            | An objection is raised on the impact on the SPA.                                     |
| 5.3 | Arboricultural Officer     | An objection is raised on the impact on trees.                                       |
| 5.4 | Surrey Wildlife Trust      | No comments received to date. Any formal comments will be reported to the Committee. |
| 5.5 | West Surrey Badger Group   | No comments.   |
| 5.6 | Local Lead Flood Authority | No objections.   |

5.7 Environment Agency No comments received to date. Any formal comments will be reported to the Committee.

## 6.0 REPRESENTATION

At the time of preparation of this report, no representations in support and 51 representations raising objections which raise the following objections:

- 6.1 Disregard for/impact on the environment [See Paragraph 7.3]
- 6.2 Doubling in size of development on the site [See Paragraph 7.3]
- 6.3 Too many retirement developments in Camberley [See Paragraph 7.3]
- 6.4 Impact on road infrastructure and wider road network and their users [See Paragraph 7.6]
- 6.5 Impact on character/rural location [See Paragraph 7.3]
- 6.6 Visual impact on local residents [See Paragraph 7.5]
- 6.7 Existing road conditions (such level of on-street parking in close proximity to site entrance) not taken into consideration in transport assessment [See Paragraph 7.6]
- 6.8 Impact on wildlife/biodiversity (including deer, woodpeckers, lizards, slow worms, grass snakes) [See Paragraph 7.4]
- 6.9 Uphill struggle for local communities against developers [Officer comment: *This is not a material planning consideration*]
- 6.10 Intention of the developer to develop all green areas on the site is now shown by “planning creep” [Officer comment: *Each application has to be assessed on its own merits*]
- 6.11 Impact on drainage, which is inadequate in the local area [See Paragraph 7.7]
- 6.12 Conditions on the previous permission SU/15/0106 have been ignored regarding future occupation [Officer comment: *The approved care home is not yet occupied*]
- 6.13 Current development (of the site) is causing distress and to extend the building time would have an impact [Officer comment: *This would not be a reason to refuse this application*]
- 6.14 Overlooking from roof gardens [See Paragraph 7.5]
- 6.15 Impact on residential amenity [See Paragraph 7.5]
- 6.16 Impact on the countryside [See Paragraph 7.3]
- 6.17 Increased activity on the site [See Paragraph 7.5]
- 6.18 Wooden bridge already provided to support the proposal [Officer comment: *The access has not been fully provided. The details of the access, and how they*

*impact on trees, have been requested but are required to support the sale of units for the care home scheme under SU/15/0106]*

- 6.19 Impact on woodland/trees/vegetation [*See Paragraph 7.3*]
- 6.20 Impact on the SPA/SSSI [*See Paragraph 7.4*]
- 6.21 Overdevelopment of the site [*See Paragraph 7.3*]
- 6.22 Submitted reports have been procured by the developer and should have come from an independent source [*Officer comment: This would not be a reason to refuse this application*]
- 6.23 Impact on local health services (doctors and dental practices) [*Officer comment: This would not be a reason to refuse this application*]
- 6.24 Impact on school places [*Officer comment: This would not be a reason to refuse this application*]
- 6.25 The development is Class C3 development [*See Paragraph 7.4*]
- 6.26 Warden's facilities should not be provided [*Officer comment: There is no warden accommodation proposed under this application*]
- 6.27 Impact on drainage from increasing hardstanding [*See Paragraph 7.3*]
- 6.28 Limitations of existing high way network to cope with traffic generation from emergency vehicles, services (e.g. laundry), staff and other visitors, etc. [*See Paragraph 7.6*]
- 6.29 The feasibility of controls on pets for this development [*See Paragraph 7.4*]
- 6.30 Highway safety hazard from the access path which accesses directly onto the carriageway with no pedestrian crossing [*See Paragraph 7.6*]
- 6.31 Whilst one resident may be impaired (e.g. with dementia) their partner may not [*See Paragraph 7.4*]
- 6.32 Overbearing, imposing and out of scale [*See Paragraph 7.3*]
- 6.33 Overlooking from upper floor windows [*See Paragraph 7.5*]
- 6.34 Overshadowing/loss of light [*See Paragraph 7.5*]
- 6.35 Insufficient (pre-)consultation with community. It is not known if any local residents were invited to the pre-application meeting for residents at Pennyhill Park [*Officer comment: There is no statutory requirement to provide a pre-application consultation or exhibition for local residents for this proposal*]
- 6.36 Impact of increased noise pollution [*See Paragraph 7.5*]
- 6.37 Loss of trees previously on the site [*See Paragraph 7.3*]
- 6.38 Proposed walkway would be an invitation to park outside the development [*See Paragraph 7.6*]

- 6.39 The proposed units are for sale (rather than rent) and therefore do not form a part of a residential institution (i.e. Class Cc) [*Officer comment: This would not be a reason to refuse this application*]
- 6.40 Bungalows be more appropriate for the elderly and others in care [*Officer comment: This would not be a reason t refuse this application*]
- 6.41 Light pollution [*See Paragraph 7.5*]
- 6.42 Impact on quality of life [*See Paragraph 7.5*]
- 6.43 Impact on sewage system [*See Paragraph 7.7*]
- 6.44 Layout and provision implies residential occupancy by able bodied residents [*See Paragraph 7.4*]
- 6.45 Proposal should be refused without the need for neighbour notification [*Officer comment: This would conflict with the Council's statutory duties*]
- 6.46 Presumption in favour of sustainable development in NPPF does not apply where development requires an AA [*See Paragraphs 7.3 and 7.4*]
- 6.47 Site is within 400 metre SPA buffer, where new residential development is not permitted [*See Paragraph 7.4*]
- 6.48 Development would support a wide choice of housing for different groups in the community and provides residents' parking with an adverse impact on the SPA [*See Paragraph 7.4*]
- 6.49 The extent of neighbour notification [*Officer comment: The original level of notification included all properties which were opposite or bounded the site and those which had previously made comments (for SU/15/0106) abut an increase neighbour notification has subsequently been undertaken*]
- 6.50 Lack of on-site parking and impact of overspill parking on local highway network [*See Paragraph 7.6*]
- 6.51 The benefits to Camberley would be limited where goods and services are procured from a wider area [*Officer comment: This is not a planning matter*]
- 6.52 Care home has been a "Trojan horse" for the new proposal [*Officer comment: Each application is considered on its own merits*]
- 6.53 Loss of trees/understorey to site frontage has opened up the site, which will be made worse by current proposal [*See Paragraph 7.3*]
- 6.54 Planning need for development has been too-tightly drawn [*See Paragraphs 7.3 and 7.4*]
- 6.55 Site should be afforded the same protections as Green Belt [*Officer comment: The site is designated as countryside*].

## **7.0 PLANNING CONSIDERATION**

7.1 The application proposal is located within the defined Countryside (beyond the Green Belt) and forms a part of an SNCI and is very close to the SSSI/SPA. The proposal relates to the provision of an extra care residential development which are not CIL liable. Policies CP1, CP2, CP5, CP12, CP14, DM1, DM9, DM10, DM11 and DM14 of the Surrey Heath Borough Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP); Thames Basin Heath Special Protection Area SPD 2012; along with the National Planning Policy Framework (NPPF) and guidance in the Planning Practice Guidance (PPG) are relevant.

7.2 It is considered that the main issues to be addressed in determining this application are:

- background and the need for the development;
- the impact on the Countryside (beyond the Green Belt), character and trees;
- the impact on biodiversity and the SPA;
- the impact on residential amenity;
- the impact on highway safety; and
- the impact on drainage and flood risk.

### **7.3 Background and the need for the development**

7.3.1 The current proposal follows the approval of a leisure development at this site (which related to the site allocation for such use in the local plan in 1994, then withdrawn in the 2000 local plan), which was replaced by a care home development in a similar position, with each development proposal larger in floorspace terms than the earlier development. It was considered that the size of the most recent care home development under SU/15/0106 was at the limits of acceptability. That development provided a site location plan tightly drawn to the works required for the development including a smaller rear garden/amenity area for residents, parking area to the front and access road, with the remainder of the site remaining within its original woodland/agricultural use. It was considered that any further development on this site, particularly where it extended into the woodland/agricultural land, would be harmful to the countryside.

7.3.2 The applicant has provided an assessment of the need for this type of development which concludes that there is a substantial unmet demand for the proposed accommodation. Within a 7.5 mile radius of the application site, the assessment concludes that there is an unmet need of 255 units. However, whilst this level of need is noted, it is not considered that this demand is sufficient reason to overcome the objections raised below.

### **7.4 Impact on the Countryside (beyond the Green Belt), character and trees**

7.4.1 The current proposal would provide a large extra care residential development in the Countryside (beyond the Green Belt). Paragraph 17 of the NPPF sets out a series of key principles including the recognition of the intrinsic character and

beauty of the countryside and the encouragement of the use of previously developed land, provided that it is not of high environmental value. Paragraph 58 of the NPPF indicates that development should respond to local character and be visually attractive as a result of good architecture and appropriate landscaping.

7.4.2 Policy CP1 of the CSDMP states that new development will come largely for the redevelopment of previously developed land in the western part of the Borough and development in the countryside which results in the coalescence of settlements will not be permitted. Policy CP2 of the CSDMP states that all land should be efficiently used within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 indicates that development should respect and enhance the local, natural or historic character of the environment; be it in a rural or urban setting.

7.4.3 Paragraph 5.6 of the CSDMP indicates that:

*"Inappropriate development within the Countryside will include proposals that cause harm to its intrinsic character and beauty, landscape diversity, heritage and wildlife. In considering proposals for development regard will be had to national guidance as appropriate."*

7.4.4 It is noted that a care home building is to be provided on this site. However, the current proposal would provide a significant increase in the amount of development on the site, in the form of four large blocks, with a similar height to this care home building, significantly increasing the amount of building floorspace/footprint and spread development significantly across the site, reducing the minimum gaps for the development to front and rear site boundaries (see table in Paragraph 4.4). This impact, along with the increased hardstanding and the resulting urbanisation of the application site, would have a significant impact on local character, particularly the beauty of this part of the countryside. The application site, even with the approved care home development, retains its rural character and setting. However, the proposed development would have a much greater impact, resulting in an adverse visual impact on this rural character.

7.4.5 The proposal would provide development much closer to the street (Kings Ride) (see table in Paragraph 4.4). Whilst the site frontage includes trees and could be enhanced by landscaping such as further trees, understorey and other vegetation, noting the proximity and height of the nearest blocks (1 and 2), the developed nature of the site would be much more apparent than for the approved care home. The proposed buildings would also have a much larger form than the domestic scale of the semi-detached dwellings in Kings Ride which face the application site. In addition, the rear of one of the blocks (Block 2) and the side of the other frontage block (Block 1) would face the street, which would further detract the visual impact of the application proposal in the streetscene.

7.4.6 The proposed buildings, particularly Blocks 1 and 2, would provide development located close to trees, most of which are protected under a predominantly woodland Tree Preservation Order 7/86. The Tree Preservation Order protects the trees which provide a public amenity value and significantly add to the quality of the area. The Council's Arboricultural Officer has raised an objection to the proposal raising concerns about the proposed tree loss, which follows earlier canopy losses, and the future pressures from the thinning/containment/removal of

adjacent vegetation due to light restriction, leaf litter nuisance and the perception of threat. Concern about the future of the vegetation frontage is also indicated and the loss of landscaping required for the care home development (SU/15/0106).

- 7.4.7 The current proposal would provide a building design which takes its cues from the approved care home development, in terms of its design (including wood cladding and gabled roofs with dormers) and height/mass. However, significant elements of the design are flat roofed, particularly over the stairwells and to provide the rooftop gardens, which provide a jarring appearance between the gable and flat roof elements. As indicated above, the frontage blocks (Blocks 1 and 2) would be visible from the street but would also compete with and, to a degree, shield the principal building, the care home, for the street. The rear blocks (Blocks 3 and 4) would be built much closer to the rear boundary of the site, and would be very visible from the public footpath which runs along this boundary. It is considered that the proposed development represents a poor form of development, in design terms, which is accentuated by its close proximity to the public domain to both the front and rear of the site.
- 7.4.8 An objection is therefore raised to the proposal on character and tree grounds with the proposal failing to comply, with Policies CP2 and DM9 of the CSDMP and the NPPF.

## **7.5 Impact on biodiversity and the SPA**

- 7.5.1 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 states that "*within locally designated sites [such as the SNCI], development will not be permitted unless it is necessary for on site management measures and can demonstrate no adverse impact to the integrity of the nature conservation interest. Development adjacent to locally designated sites [such as the current proposal] will not be permitted where it has an adverse impact on the integrity of the nature conservation interest.*" The applicant had provided a biodiversity report in support of the care home scheme, for which an addendum has been provided.
- 7.5.2 The original ecological report considered that owing to suitable habitat within the wider site, the wider site has the potential to accommodate bats, dormouse great crested newts, reptiles, otters, water voles, badgers and breeding birds. Further assessment had confirmed that there is a low or negligible risk of the presence of dormouse, great crested newts, otters or water voles present at the site, and no adverse impact on badgers and bats. The Surrey Wildlife Trust raised no objections to the approved care home development. The addendum has indicated that with regular mowing, the siting of the proposed blocks would not have any significant impact on the existing ecology on the site. The comments of the Surrey Wildlife Trust are awaited and, subject to their comments, no objections are raised to the proposal on ecological grounds.
- 7.5.3 The application site lies close to, and within 400 metres of, the SPA. The Council has resisted proposals for residential (Class C3) development in such locations due to the impact of the recreational activity of future residents and their pets (i.e. dogs and cats) on the SPA. However, the approved care home (which falls within Class C2) provides a residential institutional form of development controlled by a management company and with limitations on occupation to persons who at the

time of admission are mentally and/or physically frail; have mobility problems; suffer from paralysis or partial paralysis; or are in the need for assistance with the normal activities of life. This was considered to be acceptable as it was demonstrated that there would no have an adverse impact on the integrity of the SPA.

- 7.5.4 The current proposal would provide self-contained units which although proposed to be provided for the occupiers needing a level of care, remaining within Class C2 development (subject to the level of care); a level of independence would be expected without the same level of reliance on care that would be provided for the approved care home. In addition, the size of the units could lead to pressure for the joint occupation with an able bodied partner or carer (on a temporary or permanent basis) and the provision of private gardens, some at roof level, would indicate a level of able-bodiedness for future occupiers. Natural England has raised an objection on the activity of the future occupiers and the resulting increase in recreational activity which could have an adverse impact on the integrity of the SPA.
- 7.5.5 No objections are therefore raised to the proposal in relation to its impact on biodiversity but an objection is raised to the proposal on SPA grounds, with the development failing to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP and the Thames Basin Heath Special Protection Area Avoidance Strategy SPD 2012.

## **7.6 Impact on residential amenity**

- 7.6.1 The proposed buildings would have a two storey height with accommodation in the roof and would provide roof top gardens and balconies. The nearest proposed buildings (Blocks 1 and 2) would be set about 38 metres from the nearest residential property on Kings Ride (facing the application site) with a landscaped belt with major trees in between. These buildings would also be set about 95 metres from the nearest property in Woodlark Glade with woodland in between. This level of separation will ensure that no adverse significant impact will occur from the proposed building to the occupiers of nearby residential properties. The proposal, in a similar manner to the approved care home scheme, incorporates a service yard facility to the south west (front) corner of the proposed building. This area is located over 75 metres from the nearest residential property, in Woodlark Glade, and this level of separation and woodland in between, would limit any impact on the occupiers of nearby residential properties. Any increase in noise from traffic that would emanate from the application site has to be seen in the context of the previously approved schemes and it is not considered that this would have any significant impact on residential amenity.
- 7.6.2 In addition to the self-contained accommodation provided for each residential unit, the proposal would provide some communal living accommodation (including living rooms, bars) for the development and occupiers would also be able to use the existing care home facilities. As such, it is considered that the proposal would therefore have no adverse impact on the residential amenity of the future occupiers of the proposed development.

7.6.3 No objections are therefore raised on residential amenity, with the development 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 provide an increase in traffic generation and parking would be provided for 43 spaces, an increase over the 27 spaces provided for the original care home development (SU/15/0106) which is considered to be acceptable. The increased traffic generation will have an impact on traffic movements on Kings Ride but the transport statement considers that the proposed development would not have a significant impact on the operation of the local highway network, particularly during peak periods. The County Highway Authority has raised no objections to the proposal in relation to its impact on highway safety.

7.7.2 No objections are raised on highway safety grounds with the development complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

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

7.8.1 The application site falls within a Flood Zone 1 (low risk as defined by the Environment Agency) and the proposal has been supported by a flood risk assessment. The assessment indicates that the development would be appropriately safe for its lifetime taking account of the vulnerability of its users, the development would not increase flood risk elsewhere and, with the implementation of the drainage strategy would reduce the flood risk overall.

7.8.2 The application site lies adjacent to an area of wetland and close to a watercourse, which are on land in the ownership of the applicant. A surface water drainage strategy has been provided for this development and the LLFA have raised no objections on these grounds.

7.8.3 No objections are therefore raised on these grounds with the development complying with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

## **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 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.

## 9.0 CONCLUSION

9.1 The proposed development is considered to be acceptable in relation to its impact on residential amenity, highway safety, biodiversity and drainage/flood risk. However an objection is raised to the proposal on character and SPA grounds. The application is recommended for refusal.

## 10: RECOMMENDATION:

**REFUSE** for the following reasons:

1. The proposal, by reason of its height, mass, design, orientation, significant increase in floorspace and spread of development across the site would:

(a) give rise to a quantum of built form which would have a harmful urbanising impact on the openness and the intrinsic rural character of the countryside;

(b) would have an adverse visual impact on the streetscene and views from the public footpath at the rear of the site; and

(c) would have an adverse impact on the public amenity value and health of trees protected under a predominantly woodland Tree Preservation Order 07/86

The development would therefore fail to respect and improve the character and quality of the area, contrary to Policies CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. The Planning Authority 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/EE. 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 (Adopted January 2012).

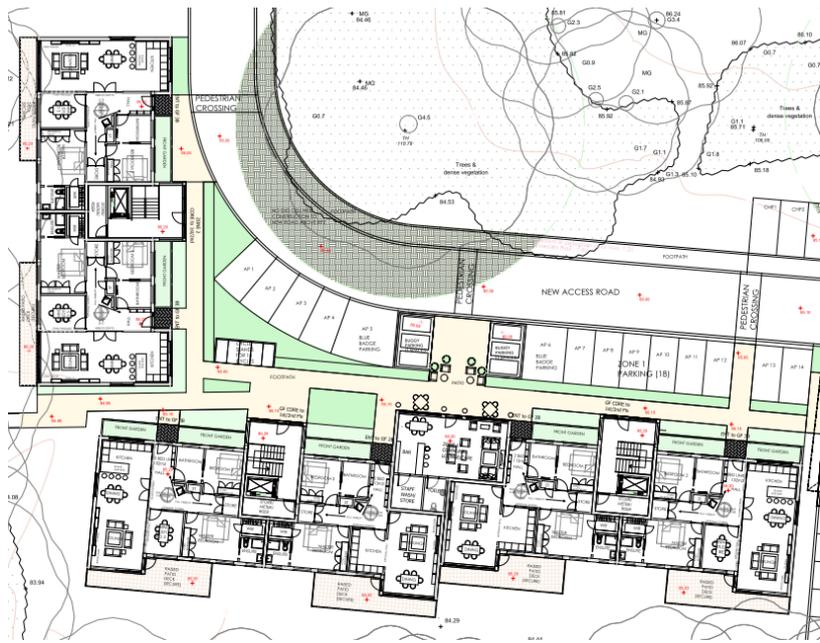
Proposed site plan



Typical Floor Plans and Elevations



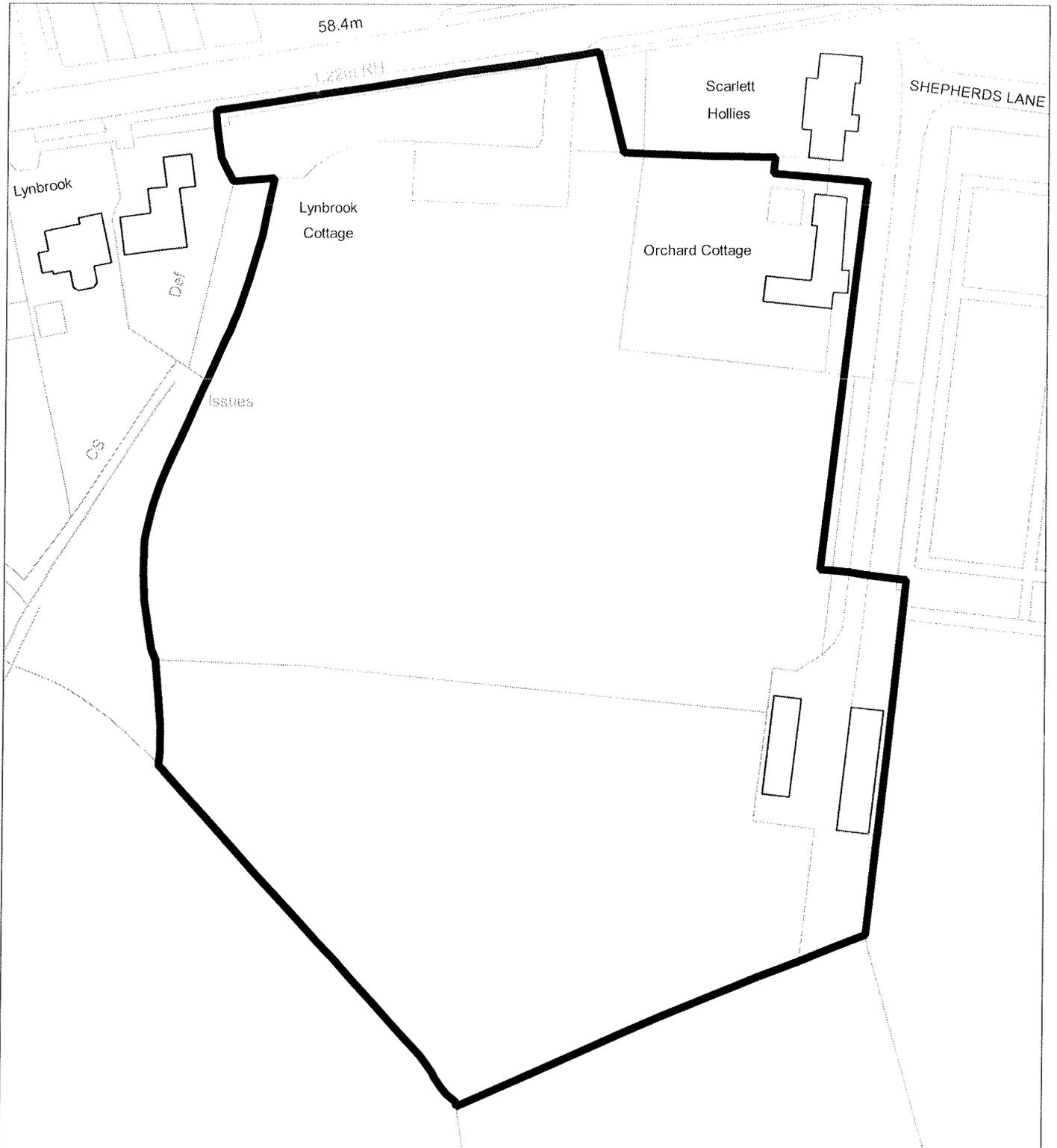
16/0779 – WHITEHILL FARM, KINGS RIDE, CAMBERLEY

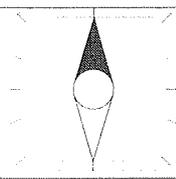


Site Pictures







<b>Title</b>	Planning Applications		<b>Page</b>	4 of 8
<b>Application number</b>	16/0947		<b>Scale @ A4</b>	1:1,000
<b>Address</b>	ORCHARD COTTAGE, SHEPHERDS LANE, WINDLESHAM, GU20 6HL		<b>Date</b>	20-01-2017
<b>Proposal</b>	Erection of an 88 bedroom care home with associated landscaping and planning, following demolition of existing dwelling and builders yard. Access from Chertsey Road. (Additional information recv'd 1/11/16)			
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**LOCATION:** ORCHARD COTTAGE, SHEPHERDS LANE,  
WINDLESHAM, GU20 6HL

**PROPOSAL:** Erection of an 88 bedroom care home with associated landscaping and planning, following demolition of existing dwelling and builders yard. Access from Chertsey Road. (Additional information recv'd 1/11/16). (Additional information rec'd 09/12/2016). (Additional Information - Rec'd 10/01/2017). (Amended Plan - Rec'd 16/01/2017).

**TYPE:** Full Planning Application

**APPLICANT:** Mr Peter Dines

**OFFICER:** Emma Pearman

**RECOMMENDATION: REFUSE**

**1.0 SUMMARY**

- 1.1 The application site is located on the southern side of Chertsey Road and to the east of Shepherds Lane in Windlesham. It is approximately 2.2ha in size and is within the Green Belt, outside the settlement area of Windlesham. It currently comprises a residential dwelling Orchard Cottage and Highams Builders Yard, and a large area of open land to the west of Orchard Cottage. The site benefits from an extant outline planning permission SU15/0272 for the erection of a care home, doctors' surgery and residential dwelling on the site.
- 1.2 This proposal seeks full planning permission for a care home use, split into four detached buildings, to be built on the open part of the site, with the dwelling and builders yard to be removed. This proposal does not include a doctors' surgery nor a replacement dwelling like the previous proposal. The proposal is inappropriate development in the Green Belt causing harm to the openness of the Green Belt. While the previous grant of permission is a material consideration, this proposal is significantly larger than the extant permission (approx 45% increase in footprint and 82% increase in floorspace) and as such would be more harmful to the openness of the Green Belt. It is also considered that the increased spread of development and the design of the buildings causes harm to the character of the area.
- 1.3 The applicant has put forward a number of factors that they consider amount to very special circumstances that justify the grant of permission, including that the care home would provide a new and exemplary model of dementia care, and would provide a number of jobs. It would also contribute to Surrey Heath's housing supply. However, in the officer's opinion, these do not amount to very special circumstances to outweigh the significant harm and as such the application should be refused.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of the B386 Chertsey Road, about 0.75km outside the settlement boundary of Windlesham, as identified on the Surrey Heath Core Strategy and Development Management Policies 2012. The site lies within the Green Belt and within 100m of the Thames Basin Heaths Special Protection Area (SPA), Chobham Common SSSI and the Thursley, Ash, Pirbright and Chobham Special Conservation Area. The application site is 2.19 ha in size and currently comprises the residential dwelling Orchard Cottage (0.18ha approx. including garden) accessed from Shepherds Lane, Highams Builders yard and access track (0.23ha approx.) also accessed via Shepherds Lane, and a stretch of open, undeveloped land to the west of Orchard Cottage and the builders yard (1.78ha approx.), which has a small access gate from the B386 Chertsey Road.
- 2.2 The area around the site is semi-rural in nature, with limited development along the Chertsey Road, which includes the Brickmakers Arms Public House opposite the site, and the former British Oxygen Corporation (BOC) headquarters adjacent to the east, with a high brick wall along the boundary between these sites. The northern boundary of the site adjoins the B386 Chertsey Road, and along this boundary is a red brick wall and mature trees which screen the site from the road. The nearest residential properties are Scarlett Hollies in Shepherds Lane to the north-east, and Lynbrook Cottage on Chertsey Road to the north-west, and the rear gardens of two other properties also share a boundary with the site to the north-west. Along the western boundary there are mature trees which prevent views into the site. The site adjoins open land to its southern boundary, with some trees and hedges along this boundary.
- 2.3 The site lies within Flood Zone 1 which has the lowest probability of flooding. There are no archaeological or historical designations within the site, though there are some Locally Listed buildings nearby including the Brickmakers Arms, approximately 25m to the north, a building within the BOC site approx. 90m from the access road, and residential properties Gunners and Gunners Meadow, approximately 120m to the south-west. There is also a pipeline running north-south through the western half of the site.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 SU/15/0272 Outline application for the erection of a 65 bedroom care home, a doctors surgery and a detached bungalow with landscaping and access following demolition of existing buildings (access to be considered).

*This application was reported to Committee on 17/09/2015 with an officer recommendation for refusal on Green Belt grounds and impact on local character and lack of a sustainable location. However, Members resolved to grant permission due to very special circumstances and so the case was referred to the Secretary of State (SoS) as a departure from the development plan. The SoS did not call it in so it was approved on 14/12/2015.*

## 4.0 THE PROPOSAL

- 4.1 The application seeks permission for the erection of an 88 bedroom care home with associated landscaping and planting, following demolition of existing dwelling and builders' yard. Access to the care home would be from Chertsey Road. The care home would be arranged so that there were four separate buildings around a courtyard with parking to the front close to Chertsey Road. The applicant states that the home would provide for dementia care, and be a new type of 'household model' where eight people live together in a 'household' with the staff, and space for partners to stay overnight. This proposal would provide eleven 'households' each with 8 en-suite bedrooms, shared dining and a kitchen, and those within the household would be matched according to their needs.
- 4.2 Building A would include a café, refuse, kitchen, WC, heating and plant room. It would be 10.8m in width, 28.4m in length, with a pitched roof with gabled ends and chimneys. It would have an eaves height of 6.4m and total height of 10m (11.5m including chimneys). There would be a small substation building of 5.5m in height next to Building A. There would also be a roof attached to the side of the building providing covered, open sided bike storage and a plant area only on the second floor. The café would be used by residents, staff and visitors only.
- 4.3 Each 'household' would consist of eight en-suite bedrooms, snug, kitchen/dining room, lounge, escape staircase, utility room, and communal WC. Shared facilities on each floor of buildings B, C and D include stair/lift lobby, entrance porch, assisted bathroom, hoist store, sluice, dirty linen room and plantroom. Building B would accommodate one household with additional support rooms on the ground floor and Buildings C and D would accommodate two households with one set of shared facilities on the ground floors. Buildings B, C and D would accommodate two households with one set of shared facilities on the first floors. All three buildings would be an L shape with the total length 52.8m, total depth 34.6m, with a pitched roof with gabled ends and chimneys, although the ground floor of Building B would be split into two. They would have an eaves height of 7.2m and total height of 10.6m (12m including chimneys) and a plant area on the second floor. There would be some balconies accessed from the lounges, snugs and bedrooms on the first floor.
- 4.3 The total external footprint of the buildings would altogether be in the region of 3,654 m<sup>2</sup>, with the total external floorspace approximately 7,597 m<sup>2</sup>. The existing development has a footprint of 517m<sup>2</sup> approximately and floorspace of approximately 674m<sup>2</sup>. (The previous care home, doctors' surgery and bungalow granted permission under SU15/0272 was an outline application only, however, the indicative footprint was 2,520m<sup>2</sup> and floorspace 4,185m<sup>2</sup>).
- 4.4 Fifty parking spaces (four spaces designated as car-share) and a bus space would be provided to the front of the care home with access as existing from Chertsey Road and a gate set back 20m approx. from the highway. According to the applicant's submission there would be in the region of 182 two-way vehicle trips per day. A minibus is also proposed for use by staff and residents for trips, and another designated on-site vehicle would be used to provide pick-ups and drop-offs for team members who are using nearby rail or bus services. The nearest railway station is Sunningdale approx. 2.7 miles away by road. The nearest bus stop is

approximately 1.5km away with the buses serving Sunningdale and Camberley stations.

4.5 The applicant advises that up to 98 jobs would be created once the care home is in operation and approximately 96 direct and 67 indirect construction jobs over a period of 18 months during the construction phase. The Planning Statement suggests that local people would have priority for places in the home which they suggest would be tied into a legal agreement. Further reference will be made to the applicant's arguments in favour of the proposal in section 7 of this report. Where applicable, reference will be made to the following documents submitted in support:

- Acoustics Report
- Air Quality Assessment
- Archaeological Assessment
- Design and Access Statement
- Ecology Report and Method Statement
- Flood Risk Assessment and Drainage Strategy
- Lighting Strategy
- Landscape Masterplan
- Need Report
- Site Conditions and Contamination Assessment
- Planning Statement
- Statement of Community Engagement
- Transport Statement and Travel Plan
- Tree Survey and Arboricultural Report.

## **5.0 CONSULTATION RESPONSES**

5.1	Surrey County Highway Authority	No objection, subject to conditions and S106 agreement.
5.2	Natural England	No objection, subject to conditions including a Construction Environmental Management Plan, a covenant preventing the keeping of pets, and a restriction of parking by condition to staff and visitors only.
5.3	Surrey Wildlife Trust	No objection, subject to conditions.
5.4	Council's Arboricultural Officer	No objection, subject to conditions.

5.5	Surrey County Council - Local Lead Flood Authority	No objection, subject to conditions.
5.6	Environmental Health Officer	No objection, subject to conditions.
5.7	CLH Pipelines/Fisher German	No objection, subject to conditions.
5.8	Council's Economic Development Officer	No objection, states that this is a significant shift in dementia care and first of its type in Surrey, and that the number of jobs created would be 20 more than the previous scheme.
5.9	Surrey County Council Archaeology	No objection, subject to condition.
5.10	Thames Water	No objection, subject to informative.
5.11	Windlesham Parish Council	Objection – Overdevelopment of the site, not in keeping with the street scene or character of the village, serious concerns about the adequacy of parking onsite and the increase in traffic that the development would bring to an already busy stretch of road.
5.12	Chobham Parish Council	Objection – Inappropriate development in the Green Belt, and no very special circumstances that outweigh the harm, would be better suited to brownfield land, has a high percentage of buildings and hardstanding, rural character would be adversely affected by utilitarian style buildings, residential and domestic character seems to be at odds with the 400m buffer zone, would adversely affect the SPA, larger than previous proposal, does not include doctors surgery, little benefit to Windlesham local residents, no demand, insufficient landscaping, car sharing schemes and cycling not viable or realistic, likely to have an adverse impact on the setting and parking for pub opposite.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 18 letters of objection and 6 letters in support of the application have been received. The issues raised by the objection letters are summarised below:

### Green Belt/need for the development [See section 7.2]

- While agree in principle for the need in Windlesham this should not be on a site that compromises the Green Belt

- Should not use 15/0272 as a precedent as the very special circumstances (doctors surgery, charity connection) no longer apply and is of a scale and nature which does not bear any relationship to the Community Care Home project as claimed by the previous application; this is purely a commercial development; previous conditions on 15/0272 cannot be complied with
- Another nearby application was rejected on Green Belt grounds and would be a lack of consistency to approve this one
- BOC site is an exception as it is an extension of established development in the Green Belt
- No very special circumstances (VSCs) that outweigh the harm to the Green Belt and officers should recommend refusal again as with 15/0272; not previously developed land so is inappropriate as a starting point
- Would set a precedent for building on other Green Belt around Windlesham
- No need for an 88 bed care home in Windlesham
- Already many care homes in the area
- It is considerably larger than care home granted under application 15/0272
- Applicant makes no attempt to justify development in terms of paragraph 89 and the VSC are not within the accepted terms of VSCs [*Officer comment: a large part of the planning statement is devoted to the VSCs as required by paragraph 89 and there are no rules about what can or cannot be considered to be VSCs*].

Character [*See section 7.3*]

- The buildings would be incompatible with the residential buildings in the area
- Is more sprawling, cramped and suburban without the open space to each side as with the previous application
- Has had little regard to the surrounding development and looks like a suburban housing development
- Very little in the form of gaps and spaces to relieve the building mass
- Will have a much greater visual impact than the original proposal
- This is overdevelopment of the site
- Would be an adverse effect on the rural character of the street scene.

Residential Amenity [*See section 7.5*]

- Would cause fumes from car pollution; amount of pollution underestimated by the applicant.

#### Highways, Parking and Access [See section 7.4]

- Would exacerbate the already dangerous road opposite the Brickmakers Arms
- Remote location will add to village traffic
- Visitors and residents would be heavily reliant on transport
- Increase in traffic has been underestimated by the applicant
- Road system is totally inadequate
- Vehicles during construction will add to the problems here
- Accidents mentioned do not take into account minor mishaps and near misses
- Parking along this stretch at weekends and summer evenings is very dangerous and pavement frequently blocked
- No bus or train service to support it
- Not enough parking proposed; does not appear to meet the parking standards
- May lead to overspill of parking into Brickmakers Arms car park or along Chertsey Road
- Traffic situation has changed since granting of 15/0272, yellow lines have been painted on the northern boundary of the road with cars now parked on the southern side close to where the entrance would be
- Recently a weight limit placed on a railway bridge in Sunningdale so now all the large vehicles will go down Chertsey Road
- Construction Environmental Management Plan states construction traffic will go west (through Windlesham) but map shows it going east.

#### Ecology [See section 7.8]

- Would impact on nature conservation; flora and fauna should be protected and should not replace nature with buildings
- Protected species were identified
- Close to an SSSI so inappropriate location
- Would interfere with wildlife habitats
- Would not preserve or enhance biodiversity.

Infrastructure *[Officer comment: Constructions towards infrastructure are required through CIL, however, care homes are not CIL liable]*

- Would have an impact on infrastructure; village does not have the facilities or infrastructure to absorb further expansion.
- Surrey Heath Partnership Action Plan 2016-18 states “ensure infrastructure is built and services are available (e.g. school places and GPs) before new homes are built.

#### Other

- Much of the support for the previous application was because of the potential links to a local charity and provision of a doctors surgery – now there are no links to the charity shown and health providers have shown no interest *[Officer comment: Noted, however this application must be considered on its own merits]*.
- Inadequate drainage and sewage facilities and would increase risk of flooding *[Officer comment: See paragraph 7.9.2]*.
- Land would be better used by BOC *[Officer comment: Each application must be considered on its own merits and that is not the proposal that is before the Council]*.
- Planning permission systematically refused for 6 additional parking spaces at the Brickmakers Arms on Green Belt grounds, this would be measured against same policies *[Officer comment: Each application must be considered on its own merits and in this case there is an extant permission]*.
- Strategic housing location is a matter for the emerging development plan and should not be pre-judged by this application *[Officer comment: Each application must be considered on its own merits and there is no reason to delay the decision of this application]*.

6.2 The issues raised by the letters of support are summarised below:

#### Green Belt/need for the development

- Will provide a much needed facility with a long term benefit to the residents of Windlesham
- Positive addition to the village and use of the grounds
- Shortage of care home facilities in the area and site seems suitable.

#### Highways, parking and access

- Should be a speed limit imposed however from the east of the site approached over a blind hill and further parking restrictions on the approaches to the site.

## **7.0 PLANNING CONSIDERATION**

7.1 The proposal is considered against the National Planning Policy Framework (NPPF); policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) including Policies CP2, CP6, CP8, CP11, CP14A, CP14B, DM9, DM10 and DM11. As this is an outline application for access only this is the main issue to consider, however, regard must also be had to the principles and impacts of the development and so this report will consider the following issues:

- Impact on the Green Belt
- Impact on the character of the area;
- Highways, parking and access;
- Impact on residential amenity;
- Impact on Thames Basin Heaths Special Protection Area;
- Trees and landscaping;
- Ecology;
- Other matters including flooding, archaeology, pipeline and lighting; and
- Consideration of very special circumstances.

### **7.2 Impact on the Green Belt**

7.2.1 Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts, and that their fundamental purpose is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt being their openness and their permanence. Paragraph 80 states that the Green Belt serves five purposes, the third of which is to assist in safeguarding the countryside from encroachment. Paragraph 87 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.2.2 Paragraph 89 states that the construction of new buildings is inappropriate within the Green Belt with some exceptions, one of which is the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.2.3 At this site, a small part of it can be considered to be previously developed, this is the former Builders Yard. The previous extant planning permission SU15/0272 granted for this site is also a material planning consideration, and it would be reasonable to consider how the current proposal compares, in terms of its footprint and volume with that permission.

The table below provides this information (figures approximate and provided by the applicant) with the existing figures including the existing dwelling Orchard Cottage:

	Existing development	Extant permission 15/0272	Current proposal
Footprint	517m <sup>2</sup>	2520m <sup>2</sup> (increase of 387% over existing)	3654m <sup>2</sup> (increase of 607% over existing and 45% over extant permission)
Floorspace	674m <sup>2</sup>	4185m <sup>2</sup> (increase of 521% over existing)	7597m <sup>2</sup> (increase of 1027% over existing and 82% over extant permission)

7.2.4 In comparing this proposal to the extant permission, it should also be noted that this proposal has a significantly greater spread of development across the site than the previous proposal. The extant permission included the doctors' surgery, parking, care home and landscaping to a depth of 87m from Chertsey Road, and beyond this area the open land and woodland was to remain, with a new dwelling built on the site of the builders' yard. The built form of the care home had a width of approx. 52m with landscaped gardens and parking to each side. While this development does not include the doctors' surgery or new dwelling, the buildings themselves extend to a depth of 121m from the road, and the width of the built form is 93m approx., with buildings and parking on the site of what would have been the doctors' surgery. Where the woodland/open land was proposed to the rear, it appears that this would now be landscaped to some degree with a path shown on the proposed layout. As such the layout and spread of development would be significantly greater than the extant permission, causing additional harm to the openness of the Green Belt.

7.2.5 It is clear therefore that the proposed development would not fall under any exception under paragraph 89 of the NPPF and would be inappropriate development in the Green Belt. It would result in a significant increase in the quantum of built form compared with the existing development and therefore be harmful to openness. As such the applicant must demonstrate that there are very special circumstances that would outweigh the harm to the Green Belt, and any other harm, to justify a grant of permission. Consideration of very special circumstances are set out at the end of the report in section 7.10, in order to first establish whether there is any other harm to overcome in addition to the harm by reason of inappropriateness and harm to the openness of the Green Belt.

### 7.3 Impact on the character of the area

7.3.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment, paragraph 61 requires new development to integrate into its context and paragraph 64 requires design to improve the character and quality of the area.

Paragraph 17 states that the intrinsic character and beauty of the countryside should be recognised. Policy CP2 and DM9 of the CSDMP reiterates this by requiring development to respect and enhance the quality of the environment.

- 7.3.2 This site is best described as a semi-rural area being located outside of the settlement of Windlesham with the immediate vicinity of Chertsey Road having a limited amount of development on either side of the road. This mostly comprises large, detached dwellings on large plots, which are located sporadically along the road, and some terraced cottages. There is no prevailing architectural style and dwellings are set back from the road by varying degrees. The application site is also located next to the former BOC site which is a large office complex and across the road from the Brickmakers Public House, and further along there is Coworth Flexlands School, so there are a mix of uses in the immediate vicinity of the site. The streetscene is dominated by significant mature vegetation all along the road, including that existing along the front boundary of the application site.
- 7.3.3 Development along this road is in small groups or lone dwellings, interspersed with areas of open land. The proposed care home would be clearly visible at the entrance to the site and to some degree from the approach to the east. This proposal would fill in a gap between Lynbrook Cottage and Sundial, resulting in a band of continuous development for 0.6km, which is not repeated anywhere else along the road and results in a more urbanised character to this part of the road. While the extant permission which would also have the effect of filling a gap here, the street scene elevations submitted as part of this application show that most of the buildings would be visible behind mature vegetation and given that the spread of built form across the width of the site is significantly greater than the extant permission, this would add to the urbanising impact and continuous development effect on this part of the road, over and above that of the extant permission.
- 7.3.4 The previous permission was an outline permission and as such the design of the building was a reserved matter, but the indicative layout showed one building in an H shape which was two storey. This proposal would also comprise two storey buildings arranged around a courtyard patio garden, and similar to the previous proposal the parking would be at the front. The applicant states this is comparable to a farmyard ensemble. The buildings would be slightly nearer to the road than the previous proposal (25m rather than 29m), however the existing band of mature trees to the front would remain. Objections have been raised in respect of the design, and while it appears that the design of the buildings is strongly linked to the type of care that would be offered, it is considered that their design in hard looking blocks is unattractive, there would be a considerable amount of plain brick facing the road at the entrance, and as such this is not in keeping with the rural and open character and would not constitute an attractive addition to the street scene. This is shown in the applicant's photomontages, even despite the set-back from the road and vegetation to the front, as they would still be clearly seen from the road.
- 7.3.5 It was considered that the previous application, by reason of the quantum of built form, would conflict with the open rurality of the area and fail to integrate into its established context, and the amount of noise and traffic generation would be at odds with the character of the area. The previous application, however, considered this against the position of the limited existing development. This application would not generate as much traffic as the previous proposal as the

doctors' surgery is no longer part of the proposal and should be considered also in the context also of the extant permission rather than just the existing development. However, the quantum of built form and spread of the development would be significantly greater than the extant permission, in addition to the unattractive design of the buildings, and as such the development cannot be said to respect and enhance the existing rural and open character of the area and is contrary to the NPPF and policies CP2 and DM9.

#### **7.4 Highways, Parking and Access**

- 7.4.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy CP11 states that new development that will generate a high number of trips will be directed towards previously developed land in sustainable locations or will be required to demonstrate that it can be made sustainable to reduce the need to travel or promote travel by sustainable modes of transport. All development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.4.2 The proposed development is 0.75m outside the settlement boundary of Windlesham, 1.5km from the nearest bus stop and 2.7 miles from Sunningdale. Fifty parking spaces (four spaces designated as car-share) and a bus space would be provided to the front of the care home with access as existing from Chertsey Road and a gate set back 20m approx. from the highway. According to the applicant's submission there would be in the region of 182 two-way vehicle trips per day. A minibus is also proposed for use by staff and residents for trips, and another designated on-site vehicle would be used to provide pick-ups and drop-offs for team members who are using nearby rail or bus services. The applicant has put together a Travel Plan which is in draft format at this stage.
- 7.4.3 The County Highway Authority objected to the previous application, stating that the location was unsustainable given the likely number of trips generated (504 trips per day approx.), however the number of trips as part of this proposal is significantly less given that the doctors surgery is no longer part of the proposal. The County Highway Authority has not objected, subject to conditions which include crossing points on Chertsey Road by the access, a Construction Transport Management Plan and a full Travel Plan. They have also requested a fee upon commencement for auditing the Travel Plan which could be secured through a legal agreement.
- 7.4.4 It is therefore considered that the development is acceptable in terms of highways, parking and access, subject to the above conditions, and as such is in line with Policies CM11, DP11 and the NPPF.

#### **7.5 Impact on residential amenity**

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and

future occupants of land and buildings. Paragraph 123 states that planning decision should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

- 7.5.2 The nearest property to the proposal is Sundial on Shepherds Lane. The care home would be 22m at its nearest point from Sundial and 17m from the boundary. Given this distance and the proposed height of the building it is not considered that there would be any overbearing or overshadowing effects. There would be a number of windows and balconies on the northern side elevation of Building C which is closest to Sundial, which would face their garden from the side. However given the separation distance it is considered that this would not have a significant adverse impact on the privacy of the occupiers of this dwelling. Additionally it is shown that a wall would be retained along this boundary and additional screening could be secured by condition.
- 7.5.3 Lynbrook Cottage and Lynbrook are located to the west of the development, with the western side elevation of Building B being nearest to the boundary at 17m away. There are some first floor windows on western side of Building B, however given the separation distance, and the fact that it would not be adjacent to the most used garden areas of these dwellings, it is not considered that there would be any significant loss of privacy, nor any overbearing or overshadowing effects. Building A would be 19m from the boundary with Lynwood Cottage and closer to the dwelling itself, however this is proposed to be single storey and as such no overbearing, overshadowing or overlooking impacts are envisaged. A mature tree screen would be retained along the western boundary of Lynbrook Cottage, Lynbrook and Appletree Cottage which adjoin the application site.
- 7.5.4 In terms of noise, the proposed development would generate additional noise over and above the existing levels, mostly in terms of traffic generation and use of the car park for surrounding neighbours. It is noted that the Environmental Health Officer however has not objected to the application and nor did he object to the previous application which would have generated significantly more traffic. It is therefore considered that although the proposal would increase noise levels, these are not likely to cause significant adverse effects on immediate neighbours.
- 7.5.5 In terms of air quality, an Air Quality Assessment has been submitted which has been reviewed by the Environmental Health Officer, who has stated that it demonstrates that the air quality in the area is currently good and that the proposed development would not have a significant effect on air quality during the construction or operational phases of the development, including impact from the additional traffic. As such no further conditions are recommended in respect of air quality.
- 7.5.6 No other significant adverse impacts on amenity are anticipated. As such, it is considered that the proposal is in accordance with Policy DM9 and the NPPF in this regard.

## **7.6 Impact on Thames Basin Heaths Special Protection Area (SPA)**

- 7.6.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.6.2 The site lies approximately 60m from the Thames Basin Heaths SPA. The Thames Basin Heaths SPA Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA, however care homes can be acceptable subject to some conditions. Natural England has been consulted and has not objected, subject to conditions requiring the parking to be limited to staff and visitors only, the type of residents adhered to so that they are not able enough to use the SPA for recreation purposes, a Construction Environmental Management Plan to be submitted, and a covenant preventing the keeping of pets. It is considered that these issues could be conditions or subject to a legal agreement.
- 7.6.3 The development would not be CIL liable given that it is a care home, and not liable to SAMM, given the profile of the residents. The proposal is therefore acceptable in terms of its impact on the SPA and in line with Policies NRM6 and CP14B and the NPPF.

## **7.7 Trees and Landscaping**

- 7.7.1 Paragraph 109 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy DM9 states that development will be acceptable where it protects trees and other vegetation worthy of retention.
- 7.7.2 The applicant's submitted Arboricultural Report states that there are 171 significant individual trees on and adjoining the application site, and 26 of these would be removed (18 to facilitate the development and 8 for management purposes). The Council's Arboricultural Officer has been consulted and considers that this is not excessive and can be mitigated by a comprehensive landscaping plan, which could be secured by condition, and has requested a further condition to secure the tree and ground protection measures proposed during construction of the development. The submitted Landscape Masterplan indicates that there would be a kitchen courtyard garden between Buildings A and B, and another courtyard in the middle of Buildings B, C and D. There would be ornamental planting close to the outside of the buildings with a quiet garden and orchard to the east. The remainder of the site would be laid to lawn with circular paths and an area of swale

and reeds.

- 7.7.3 While further detail of the planting and species could be secured by condition, there is concern about the spread of development which has resulted in a smaller area of land being untouched when compared to the previous scheme, which has a further impact on the openness of the Green Belt, as discussed in paragraph 7.2.4 above. Given the spread of development and number of bedrooms it is not likely that a smaller area of landscaping could be accommodated sufficiently as was previously proposed. However aside from this concern, the development is considered to be acceptable in terms of its impact on trees and in line with Policy DM9 in this regard. A comprehensive landscaping and management plan could be secured by condition.

## **7.8 Ecology**

- 7.8.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy CP14A states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted.
- 7.8.2 The ecology survey submitted states that four common species of reptile were found at the time of the previous survey in 2013 and it is considered that a similar population is still present on the site. The applicant has provided a Method Statement and an Ecological Mitigation Plan which shows hibernacula (log piles) for reptiles, an area with wildflower mix and managed sensitively for reptiles and reduction of tree canopy to allow long grassland to flourish. Bird and bat boxes could also be installed and native planting to encourage wildlife. Surrey Wildlife Trust has been consulted and has not objected, as long as the development is carried out in accordance with the Method Statement and mitigation and enhancement measures proposed. It is considered that management of this could be included within the landscaping scheme and management plan. It is therefore considered that the development is acceptable in terms of its impact on ecology, subject to conditions.

## **7.9 Other matters**

- 7.9.1 The application site is located within Flood Zone 1, however, it is over 1 ha in size and as such a Flood Risk Assessment and Drainage Strategy has been submitted. The Local Lead Flood Authority has been consulted and has not objected, subject to conditions. Thames Water have not objected.
- 7.9.2 The application site is over 0.4ha in size and therefore the requirement for an archaeological desk-top survey was triggered and an Archaeological Assessment has been submitted. The County Archaeology Advisor has been consulted and has not objected, subject to a condition requiring a programme of archaeological work to be secured prior to commencement of development.
- 7.9.3 There is a pipeline which runs across the north-west corner of the site. As with the previous application, the pipeline owners have been consulted and have not

objected, but have advised that works consent may be required prior to any development being undertaken. As such the applicant would have to contact the pipeline owners prior to any development being carried out and an informative could be added in this respect.

- 7.9.4 A ground investigation report has been submitted with the application however there was a part of the site where Orchard Cottage itself lies, which could not be investigated. As such the Environmental Health Officer has recommended a condition for the stripped foundations to be inspected and results submitted to the Local Planning Authority for approval. The EHO has also asked for conditions in respect of asbestos management and ground gas levels.
- 7.9.5 A lighting strategy has been submitted which indicates that there would be column lighting in the car park, low level bollards/wall lights along the paths/garden areas and tree feature lighting close to the buildings. No further details of lighting have been submitted, and it is considered that it would be necessary to impose a condition requiring a detailed lighting scheme with lux levels, to ensure that there would be no adverse impact on residents or ecology.

## **7.10 Consideration of very special circumstances (VSCs)**

- 7.10.1 Paragraph 88 of the NPPF states that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and very special circumstances 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. It was established in Section 7.2 above that the proposal represents inappropriate development in the Green Belt, and as such causes harm by reason of inappropriateness and harm to openness. Section 7.3 also established that there is additional harm by reason of the design of the buildings and the spread of development also causes harm to the rural and open character of the area.
- 7.10.2 The extant permission is a factor to consider in terms of whether very special circumstances exist, however, this proposal would be significantly larger than that granted under 15/0272, (and the floorspace for this development was restricted to a maximum of 4185m<sup>2</sup> by condition) and as such this alone would not justify a grant of permission and only limited weight can be attached to this factor. The applicant has put forward the following additional factors (along with the implications of the existing development) for consideration as very special circumstances as part of this application:

- The need for the proposal which cannot be met elsewhere;
- Consideration against Green Belt functions;
- Degree of impact on the openness of the Green Belt;
- Removal of lawful but intrusive development on the site;
- Quality of care proposed;
- Quality of building design;

- Sustainability of the proposed location;
- Release of existing homes into the general housing market as a result of residents moving into the home;
- Provision of local employment opportunities; and,
- Priority beds for local people.

7.10.3 Surrey Heath currently cannot meet its five year housing land supply and C2 care homes go some way to contribute to these figures. The applicant's need report submitted with the proposal suggests that Surrey Heath is short of around 135 bed spaces in care homes with that amount set to rise by 200 beds by 2022. However, the report goes on to say that there are four schemes with planning approval which, if built, would provide 278 beds. Two of these schemes, with a total 156 beds are currently under construction. The remainder of the report states that much provision is clustered around Camberley, that there are negative consequences of failing to make adequate provision and strain on other resources such as the NHS, and that there might be suppressed need and accommodation that is not fit for purpose. As such while the development would boost Surrey Heath's housing numbers, it does not appear that C2 care homes are a type of accommodation that is particularly in short supply and as such it is considered that limited weight should be given to this factor.

7.10.4 The applicant states that there would be no greater impact on the functions of the Green Belt arising from the proposed development above the existing extant permission and reference is also made to the BOC permission at the adjoining site. They also analyse the impact on openness of the Green Belt, however this analysis focuses on the visual impact only rather than the impact of the additional built form on openness. The table in paragraph 7.2.3 above clearly demonstrates the additional harm to openness of the Green Belt over and above the existing built form and the extant permission. The extant permission at the adjoining site is not a relevant consideration as the proposals are very different in nature and each application is determined on its own merits.

7.10.5 The applicant also references the removal of the builders' yard as a factor towards VSCs and that the quality of the new buildings would be exceptional. The removal of the builders' yard is taken into account in overall floorspace terms and it is not considered that its removal would have any additional benefits. Although unsightly it is not visible from public viewpoints. The design of the new buildings however is not considered to be exceptional. The fact that a proposal may improve the visual amenities of the area does not outweigh the harm to openness as all proposals should improve the character of the area, in line with the NPPF and adopted policy. Similarly, high quality architectural design ought to be a pre-requisite with any proposal.

7.10.6 The applicant also puts forward the quality of care as a factor towards VSCs. The fact that the development would provide a high quality of care that is unique is not disputed. However, the applicant states also that there is no need to assess alternative sites given the extant permission and as such it is not clear whether

there are alternative brownfield sites available that could accommodate such a model of care, nor whether this model could be accommodated on a smaller area without an increase in floorspace above the extant permission. It would be expected of course that all new care homes should provide a very high standard of care. As such the uniqueness of the proposal should be given limited weight in the assessment of the VSCs.

- 7.10.7 The applicant also puts forward the sustainable location as a factor to be considered as part of the VSCs argument. It is noted that the County Highways Authority objected to the previous application because of its unsustainable location. While this application no longer proposes the doctors surgery, and the applicant has put forward a number of schemes to make the proposal more sustainable in transport terms, it is still in a rural Green Belt location, outside of any settlement area, and as such it is not considered that it is in a particularly sustainable location such that this factor could be given significant weight in the VSCs argument.
- 7.10.8 The applicant also puts forward the argument that existing homes would be released onto the open market, a factor which has been recognised in planning appeal decisions. It should be noted, however, that these homes may not necessarily be in Surrey Heath and may not be released each time a bed space is occupied. As such this benefit cannot be quantified as it is not possible to know how many homes, or when or where they would be released so only limited weight should be given to this factor. The applicant also puts forward the argument that jobs would be created as part of the development (20 more than the extant permission) with 98 FTE jobs once it is operational and 96 direct and 67 indirect construction jobs over a period of 18 months. The creation of jobs is supported by paragraph 28 of the NPPF which states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The provision of jobs is supported by the Council's Economic Development Officer and Policy CP8 which seeks to make provision for up to 7500 new jobs in the period up to 2027 and as such, in the officer's opinion, some weight should be given to this factor.
- 7.10.9 The applicant also states that there would be priority beds for local people, which they suggest could be secured through an S106 legal agreement. The agreement in draft form currently states that the places at the care home would be advertised locally for two months prior to advertising to the wider public, that residents of Windlesham and Chobham would be given priority when places arise (subject to assessment of suitability) and that local employment opportunities would be advertised locally. Given the fact that there is not a pressing need for local places, limited weight should be given to this factor.
- 7.10.10 It is therefore considered that while some of the factors put forward by the applicant do weigh in favour of the proposal, it is not considered that the factors put forward can be considered either alone or in combination to be very special circumstances that clearly outweigh the significant harm to the Green Belt and character arising from this proposal.

## **7.11 CONCLUSION**

7.11.1 It is considered that the development would be inappropriate development in the Green Belt, causing harm by reason of inappropriateness and significant harm to openness. Further harm has been identified in respect of harm to character given the design of the buildings and the spread of the built form which would not respect and enhance the open and rural character of the area. While there would be some benefits from the proposal, it is not considered that the factors put forward by the applicant amount to very special circumstances to outweigh the harm, even taking into account the extant permission. Indeed the extant permission was considered on its own merits. Moreover, the quantum of development permitted by that scheme should not be used to now justify a further significant incremental uplift in built form, as proposed by this submission, so resulting in even greater harm. Rather, in the officer's opinion, a line must be drawn and an enough and no more stance adopted. For the reasoning outlined in this report the application is therefore recommended for refusal.

## **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 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.

## **9.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal represents inappropriate development in the Green Belt which is, by definition, harmful; and, by reason of its size, scale and the spread of development would cause significant harm to the openness of the Green Belt and conflict with its purposes. By association, the quantum of built form

and utilitarian design of the buildings would fail to respect and enhance the open and rural character of the area. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that very special circumstances exist sufficient to outweigh the identified harm. The proposal is therefore contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Looking south across site towards Highams Builders Yard



Looking north-west across site towards Chertsey Road



Orchard Cottage



Entrance from Chertsey Road



Location Plan



Proposed Site Plan



Proposed elevations (this is for Building B but all buildings virtually identical design)

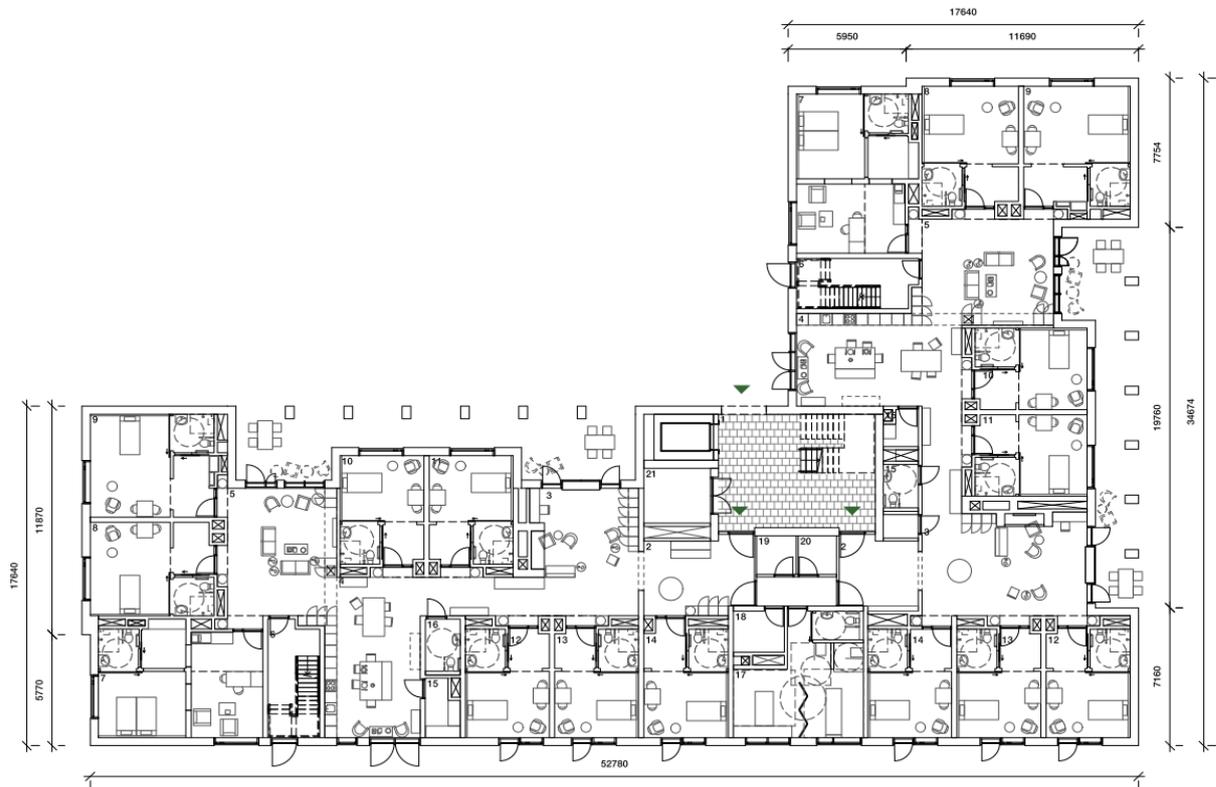


West elevation

Applicant's Photomontage of proposed street scene

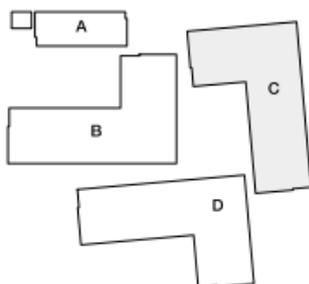


Example Floorplans (this one is Building C but Buildings B, C and D are very similar in layout)



**Key**

- 1 Stair/lift lobby
- 2 Entrance porch
- 3 Snug
- 4 Kitchen/dining
- 5 Lounge
- 6 Escape stair
- 7 Large bedroom
- 8 Large bedroom
- 9 Large bedroom
- 10 Regular bedroom
- 11 Regular bedroom
- 12 Regular bedroom
- 13 Regular bedroom
- 14 Regular bedroom
- 15 Utility room
- 16 Communal wc
- 17 Assisted bathroom
- 18 Hoist store
- 19 Sluice
- 20 Dirty linen
- 21 HWS plantroom



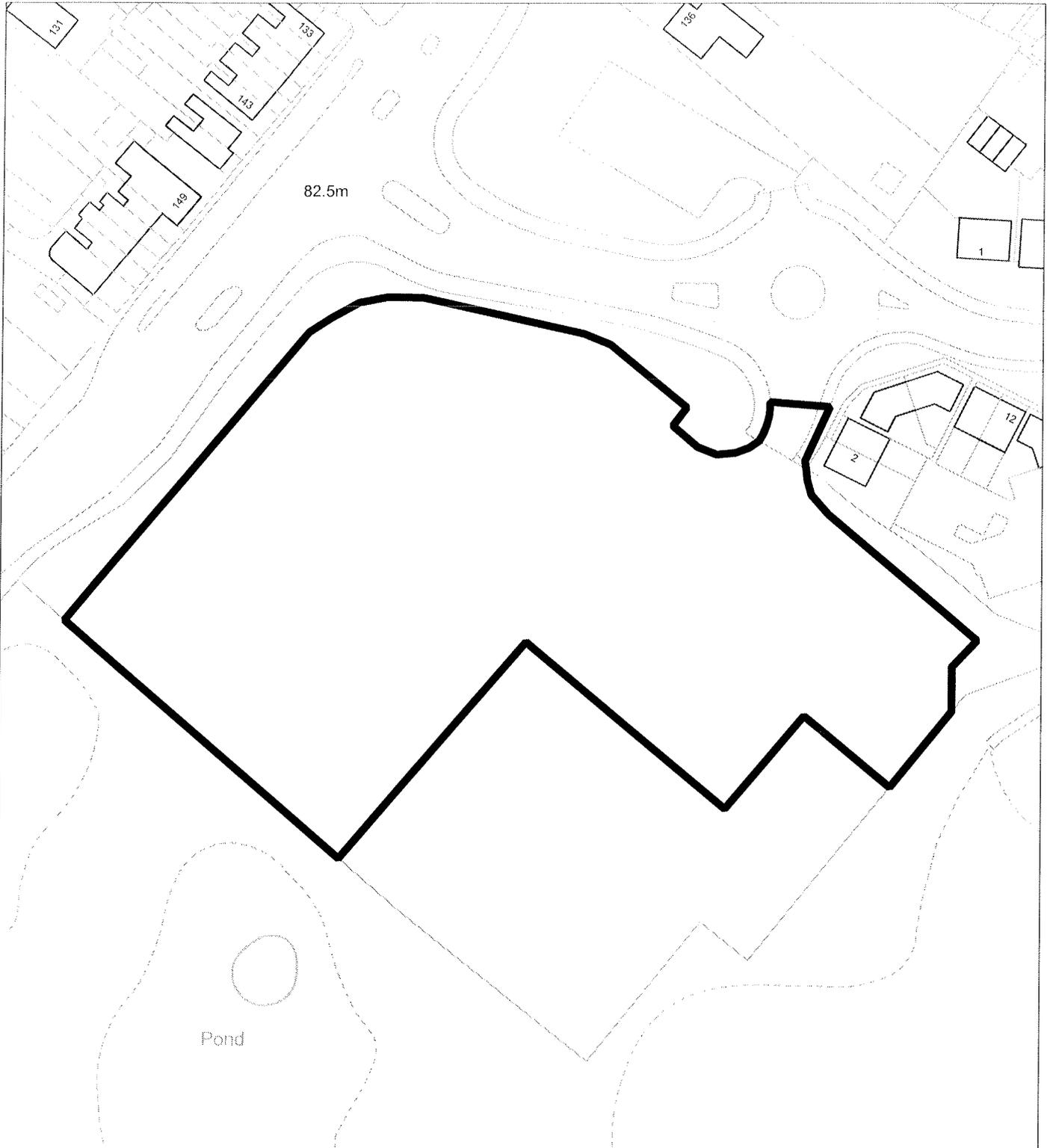
**Key**  
Buildings: A,B,C,D

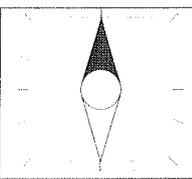
Previous proposed site layout plan (extant permission 15/0272)



Previous indicative Street scene (extant permission 15/0272)





<b>Title</b>	Planning Applications		<b>Page</b>	5 of 8
<b>Application number</b>	16/1041		<b>Scale @ A4</b>	1:1,000
<b>Address</b>	UNIT 2, ADJACENT TO WAITROSE, 150-152 LONDON ROAD, BAGSHOT		<b>Date</b>	20-01-2017
<b>Proposal</b>	Subdivision of existing retail unit to provide 3 No. retail units to be used for the following : one unit for the sale of bulky goods and goods relating to outdoor pursuits with ancillary travel clinic (Class A1); one unit for the sale of bulky goods with ancillary pet care, treatment and grooming facilities and installation of mezzanine floor (Class A1); and one used as a cafe/restaurant (Class A3).			
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**LOCATION:** UNIT 2, ADJACENT TO WAITROSE, 150-152 LONDON ROAD, BAGSHOT

**PROPOSAL:** Subdivision of existing retail unit to provide 3 No. retail units to be used for the following: one unit for the sale of bulky goods and goods relating to outdoor pursuits with ancillary travel clinic (Class A1); one unit for the sale of bulky goods with ancillary pet care, treatment and grooming facilities and installation of mezzanine floor (Class A1); and one used as a cafe/restaurant (Class A3).

**TYPE:** Full Planning Application

**APPLICANT:** Notcutts Woodbridge Limited

**OFFICER:** Duncan Carty

**RECOMMENDATION: GRANT subject to conditions**

**1.0 SUMMARY**

- 1.1 The application site relates to the redeveloped site of the former Notcutts Garden Centre, which is partly occupied, under permission SU/13/0435 with one unit (Unit 1) occupied by Waitrose redevelopment of 3,641 square metres gross floor area (g.f.a) and the other part of the development (Unit 2) providing 2,976 square metres of development (g.f.a), as approved, remaining vacant. This proposal follows the dismissal of the appeal for SU/15/0332 which sought to split Unit 2 into four retail occupiers.
- 1.2 The current proposal is to split the vacant unit into three units, providing a pet shop, outdoor clothing/pursuits shop (both Class A1 retail units); and café/restaurant (Class A3); with options for bulky goods sales for the retail units. The proposal would reduce the overall floorspace to 2,571 square metres (net sales/café floorspace) for this vacant unit.
- 1.3 The principal issue is whether the proposal complies with the sequential approach; the impact on existing, committed and planned investment; and, the impact on the vitality and viability of Bagshot centre and Camberley Town Centre.
- 1.4 It is considered that the proposal would not have an unacceptable impact on residential amenity or highway safety. It is also considered that with the submitted retail assessment, it has been proven that the proposal would not result in an unacceptable impact on Camberley Town Centre or other centres and it is therefore recommended for approval.

**2.0 SITE DESCRIPTION**

- 2.1 The application site lies at the edge of Bagshot predominantly within the defined Countryside (beyond the Green Belt). The application site extends to 1.74 hectares. It fronts onto London Road, with the vehicular access point onto Waterers Way (serving the Earlswood Park residential development) which meets

A30 London Road at a traffic light junction. The application site is approximately 0.7 kilometre south west of Bagshot centre and 3.5 kilometres north east of Camberley Town Centre. The application site is adjoined by Earlswood Park residential development to the north east, SANGS (provided for the residential development) to the south and A30 London Road to the north west with predominantly residential properties opposite.

- 2.2 This application site relates to the partly occupied retail redevelopment approved to provide a 6617 square metre (g.f.a) retail development for the two retail units; together with 349 associated parking spaces.

### 3.0 RELEVANT HISTORY

The application site, as indicated above, has an extensive planning history of which the following is most relevant:

- 3.1 SU/13/0435 Erection of a part two storey, part single storey building to provide two retail units (Class A1) with ancillary café and storage facilities as well as parking, landscaping and access following the demolition of the existing garden centre. Approved in February 2014 and currently under construction.

Condition 3 of this permission states:

*“Unit 2 (the garden store) with a total net retail sales area floorspace of 2,454 sq metres shall only be used under Class A1 of the Town and Country Planning (Use Classes) Order 1995 as amended (or any order revoking or re-enacting that Order) for the sale of goods, as listed below, unless otherwise agreed in writing with the Local Planning Authority:*

*i) A minimum of 1,270 sqm (60% of the total net retail sales area floorspace) shall be used for the sale of goods and services related to: gardens, gardening and wildlife, horticultural products, trees, plants, shrubs, house plants, flowers of all types and cut, silk and dried flowers, garden equipment, machinery, tools, garden furniture, barbeques and outdoor living and their accessories, sheds, garden buildings and outdoor play equipment, fencing, trellis and landscaping materials, including aggregates, paints and stains, outdoor and indoor aquatics and water garden equipment and their accessories, pet care, pet advice, pet accessories and products; and, ancillary café/restaurant with a maximum floorspace of 350 sq.m.,*

*ii) In addition to the floorspace in (i) above, up to a maximum of 984 sqm (40% of the total net retail sales area floorspace) may be used in any combination for the sale of the following ancillary goods:*

*a. No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of furniture and household goods;*

- b. No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of DIY and home improvement goods;*
- c. No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of china, glass, kitchen appliances and cookware;*
- d. No more than 10% of floorspace (98 sqm) to be used for the purposes of the sale of bath and body (health and beauty) goods;*
- e. No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of outdoor adventure equipment, country sports equipment, sportswear and bicycles;*
- f. No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of giftwear, hobbies, crafts, and toys;*
- g. No more than 10% of floorspace (98 sqm) to be used for the sale of groceries, beverages, and related ancillary items;*
- h. No more than 25% of floorspace (245 sqm) to be used for the sale of clothes and footwear and related ancillary items;*
- i. No more than 10% of floorspace (98 sqm) to be used for the sale of books, cards, stationary, DVD and media items; and*
- j. No more than 5% of floorspace (49 sqm) to be used for the sale of pharmaceutical goods.*

*Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF."*

Condition 10 of this permission states:

*"Apart from the café concession floor space and for the sale of pet food and aquatic related items, the retail premises as approved shall not be subdivided and used by separate retail operators or amalgamated into one retail unit without the prior written approval of the Local Planning Authority.*

*Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF."*

- 3.2 SU/15/0332 Variation of Conditions 3 and 10 of planning permission SU/13/0435 to allow the provision of four retail units (including a café). Non-determination appeal dismissed in March 2016. A copy of this appeal decision is added at Annex 2.

The main conclusions of this appeal decision were:

- The sequential test was met in that the accommodation, as a single entity rather than as disaggregated units, could not be provided on sequentially preferable sites, with the proposal complying with Paragraph 26 of the NPPF (paragraph 15);
- The proposal would not have any adverse impact on planned investment in sequentially preferable locations (paragraph 16);
- It was not made clear the extent of the marketing for the property as a garden centre, and why it was not financially viable for the originally intended occupier (Notcutts) (paragraph 23);
- The retail impact assessment relied on older data and was predicated on the basis of the original proposal – for a food store and a garden store - and an assessment of the wider goods to be sold under the appeal proposal had not been undertaken. In the absence of the required information, the Inspector was not convinced that the proposal could be accommodated without harm to the local centres (Camberley and Bagshot), contrary to Paragraph 26 of the NPPF (paragraphs 17-21); and
- Concluding that on the basis of the appeal proposal, Conditions 3 and 10 of SU/13/0435 were necessary, relevant to the development and reasonable in all other respects (paragraph 22).

#### **4.0 THE PROPOSAL**

- 4.1 The proposal is to subdivide vacant Unit 2 for three operators – including a coffee shop, a pet shop and an outdoor adventure (predominantly clothing) shop. The proposal would allow the vertical sub-division of this unit into three units, with some accommodation (as with the approved scheme) provided on a mezzanine level.
- 4.2 The applicant has indicated that they consider that Condition 10 of planning permission SU/13/0435 above would allow the subdivision of Unit 2 into three units. The proposal would provide units of 1,413 square metres (1,201 square metres of net sales area) for an outdoor adventure (predominantly clothing) shop (Cotswold Outdoor), 1,019 square metres (886 square metres of net sales area) for a pet shop (Pets at Home), and 139 square metres for a café/coffee shop (expected to be Café Nero).

- 4.3 In support of the application, planning and retail assessments have been provided, which will be relied upon in Section 7 of this report.

## 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council Highway Authority No objections.
- 5.2 CGMS (the Council's Retail Advisor) No objections (see Paragraph 7.6).
- 5.2 Windlesham Parish Council An objection is raised due to the impact of provision of three further retail units would have on volume of cars and potentially inadequate car parking provision on the local residential area and sustainability and economic growth of Bagshot village.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 2 letters of support and 4 representations of objection, including the Bagshot Society, have been received.
- 6.2 The letters of support state the following:
- It would be ridiculous to deny permission for this application when compared to the retail sales possible at the Longacres garden centre.
  - A pragmatic decision is required to fill this empty retail space
  - Café provision would be much safer from traffic and pedestrians than nearby proposal (Bird in Hand).
- 6.3 The letters of objection raise the following concerns:
- Negative impact on traffic and noise pollution [*See Paragraphs 7.7 and 7.8*]
  - Impact of the number of units, a café outlet and inclusion of pets services on Bagshot (including the centre) businesses: cafes, vets and pet grooming [*See Paragraph 7.6*]
  - Café is not required so close to the Waitrose cafe [*Officer comment: This is not a reason to refuse this application*]
  - Impact on Camberley Town Centre [*See Paragraph 7.6*]
  - Alternative provision (e.g. a DIY store) should be considered [*See Paragraph 7.6*].

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The application proposal relates to an out-of-centre retail development, which is partly completed and was built under planning permission SU/13/0435. Policies CP1, CP9, CP10, CP11, DM9 and DM11 of the Surrey Heath Core Strategy (CSDMP) and Development Management Policies 2012 and the National Planning Policy Framework (NPPF) are relevant in the determination of this application. The advice in the Planning Practice Guidance (PPG) (which replaced guidance within the Planning for Town Centres: Practice Guidance on Need, Impact and the Sequential Approach which was extant guidance to PPS4 at the time of the determination of the original permission SU/13/0435) is also relevant to the determination of this application. Since the determination of SU/13/0435, the Camberley Town Centre AAP has been adopted (in 2014) and is also relevant to the determination of this application.
- 7.2 The NPPF has a presumption in favour of sustainable development (of which there are three dimensions: economic, social and environmental). To deliver sustainable development the Government places significant weight on the need to support economic growth by building a strong and competitive economy. The NPPF also seeks to deliver sustainable development by ensuring the vitality of town centres, promoting sustainable transport and, amongst other things, requiring good design. In assessing the merits of the application it is important to consider the impacts of the proposal against these principles of sustainable development and the existing context.
- 7.3 The existing context is the retail redevelopment granted permission under SU/13/0435 and the garden centre which previously stood on the site, which had been a retail destination, supporting the local economy for over 50 years, with an established customer base generating trade, trips and jobs. The redevelopment proposal under SU/13/0435 was envisaged as a replacement “garden store” for the garden centre (with an overall reduction in the retail sales area) and the provision of a new food store. However, it is noted (below) that the provision of such a garden store unit is not coming forward and a subdivision of the unit to provide three units with more conventional retail sales profile is proposed instead.
- 7.4 The current proposal has to be read in conjunction with the appeal decision SU/15/0332 (see Paragraph 3.2 above). Subsequent to this decision, the applicant has put forward a new proposal which has been supported by a retail impact assessment. This assessment has revisited and updated the original sequential test, householder survey (from the assessment provided for SU/13/0435), market share diversion and planned investment. The retail assessment has moved away from the reliance on the extant permission SU/13/0435 and the retail work provided in the assessment in support of the proposal treats this as a new chapter in the site's history. Since the submission of this application, an updated position on the projected health of the town/local centres has been published and the assessment below has taken into account this revised forecasting.
- 7.5 The current proposal relates to a subdivision of the garden store in retail units and with this context in mind, it is therefore considered that the main issues in determining this application are:

- The retail impact which includes whether the proposal complies with the sequential approach; the impact on existing, committed and planned investment; and, the impact on the vitality and viability of Bagshot centre and Camberley Town Centre;
- The impact on residential amenity; and
- The impact on parking and highway safety.

## **7.6 The retail impact**

7.6.1 The NPPF in ensuring the vitality of town centres provides advice on how to deal with planning applications involving proposed retail development outside of town centres. Paragraph 24 of the NPPF states that:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.*

7.6.2 Paragraph 26 of the NPPF continues to state that:

*“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.”*

7.6.3 Paragraph 27 advises that:

*“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”.*

7.6.4 Paragraph: 015 Reference ID: 2b-015-20140306 of the PPG goes on to state:

*“It is for the applicants to demonstrate compliance with the impact test in support of relevant applications. Failure to undertake an impact test could in itself constitute a reason for refusal. Ideally, applicants and local planning authorities should seek to agree the scope, key impacts for assessment, and the level of detail required in advance of applications being submitted.*”

7.6.6 The applicant, in their retail assessment, has indicated that they consider that the proposed changes to the planning permission would not result in an adverse impact on town/local centres because:

- The anticipated turnover of the unit will be circa £5.45m. a year, similar to that tested for the application SU/15/0332 proposal;
- The trading effects of the proposal would not result in any adverse impact either in terms of investment or vitality and viability of local/town centres;
- The trade diversion would be primarily from Camberley Town Centre, but this impact would not be significant and similar to that deemed to be acceptable in the approved scheme (SU/13/0435);
- The trade diversion to the Bagshot local centre would be even more limited;
- There is no evidence that the proposal would undermine planned private or public investment in local/town centres;
- The proposal has been sensitivity tested against alternative “bulky goods” operators (DFS and Dunelm); and
- The positive impact of the proposal would outweigh any perceived adverse impacts.

7.6.7 It is acknowledged that the unit has remained vacant since being built in 2015 and that there has been very little interest by garden store operators (which would be able to operate within the limitations on retail sales set out in condition 3 of permission SU/13/0435). Noting this length of time, it is considered reasonable to re-assess the impact of a widening of the retail sales permitted for this unit. It is acknowledged that the pet shop net retail sales currently proposed (1,019 square metres) is similar to the restrictions under condition 3 of SU/13/0435 (1,270 square metres). It is the retail sales area of clothes and footwear under condition 3 of SU/13/0435 which is more limited (to 245 square metres) than the current proposal (600 square metres, as proposed to be limited with 50% of the available net retail sales). However, the proposed operator relates to the retail sales of outdoor clothing which is more often sold at garden store locations, than, for example, fashion clothing which is more often sold in town centres. It is, however, considered prudent to remove the sale of outdoor clothing and footwear from the list of allowed retail sales, after the first occupier has vacated the respective unit (Unit 2a), to prevent any similar town centre occupier vacating the Camberley Town Centre to occupy this unit.

- 7.6.8 In a similar manner to the dismissed scheme SU/15/0332 (and the originally approved development under SU/13/0435), the impact of the proposal on retail trade has been separated into eight trading zones: with Bagshot falling within Zone 1 and Camberley within Zone 6. The new householder survey has indicated that 52% of the comparison goods expenditure is within Zones 1-8 with the remainder (leakage) directed elsewhere. It is clear that an improved retail range (such as under the current proposal) would increase retail sales within Zones 1-8, which would result in a reduction of leakage which would have sustainability benefits. It is also apparent that some of the trade diversion would be from other out-of-centre retail locations which are not afforded protection under national (or local) policy. However, it is also the amount of trade diversion from the most affected centres (in this case Camberley and Bagshot) which also needs to be tested. The proposal would result in a trade diversion of 0.9% to Camberley Town Centre and 1.4% to Bagshot centre by 2021 from both centres for the proposed operators, which is considered by the Council's retail adviser to be acceptable without harming the vitality and viability of these centres.
- 7.6.9 It is understood that the proposed retail operators (as indicated in Paragraph 4.2 above) have signed initial leases. Whilst it is not expected that these operators will not occupy these units, if granted, the applicant is seeking an alternative provision and the site has been sensitivity tested for bulky goods operators using Units 2a and 2b. This alternative scenario would result in a trade diversion increasing to 1.1% for Camberley and 1.8% for Bagshot for any future bulky goods operators and has been considered by the Council's retail adviser to be acceptable without harming the vitality and viability of these centres, subject to limitations by condition. In coming to this conclusion, the Council's considered that the proposal would not have any adverse impact on planned investment in these centres.
- 7.6.10 The limitations by condition relate to the provision of a maximum net retail sales for the separate units, with no additional net sales accommodation provided, or subdivision/amalgamation of units to protect local/town centres. It is, however, also prudent to support Bagshot centre, the more vulnerable centre, by requesting a scheme for the units to promote the village centre (by condition). This could be provided by, for example, a sign board or other promotional device to alert users of these new units of the retail (and other) offer(s) in the village centre.
- 7.6.11 As such, the proposal is considered to be acceptable on these grounds complying with Policies CP1, CP9 and CP10 of the CSDMP and the NPPF.

## **7.7 The impact on residential amenity**

- 7.7.1 The current proposal would result in the subdivision of Unit 2 into three retail units (including a café) and could possibly result in an intensification of the use of the site, with a larger number of retail units at the site. However, the proposal would moderately reduce the amount of floorspace, when compared to the approved development under SU/13/0435. It is considered that this increased level of activity would not be so significant, bearing in mind the site location adjacent to the A30 London Road and size of the previously approved development to warrant a refusal of permission on residential amenity grounds.

7.7.2 There were a number of controls, by condition, on the approved development, including controls on the extraction equipment (for the cafe/restaurant) and hours of opening and deliveries and these are reproduced for the current proposal. It is considered, on this basis, that the proposal is acceptable in residential amenity terms in the same manner to the appeal scheme SU/15/0332, complying, in this respect, with Policy DM9 of the CSDMP.

## **7.8 The impact on parking and highway safety/capacity**

7.8.1 The approved development would provide 349 parking spaces which would be shared between the proposed retail units. The current proposal could lead to an intensification of use of the site but this would be limited because there would be no proposed increase in floorspace. The County Highway Authority has raised no objections to the proposal.

7.8.2 In conclusion, it is envisaged, in the same manner to the appeal scheme SU/15/0332 (and the original development under SU/13/0435), that the proposal would not have an adverse impact on parking, highway safety and capacity grounds, complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

## **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT No.2) 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 has 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.

## **9.0 CONCLUSION**

10.1 The current proposal would not have any adverse impact on residential amenity or highway safety. With the provision of a supporting retail assessment, the applicant has demonstrated that the proposal would not have an adverse impact on the vitality or viability of Camberley Town Centre and other centres or planned investment of these centres. The proposal is therefore recommended for approval.

## 11.0 RECOMMENDATION

**GRANT**, subject to the following conditions:

1. Unit 2a, as defined on the approved plan 13001/96, with a total net sales area of 1,201 square metres shall only be used under Class A1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order) for the sale of goods, as listed below:
  - (a) outdoor and leisure clothing, accessories, equipment, footwear and services for walking running, camping, trekking, climbing, canoeing, water sports, cycling and winter sports with ancillary travel clinic;
  - (b) home improvement products and materials including hardware and DIY;
  - (c) garden centre goods including garden furniture, plants, BBQ and associated equipment;
  - (d) furniture, lighting, carpets and floor coverings;
  - (e) household textiles, housewares and haberdashery including furnishing, fabrics, cushions and curtains; bedding and linen; blinds and poles; clocks, pictures and mirrors and related accessories;
  - (f) pets, pet foods and related products and services, including ancillary pet care, treatment and grooming facilities;
  - (g) bulky electrical and gas kitchen items;
  - (h) motor goods, cycles, cycle products and accessories; and
  - (i) bulky leisure goods e.g. kayaks, tents, boats.

Under part 'a' of this condition no more than 50% of the net retail sales floorspace within the unit shall be used for the sale of outdoor clothing and footwear and should not include any fashion clothing or footwear. The goods listed under part 'a' of this condition shall only enure for the benefit of the first occupier.

Reason: In the interest of the vitality and viability of Bagshot centre and Camberley Town Centre and to comply with Policies CP1, CP10 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. Unit 2b, as defined on the approved plan 13001/96, shall not exceed 1,019 square metres (gross) and shall only be used for retail purposes under Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking or re-enacting that Order) for the sale of goods, as listed below:

- (a) home improvement products and material including hardware and DIY;
- (b) garden centre goods including garden furniture, plants, BBQ and associated equipment;
- (c) furniture, lighting, carpets and floor coverings;
- (d) household textiles, housewares and haberdashery including furnishings, fabrics, cushions and curtains; bedding and linen; blinds and poles; clocks, pictures and mirrors and related accessories;
- (e) pets, pet foods, and related products and services; including ancillary pet care, treatment and grooming facilities;
- (f) bulky electrical and gas kitchen items;
- (g) motor goods, cycles, cycle products and accessories; and
- (h) bulky leisure goods such as kayaks, tents, boats.

Reason: In the interest of the vitality and viability of Bagshot centre and Camberley Town Centre and to comply with Policies CP1, CP10 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

3. Unit 2c, as defined on the approved plan 13001/96, shall be used solely for cafe/restaurant purposes and for no other purpose including any other purpose within Class A3 of the Town and Country Planning Use Classes Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re enacting that Order).

Reason: In the interest of the vitality and viability of Bagshot centre and Camberley Town Centre and to comply with Policies CP1, CP10 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. The proposed development shall be built in accordance with the following approved plans: 13001/95 and 13001/96; 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.

5. Before occupation of Unit 2c, as defined on the approved plan 13001/96, details of the filtration and ventilation systems serving the cafe/restaurant should be submitted to and agreed with the Local Planning Authority prior to installation. Once approved only the approved details shall be implemented and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

6. i) The units hereby permitted shall only be open to the public between the hours of 07:00 and 23:00 hours from Mondays to Saturdays and the hours of 10:00 and 18:00 hours on Sundays and the hours of 08.00 and 20.00 on Public Holidays unless the prior written approval has been obtained from the Local Planning Authority. For the avoidance of doubt, Public Holidays include all Bank Holidays, New Year's Day, Good Friday, Easter Sunday, Easter Monday, Christmas Day and Boxing Day.

ii) The latest HGV delivery shall have been completed by 21.30 and thereafter no delivery shall take place before 07.00 on the following day or otherwise as agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

7. Notwithstanding the provisions set out in the Town and Country Planning General Permitted Development Order 1995 (as amended), no extension or increase in floorspace (including the provision of any further mezzanine accommodation) shall be added to the development hereby permitted. There shall also be no external storage or sales within the application site.

Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF.

8. The retail premises as approved shall not be further subdivided and used by separate retail operators or amalgamated into one retail unit without the prior written approval of the Local Planning Authority.

Reason: To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF.

9. Details of a scheme to promote the retail offer in Bagshot village to be provided in the unit shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be provided prior to first

occupation and retained in perpetuity.

Reason: In the interests of the vitality and viability of Bagshot village centre and to comply with Policy CP9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.



## Appeal Decision

Site visit made on 21 December 2015

**by L Gibbons BA (Hons) MRTPI**

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

Decision date: 31 March 2016

### **Appeal Ref: APP/D3640/W/15/3135464 150-152 London Road, Bagshot, Surrey GU19 5DG**

- 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 planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Mark Kinkead (Notcutts Woodbridge Limited and Chelstone Management (Bagshot) Limited) against Surrey Heath Borough Council.
- The application Ref 15/0332 is dated 11 April 2015.
- The application sought planning permission for a part single storey, part two storey building to provide 2 retail units (Class A1) with ancillary cafe and storage facilities as well as parking, landscaping, and access following the demolition of existing garden centre. (Amended info rec'd 05/11/2013) (Additional info rec'd 13/12/13) without complying with conditions attached to planning permission Ref 13/0435, dated 27 February 2014.
- The conditions in dispute are Nos 3 and 10 which state that:
- No 3. Unit 2 (the garden store) with a total net retail sales area floorspace of 2,454 sq metres shall only be used under Class A1 of the Town and Country Planning (Use Classes) Order 1995 as amended (or any order revoking or re-enacting that Order) for the sale of goods, as listed below, unless otherwise agreed in writing with the Local Planning Authority:
  - i) A minimum of 1,270 sqm (60% of the total net retail sales area floorspace) shall be used for the sale of goods and services related to: gardens, gardening and wildlife, horticultural products, trees, plants, shrubs, house plants, flowers of all types and cut, silk and dried flowers, garden equipment, machinery, tools, garden furniture, barbecues and outdoor living and their accessories, sheds, garden buildings and outdoor play equipment, fencing, trellis and landscaping materials, including aggregates, paints and stains, outdoor and indoor aquatics and water garden equipment and their accessories, pet care, pet advice, pet accessories and products; and, ancillary cafe/restaurant with a maximum floor space of 350 sq.m.,
  - ii) In addition to the floorspace in (i) above, up to a maximum of 984 sqm (40% of the total net retail sales area floorspace) may be used in any combination for the sale of the following ancillary goods: a) No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of furniture and household goods; b) No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of DIY and home improvement goods; c) No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of china, glass, kitchen appliances and cookware; d) No more than 10% of floorspace (98 sqm) to be used for the purposes of the sale of bath and body (health and beauty) goods; e) No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of outdoor adventure equipment, country sports equipment, sportswear and bicycles; f) No more than 25% of floorspace (245 sqm) to be used for the purposes of the sale of giftware, hobbies, crafts, and toys; g) No more than 10% of floorspace (98 sqm) to be used for the sale of groceries, beverages, and related

ancillary items; h) No more than 25% of floorspace (245 sqm) to be used for the sale of clothes and footwear and related ancillary items; i) No more than 10% of floorspace (98 sqm) to be used for the sale of books, cards, stationery, DVD and media items; and j) No more than 5% of floorspace (49 sqm) to be used for the sale of pharmaceutical goods.

- *No 10.* Apart from the cafe concession floor space and for the sale of pet food and aquatic related items, the retail premises as approved shall not be subdivided and used by separate retail operators or amalgamated into one retail unit without the prior written approval of the Local Planning Authority.
  - The reasons given for the conditions are:
  - *No 3.* To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 And 26 of the NPPF.
  - *No 10.* To retain control in order to prevent unrestricted retail use having regard to the impacts on existing, committed and planned investment in the catchment area; and, in the interests of the vitality and viability of Camberley Town Centre, Bagshot and other designated centres, to comply with Policies CP9 and CP10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Paragraphs 24 and 26 of the NPPF.
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### **Decision**

1. The appeal is dismissed and planning permission for a part single storey, part two storey building to provide 2 retail units (Class A1) with ancillary cafe and storage facilities as well as parking, landscaping, and access following the demolition of existing garden centre. (Amended info rec'd 05/11/2013). (Additional info rec'd 13/12/13) is refused.

### **Application for costs**

2. An application for costs was made by Surrey Heath Borough Council against Mr Mark Kinkead (Notcutts Woodbridge Limited and Chelstone Management (Bagshot) Limited). This application will be the subject of a separate Decision.

### **Procedural Matters**

3. The Council resolved, at its Planning Applications Committee on 13 October 2015, that had it been in a position to determine the application, it would have refused planning permission for the reasons that the applicant had failed to demonstrate there are no sequentially preferable sites and that the proposal would not result in an adverse impact on the vitality and viability of Camberley Town Centre and other centres or on planned investment in these centres.
  4. In 2014, planning permission was granted for 2 retail units (Class A1) with ancillary cafe and storage facilities. Unit 1 is now occupied by Waitrose. Unit 2 was intended to be a replacement store for the previous occupants of the site, this was a garden centre.
  5. The appellant seeks the variation of conditions No 3 and 10. Condition 3 relates specifically to Unit 2 (the garden store). Part (i) sets out the total net sales area floorspace to be used for Class A1 (retail) floorspace. This is expressed as a minimum of 1,270 square metres (sq m) floorspace for a range of garden centre goods and an ancillary café/restaurant with a maximum floorspace of 350 sqm. Part (ii) sets out the total area to be used for the sale
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- of other ancillary goods set out as a maximum. The maximum floorspace and percentage for each category are also set out. The appellant proposes that the wording of condition 3 should be varied by removing the word 'ancillary' for part (i) in respect of the café/restaurant. They also propose to remove the word 'ancillary' for other goods in part (ii). No other changes are proposed and the condition would continue to refer to Unit 2. The appellant proposes that the wording of condition 10 is altered to state that 'Unit 2 can only be subdivided to create a maximum of 4 independent units without the need for planning permission'.
6. Following the receipt of legal advice<sup>1</sup>, the appellant considers that condition 10 already allows the physical subdivision into 3 separate retail units and that on this basis it follows there is no material difference between providing 3 or 4 units. However, neither an application for a certificate of lawful development use nor the Council's response to such an application is before me. Rather, the Council considers the original permission relates to two units only and therefore the proposal is materially different. In these circumstances, I give this little weight as a fallback position.
  7. Condition 10 refers to the café concession floor space and for the pet food and aquatic related items. Apart from these uses the condition sets out that there should be no subdivision or use by separate retail operators. The intention would be that separate retail operators would occupy each of the four units. Condition 10 also refers to the units not being amalgamated into a single unit. This condition is therefore not just specific to Unit 2.
  8. The appellant submitted a new drawing as part of the appeal process that shows the proposed internal layout of Unit 2 with 4 separate units, Unit 2a, 2b, 2c and 2d (13001-23-P4). The appellant proposes that this is now referred to in condition 8 which sets out the approved plans. The Council have not commented on the submission of the plans although I note that the Council's retail consultant refers to the need to indicate what is proposed in terms of individual unit layout. I have dealt with the appeal on the basis that the scheme would be as set out on this drawing.
  9. As part of the appeal process the appellant also submitted two drawings which have been approved as part of an application for a non-material amendment in 2015 (13001-53-P1 and 13001-54-P1). These show new doors and a fire exit, but retain the original internal layout of Unit 2. The Council and other parties would not be prejudiced by my taking these plans into account in coming to my decision and I have done so.
  10. For the sake of clarity, I have used the address of the appeal site as set out on the Appeal form and the Council's Decision notice.

### **Main Issues**

11. The main issues are:
  - i) Whether there are any sequentially preferable sites;
  - ii) The effect of the proposal on the interests of planned investment in Camberley Town centre and other centres; and,

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<sup>1</sup> Dated 2 April 2015

- iii) Whether conditions 3 and 10 are necessary, relevant to the development permitted and reasonable in all other respects in the interests of the vitality and viability of Camberley Town Centre and Bagshot District Centre.

### **Reasons**

12. Policy CP9 of the Surrey Heath Core Strategy and Development Management Policies Document (CSDMPD) 2012, states that Town and Village centres will continue to have a multi functional role as centres for local services, local employment and in particular as retail centres in the period up to 2027. Camberley is identified as a Town Centre and Bagshot as a District Centre. Policy CP10 of the CSDMPD amongst other things refers to consolidating enhancing Camberley's role and regeneration of the town to sustain vitality and viability.
13. The National Planning Policy Framework (the Framework) seeks to ensure the vitality of town centres. The scheme would not be small scale rural development and both parties agree that the site is in an out-of-centre location. Paragraph 24 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 26 of the Framework states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment. The default threshold is 2,500 sq m which would be relevant in this instance.
14. A retail assessment<sup>2</sup> was submitted as part of the original planning application in 2013. I note that the appellant originally considered that undertaking a sequential test or a retail impact assessment would not be proportionate to the current application to vary the conditions as the proposal would not increase the range of goods sold or floorspace. Nevertheless, as part of the appeal process a Retail Assessment Update (RAU)<sup>3</sup> was provided. This includes a sequential test and a retail impact test.

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### *Sequential Test*

15. The approach of the sequential test in the RAU follows the original methodology of assessing the scheme against the overall floorspace of Unit 2. It does not disaggregate into the smaller units proposed. The smaller units would range in size from 232 sq m up to 1041 sq m (gross). The Council refer to vacant units within Camberley Town Centre which could provide the level of accommodation proposed for the café/restaurant unit which would be the smallest unit. However, I note that the Framework does not refer to the need to disaggregate proposals in terms of the sequential test but looks separately at the potential impact of the whole development. The existing single unit, at over 2,700 sq m (gross), is over the default threshold in paragraph 26 of the Framework and I have not been made aware of any sequentially preferable sites by the Council which would match the size of the development as a whole. When considered as a single entity I conclude that the sequential test has been met and the proposal would be in accordance with paragraph 24 of the Framework.

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<sup>2</sup> Barton Willmore, June 2013

<sup>3</sup> Barton Willmore, November 2015

*Planned investment*

16. The Council have referred to the effect of the proposal on planned investment within the town centres. I note that the Camberley Town Centre Area Action Plan (AAP) has recently been adopted. However, the Council do not refer to any particular schemes within the AAP or other development that is in progress or in the pipeline that would be affected. No investment schemes are referred to for other centres. On this basis, I consider that the proposal would not have a negative effect on planned investment within Camberley or any other centre. It would be in accordance with bullet 1 of paragraph 26 of the Framework.

*Vitality and viability*

17. The proposed changes to condition 3 would remove the words 'ancillary' in relation to both the café/restaurant and other A1 goods to be sold. I consider this could result in an unfettered use of Class A1 even though it is not proposed to alter the percentages or the amounts of floorspace. The appellant indicates that discussions have been held with several potential alternative occupiers. Currently these are a coffee shop, a pet shop and an outdoor adventure shop. However, it is not guaranteed that this would be the case and the eventual occupants could be somewhat different in nature. In addition, no occupiers have been identified for the remaining unit. It is not clear whether this would be a garden centre operator or a further comparison goods outlet.
18. In my assessment, the extent of goods which would be permissible under a revised condition would be likely to lead to a significant increase in turnover and competition with retailers in the other centres. When considering the effect of the proposed changes to the town centres of Bagshot and Camberley as a whole, it is likely that the changes would affect consumer choice. Moreover, for some customers, the potential extent of comparison goods available at the overall development would be likely to turn it into more of a shopping destination in its own right. The scheme would then act as a significant draw to the development to the detriment of those centres. One of the consequences of the proposed changes to condition 10 would be to remove the restriction on amalgamating the 2 existing units, which would also have a potentially significant effect on the nature of the retail offer at the appeal site. This element of the proposed change does not appear to have been assessed by the appellant.
19. I note that the Council's retail consultant indicates that the overall methodology for the retail impact assessment in the RAU is sound. Nevertheless, a number of areas of concern are highlighted. These include the use of older data and lack of clarity about base dates for some of the information provided. The appellant submits that it would be inconsistent and confusing to provide updated data on the price base and it would be disproportionate to provide new household surveys. However, the reason for this is not explained further. As the information is suggested to be read alongside the 2013 assessment, the retail impact assessment is difficult to follow. Moreover, the 2013 retail assessment was also predicated on the original proposals for a replacement garden centre and food store scheme, which was a very different context.
20. Appendix 6 of the RAU sets out the data for the retail impact assessment. Table 3 assesses the turnover of a garden centre, outdoor retailer and pet store. Tables 7 and 8 set out the comparison goods turnover of existing

centres, supermarkets and other facilities at 2015 and 2018. Table 9 estimates the comparison goods trade diversion flows to the proposed scheme. Tables 11 and 12 set out the estimated total and cumulative trade diversions from nearby defined centres. In my assessment, for the condition to be varied in the way proposed by the appellant, the RAU would need to assess the full range of comparison goods which could be sold. From the evidence provided it is not clear that this has been done. In addition, the inclusion of the former garden centre use within the calculations for turnover figures and subsequent scheme diversion could potentially dilute the effect of the proposed scheme. I am not persuaded from the information before me that it remains an appropriate assumption.

21. With respect to the effect of the proposal on Bagshot District Centre, the RAU predicts a 10.5% trade diversion. The appellant also refers to a lack of overlap between the interested occupiers and the retail offer in Bagshot. Given my concerns about the effect of the proposal I do not accept that this would be the likely outcome if the condition were varied in the manner proposed by the appellant. In relation to Camberley Town Centre, I note that there has been an increase in the vacancy rate partly due to planned development. However, it is not clear to me that this is the only reason for the changes and that the vitality and viability of Camberley has not been affected by the increase in the vacancy rate. The retail impact on Camberley Town Centre is predicted to be less than 1.0% based on the appellant's figures. In the absence of a full update of the retail impact assessment, I am not persuaded that the trade diversions for both town centres would be at the rates suggested if the proposals were to have maximum impact. I therefore find that when considering the town centres as a whole, the effect of the proposal would be significant and would have an adverse impact on the vitality and viability of Camberley and Bagshot centres.
22. I conclude that conditions 3 and 10 are necessary, relevant to the development permitted and reasonable in all other respects in the interests of the vitality and viability of Camberley Town Centre and Bagshot District Centre. To vary the conditions would be in conflict with Policies CP9 and CP10 of the CSDMPD and contrary to bullet (ii) of paragraph 26 of the Framework.

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*Other matters*

23. The appellant sets out that the reason for seeking changes to the scheme relates to the lack of success in securing a garden centre operator for Unit 2. As part of the application, the appellant submitted a letter from the former garden centre occupier of the site that refers to further financial feasibility studies being undertaken to indicate that the garden store as proposed for Unit 2 would no longer be viable. No detailed information on this is submitted. A second letter from the letting agents acting on behalf of the appellant refers to marketing commencing on Unit 2 in the summer of 2014. Interest in the unit was shown by another garden centre operator, although I am informed that discussions stalled. It is not clear whether the marketing was continued during this period or has been continuing since the cessation of discussions with the alternative operator. No further details have been submitted in relation to marketing Unit 2. As such, I am not persuaded that Unit 2 could not be occupied in its entirety by this type of use.

**Conclusion**

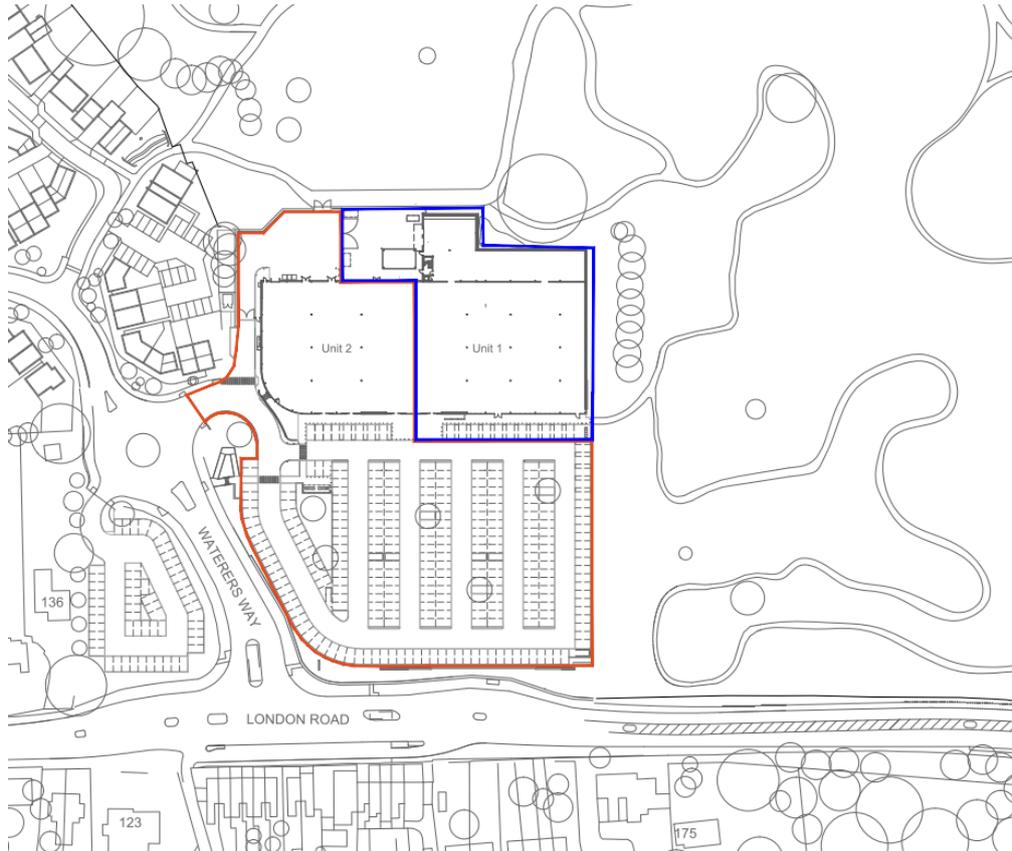
24. No sequentially preferable sites for the whole development have been identified and there is no information before me to support a negative effect on planned investment in the centres. Nevertheless, the proposals would not be in accordance with an up to date Local Plan and would be likely to cause significant harm to the vitality and viability of Camberley and Bagshot Centres. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Gibbons*

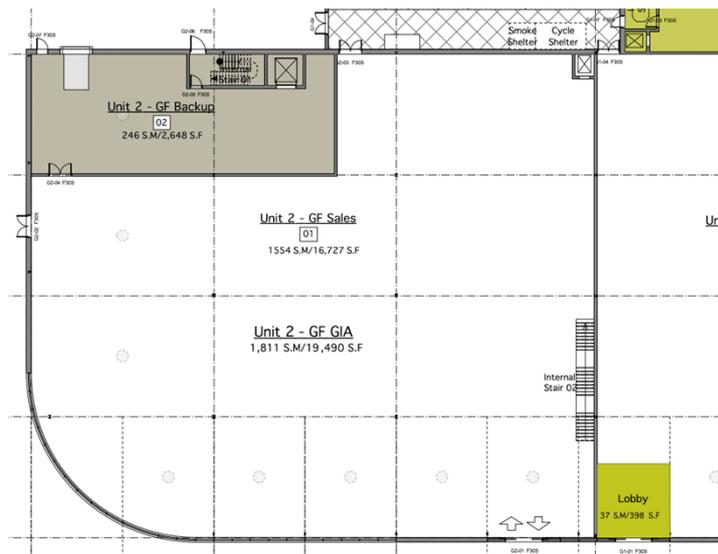
INSPECTOR

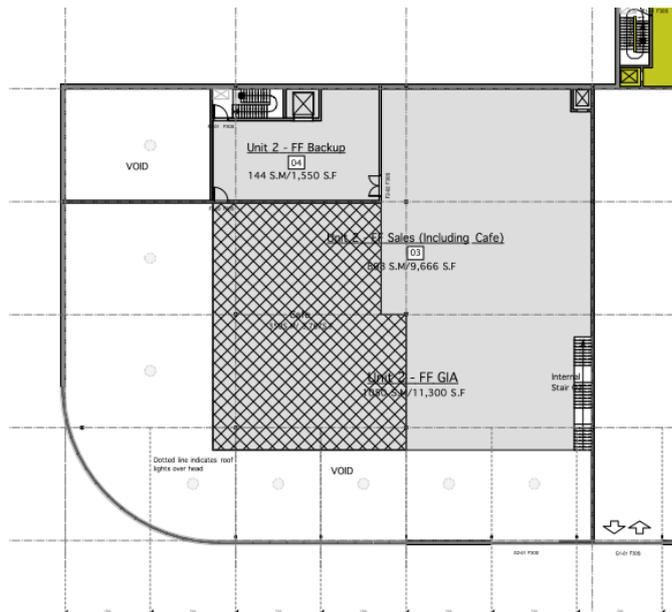


Proposed site plan

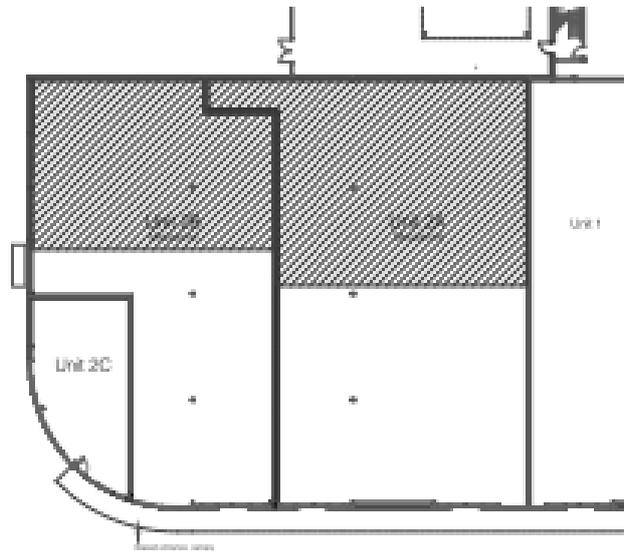


Approved Floor Plans

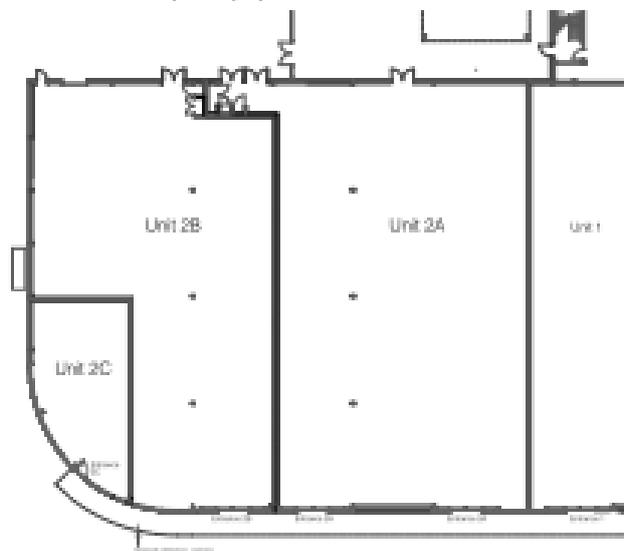




Proposed Floorplans



Unit 2 - Mezzanine plan as proposed

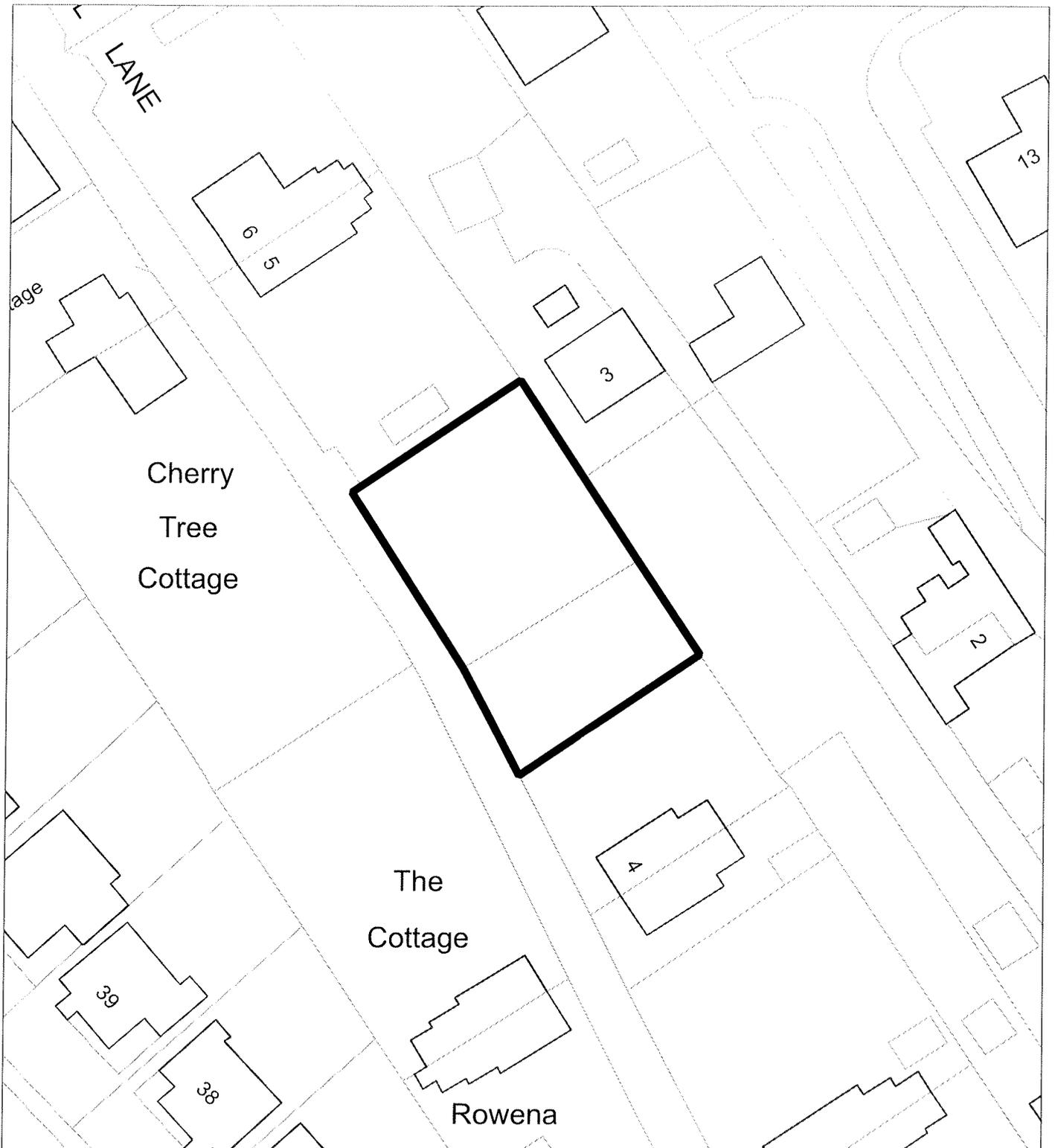


Unit 2 - Ground floor plan as proposed

Site Pictures



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<b>Title</b>	Planning Applications		<b>Page</b>	6 of 8
<b>Application number</b>	16/1087		<b>Scale @ A4</b>	1:500
<b>Address</b>	LAND BETWEEN 4 AND 5, SCHOOL LANE, WINDLESHAM, GU20 6EY		<b>Date</b>	20-01-2017
<b>Proposal</b>	Erection of a detached three bedroom, two storey dwelling and detached garage.			
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**LOCATION:** LAND BETWEEN 4 AND 5, SCHOOL LANE,  
WINDLESHAM, GU20 6EY

**PROPOSAL:** Erection of a detached three bedroom, two storey dwelling  
and detached garage. (Amended Plan - Rec'd  
10/01/2017).

**TYPE:** Full Planning Application

**APPLICANT:** Mr & Mrs Maffre

**OFFICER:** Mr N Praine

**The application would normally be determined under the Council's Scheme of Delegation, however, it has been reported to the Planning Applications Committee at the request of Cllr. White.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 The proposal relates to the erection of a detached two storey dwelling house with 3 bedrooms. As part of the proposal highway works are proposed to improve visibility splays from the junction of School Lane onto Chertsey Road. The works include a small build out on Chertsey Road which will narrow the carriageway and provide a wider footway. The result of this wider footway will allow a driver leaving School Lane to have a better sight of existing traffic on Chertsey Road.
- 1.2 This current proposal is similar to the proposal considered under application SU/15/0166 refused in January 2016 and dismissed at appeal in August 2016 [*a copy of the Planning Inspectorate's decision notice is attached to this report as Appendix 3*]. The reasons for refusal of 15/0166 related to matters of highway safety and local character. At appeal the Planning Inspector found no reasons to dismiss the appeal on highway grounds, but did raise objection to the design of the dwelling and its impact upon the local character of the area.
- 1.3 Given the materiality of SU/15/0166, this report focuses on whether the current application overcomes the reason for dismissal of the appeal. Given that this proposal includes an identical highway improvement proposal the report concludes that there is no adverse impact on the highway. The amended design and reduced size of the dwelling is sufficient to overcome the harm on the character of the area. The proposal is also considered to have no adverse impact on residential amenities, harm the provision of local infrastructure, negatively impact on protected species or the Thames Basin Heath SPA. On this basis the application is recommended for approval.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located to the eastern side of School Lane an unmade single lane track. Access to School lane is from the northern side of Chertsey Road which is next to Chertsey Road Hall. The application site, an undeveloped plot of land is bounded by mature vegetation and boundary fencing. The site is moderately overgrown with scrub vegetation.
- 2.2 Residential properties along School Lane are broadly 2 storey in nature with a mix of detached and semi-detached style properties of varying architectural finishes and designs which include white renders, brown renders, red bricks, hip ended and gable ended properties. The immediately adjoining residential properties number 4 and 5 School Lane are white rendered semi-detached two storey dwelling houses.

## 3.0 RELEVANT HISTORY

- 3.1 SU/98/0042 - Erection of one detached 3-bedroom dwelling house with integral garage. *Refused 19/03/98 due to the impact on the character of the area; on residential amenities; and, highway safety grounds. At this date the development failed to comply with the Surrey Structure Plan 1994 and the Surrey Heath Local Plan 1994.*
- 3.2 SU/00/0917 - Erection of a detached two storey dwelling house with detached single garage. *Refused 06/11/00 for the same reasons as SU/98/0042 and dismissed on appeal 5/6/2001. The appeal was dismissed on character and highway safety grounds only with the Inspector concluding no adverse impact on residential amenities.*
- 3.3 SU/01/0851 - Erection of a detached two storey dwelling house and attached single garage. *Refused 01/11/2001 and dismissed on appeal 15/5/2002 on highway safety grounds only, namely due to increase in traffic movements from an existing inadequate vehicular access at School Lane adjoining Chertsey Road. There was no objection to this development on character or residential amenity grounds.*
- 3.4 SU/15/0166 - Erection of a detached 4 bedroom, two storey dwelling (with accommodation in the roof space) and integral garage. *Refused January 2016 and dismissed on appeal 16/8/2016.*

Members will recall that this application was before the Committee on the 11 November 2015 with an officer recommendation for approval. Members resolved to defer the application for a site visit, due to concerns over highway safety. This took place on the 7 January 2016 and the County Highway's Transport Planner also attended. On the 20 January 2016 the application was reported back to Committee. The Committee was advised that the County Highway Authority had undertaken their own assessment of the proposal, in consultation with the Surrey County Council Road Safety Team, and both were satisfied that the proposal would not have a material impact on the safety and operation of the adjoining public highway, subject to conditions.

Notwithstanding that, the Committee resolved to refuse the proposal for the following reason:

*“The proposal by reason of its scale and mass would result in an incongruous form of development that would form poor relationships with neighbouring dwellings in the immediate area and fail to satisfactorily integrate into its wider context. Furthermore, an additional vehicular access from the application site onto School Lane, which is a narrow and private road, would increase comings and goings of vehicles and exacerbate existing traffic movement problems on School Lane including pedestrian safety and associated impacts on residential amenities. In addition, the Chertsey Road highway works do not meet the minimum visibility distance required in the easterly direction for a road used by HGVs and so it has not been adequately demonstrated to the satisfaction of the Planning Authority that these works will adequately mitigate for this development and sufficiently improve highway problems in the vicinity”*

- 3.5 In dismissing the appeal on the 16 August 2016 the Inspector found no reason to dismiss on highway grounds and stated the following [See Appendix 1 attached to this report]:

*“The highway authority indicates that the proposed road narrowing of Chertsey Road would provide an appropriate balance between improving visibility at the junction with School Lane, whilst maintaining an acceptable carriageway width on Chertsey Road itself. Furthermore, that the features being introduced as part of the scheme would offer a traffic calming effect. I have no reason to disagree with this assessment and, to my mind, the proposed works would mitigate any effects created by increased traffic movements along School Lane from the proposed development and would generally improve the safety of this junction”* [Paragraph 17]

*Overall, I have no reason to conclude that the development incorporating the highway works proposed would result in any adverse effect on highway or pedestrian safety. I therefore find no conflict with the Framework or Policy DM11 of the CS”* [Paragraph 18]

Only the detailed design of the dwelling and its impact on the character of the area failed at appeal with all other issues considered to be acceptable by the Planning Inspectorate.

## **4.0 THE PROPOSAL**

- 4.1 The proposal is for a detached two storey dwelling house with 3 bedrooms. The dwelling would have a detached single storey garage and front entrance on its western side facing School Lane. Vehicular access would be from the north western side of the application site with driveway and integral garage parking for at least three vehicles provided onsite.

- 4.2 This proposal seeks to overcome the reason for dismissing 15/0166, summarised in paragraphs 3.4 and 3.5 above. The highway solution would be identical to this previous application. The changes relate to the design of the dwelling and these are summarised below:
- The proposed dwelling would have a maximum footprint of 12.5 metres in width by 8 metres in depth (*15.5 metres by 8 metres under refusal 15/1066*);
  - The dwelling would measure a maximum of 5 metres in height to the eaves and 8 metres to the ridge (*8.5 m to the ridge under 15/1066*);
  - Reduction in bulk and massing with hipped roof design rather than gabled and two storey rather than three storey with no accommodation in the roof
  - Reduction in floor area of the proposed dwelling from 263 m<sup>2</sup> to 182 m<sup>2</sup>.
- 4.3 The dwelling would have minimum separation distance of 8.2 metres from the northern boundary shared with no. 5 School Lane and 9.2 metres from the southern boundary shared with no.4 School Lane. The broadly rectangular plot size is to remain as existing measuring 30.9 metres in width by 19.6 metres in depth. The dwelling would be of brick and tile construction and incorporate a hipped roof design and a front, street facing bay window with porch overhang.
- 4.4 The detached garage would have a maximum footprint of 3.5 metres in width, 6.5 metres in depth and 4 metres to the ridge. The garage would be sited to the northern boundary and would be separated from it by approximately 1 metre.

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highways Authority No objection subject to conditions and informatives.
- 5.2 Windlesham Parish Council Objection raised regarding;
- scale of development / overdevelopment [*See paragraph 7.4 below*]
  - Vehicle access and highway safety concerns [*See paragraph 7.2 below*]
- 5.3 Surrey Heath Borough Council Drainage Officer No objections.

## 6.0 REPRESENTATIONS

- 6.1 At the time of writing this report, no letters of support and 8 letters of objection have been received. The reasons for objecting are summarised below:
- Vehicle access and highway safety concerns [*See paragraph 7.2 below*].

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The application site is located within the settlement area of Windlesham, as identified by the Proposal Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). As such policies CPA, CP3, CP11, CP12, CP14, DM9 and DM11 of the CSDMP apply and the National Planning Policy Framework (NPPF) 2012 is also relevant.
- 7.2 The application is similar to dismissed application SU/15/0166 and given the limited period of time since the determination of this application this is a material consideration. Since this decision there has been no material change in circumstances, such as a significant change in planning policy or significant change in the site or its surroundings. Paragraphs 3.4 and 3.5 of this report explains that the only reason for dismissing this appeal was due to the impact on the character of the area. The Inspector found no reason to dismiss the appeal on highway grounds and given the highway improvements before the Inspector have not altered in this current application, the same conclusion must apply.
- 7.3 Having regard to all of the above it is therefore considered that the principal consideration to be addressed in the determination of this application is the impact of the development on the character of the area. This report will also consider the impacts of the amended size of development on residential amenities and address other matters including the Thames Basin Heath SPA.

### **7.4 Impact on the character of the area**

- 7.4.1 The main changes between this proposal and the previous refusal are summarised at paragraph 4.2 of this report. In the appeal scheme the Inspector found that although the ridge of the roof of the proposed dwelling reflected a similar level to its neighbours, it was observed that there were no other examples of dwellings on three floors within the immediate streetscape. This, in combination with the width and depth of the roof form as previously proposed, lead the Inspector to conclude that the appeal scheme would of had a considerably greater bulk, height, depth and mass overall, resulting in a strident feature which would be over dominant and out of keeping with the nearby smaller scale cottages.
- 7.4.2 In addressing the Inspector's objections, the ridge height has been brought down by 500mm and the applicants have removed the accommodation from the roof space. The applicant has also reduced the impact of the roof by designing in a hipped roof design to all four roof planes. This reduces the bulk and mass at roof level which was one of the Inspector's primary objections. In addition, the physical footprint of the dwelling has been reduced. This reduction in height and footprint combined with the reduced height and lesser hipped roof design is considered to significantly reduce the bulk and mass of the roof when compared to the previous appeal proposal.
- 7.4.3 Therefore, it is now considered that the proposal is acceptable in character terms and that the proposed development would accord with the character considerations set out within Policy DM9 of the CSDMP.

7.4.4 Given, however, the plot size, proposed building size and separation to surrounding buildings, it is considered appropriate to remove the permitted development rights for roof enlargements, extensions and outbuildings.

## **7.5 Impact on residential amenity**

7.5.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected. Whilst no objection was raised on appeal to the previous proposal in respect of the impact on residential amenities, including the comings and goings of vehicles, given that this is an amended design it is necessary to revisit with this proposal's impacts.

7.5.2 The proposed dwelling would be separated by approximately 23 metres from no. 5 School Lane (proposed garage separated by approximately 16m). This separation distance is considered sufficient to guard against potential overshadowing or overbearing impacts of the proposal. Turning to loss of privacy, the proposed two storey elements of the proposal are sited in excess of 20m from the closest wall of 5 School Lane and again this level of separation is sufficient to protect the amenity enjoyed at 5 School Lane.

7.5.3 No. 4 School Lane is sited 13.5 metres from the proposal and this is also sufficient to guard against potential overshadowing or overbearing impacts of the proposal. In terms of loss of privacy, no first floor facing windows are proposed in the facing elevation and therefore no objections are raised on privacy grounds for this neighbouring property.

7.5.4 The neighbouring property to the rear of the site is 3 Herrings Lane. The proposed garage is sited approximately 5.5 metres from this neighbouring property and the proposed dwelling sited approximately 7 metres. By reason of the separation distances and the building relationship between the two properties it is not considered that the proposal will result in adverse overshadowing or overbearing impact to this neighbour. In regard to privacy it is noted that oblique views of this neighbour and its primary garden area would be possible from the first floor windows of the proposal. However, the separation to the primary garden area is approximately 15m from the closest window and at an oblique angle approximately 40 degrees north east of this window. Taking these separation distances and built relationships into account, no objections are raised on privacy grounds.

7.5.5 Given its location and retained separation distances no undue loss of residential amenity is anticipated by this proposed development to the occupiers of any other adjoining or nearby residential properties. It is also considered that the proposed development would benefit from adequate amenity garden space. Notwithstanding this, given the plot size, proposed building size and separation to neighbouring properties, in order to protect the residential amenity enjoyed at the surrounding residential properties, it is considered appropriate to remove the Permitted Development rights for extensions and outbuildings.

7.5.6 Therefore it is considered the proposal complies with Policy DM9 (iii) of the CSDMP.

## **7.6 Impact on the provision of local infrastructure**

- 7.6.1 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. Given the proposal would provide a new dwelling with a floor space of 155 square metres, the development would be liable for an estimated CIL contribution of £34,100.00, in accordance with the Council's CIL Charging Schedule. The final total will be stated in the CIL notices that will be served on the liable party(s).
- 7.6.2 In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.
- 7.6.3 In accordance with the requirements of the CIL Regulations 2010 (as amended) and the Council's Infrastructure Delivery Supplementary Planning Document, should this application be approved, a land charge will be levied on the land to which this application relates, with payment required prior to commencement of development.

## **7.7 Impact on biodiversity and the Thames Basin Heath SPA**

- 7.7.1 The application site is located within 5 km of the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 1 unit, which in combination with other development, to have a significant adverse impact on the protected site.
- 7.7.2 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. The Council's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. 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.
- 7.7.3 Policy CP14B also requires that all net new residential development provide contributions toward strategic access management and monitoring measures (SAMM), this is not part of CIL and is collected separately. The applicant has paid SAMM in full and therefore no objections are raised on these grounds.

It is therefore considered that the development would accord with Policy CP14B of the Core Strategy and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

7.7.4 Having regard to Natural England's Standing Advice, in respect to the surrounding residential uses, size of the site, limited woodland on site and absence of buildings to be demolished, it is considered that the application site has low potential for protected species habitat. On this basis it is considered appropriate for an informative to be added to the decision notice informing the applicant to seek guidance from a suitably qualified ecologist in the event any protected species are discovered on site.

## **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 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 report concludes that the proposal is acceptable in regard to its impacts upon the character of the area, residential amenity and matters of highways, parking and access. The application is also not considered to harm the provision of local infrastructure, negatively impact on protected species or the Thames Basin Heath SPA. On this basis 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. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

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

3. 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, unless otherwise agreed in writing. 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, period of maintenance and management together with the new planting to be carried out and methods to protect existing landscaping and trees during the construction phase.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans 22014-1317-PL H and 2014-1173-PL H 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.

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, garages, alterations to the roof, structures 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 and residential amenity having regard to the plot size and neighbouring relationships and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The development hereby approved shall not be occupied until the proposed highway improvement works on Chertsey Road have been constructed in general accordance with drawing no. 140915-02 Rev A and will include:

- (i) the deletion of the yellow lines shown on the southern side of Chertsey Road.

- (ii) the placement of timber posts on each corner of the narrowest section.
- (iii) localised adjustment of the carriageway narrowing to suit the existing highway features.
- (iv) a minor reduction in the length to the narrowing on the eastern extent outside number 39 Chertsey Road.
- (v) the reduced extent of yellow lines on the eastbound approach on the northern side of Chertsey Road.

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

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. CIL Liable CIL1
4. The applicant is reminded of Natural England's standing advice in respect of Protected Species and if any protected species are found on the site, an appropriate licence should be obtained from Natural England.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement 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. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
6. The developer is advised that as part of the detailed design of the highway works required by the above condition, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

## Appeal Decision

Site visit made on 20 July 2016

**by Ray Wright BA(Hons) DipTP MRTPI**

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

Decision date: 16 August 2016

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**Appeal Ref: APP/D3640/W/16/3148868**  
**School Lane, Windlesham, Surrey GU20 6EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Maffre against the decision of Surrey Heath Borough Council.
  - The application Ref 15/0166, dated 26 February 2015, was refused by notice dated 20 January 2016.
  - The development proposed is 'erection of detached four bedroom dwelling and detached single garage.'
- 

### Application for Costs

1. An application for costs was made by Mr & Mrs Maffre against Surrey Heath Borough Council. This application is the subject of a separate decision.

### Procedural Matter

2. At the site visit it was confirmed that the drawings to be considered were not correctly identified on the Council's decision letter. Instead of drawing 2014-1173-PL 3 of 3 (E) there were two drawings 2014-1173-PL 2 of 3 (E) which between them contained full elevations and floor plans together with a street scene elevation.

### Decision

3. The appeal is dismissed.

### Main Issues

4. The main issues in this case are the effect on the character and appearance of the area and the effect on highway safety.

### Reasons

5. The site consists of an open, rough grassed, area of land located between nos 4 and 5 School Lane.

### *Character and Appearance*

6. The National Planning Policy Framework (Framework) indicates that there should be a presumption in favour of sustainable development. It confirms,
-

however, that good design is a key aspect of sustainable development and that development of poor design, which fails to take the opportunities available for improving the character and quality of an area, should be refused. Policy DM9 of the Surrey Heath 'Core Strategy & Development Management Policies' 2012 (CS) similarly requires a high quality design, which respects and enhances local character.

7. The properties fronting School Lane include bungalows but are generally two storey cottages of different ages and styles. A number appear to have been extended, with garden outbuildings and independent garages.
8. Those on the side of the Lane adjoining the site consist of two storey, gable fronted, semi-detached cottages. These have a basic original rectangular form with hipped roofs to side additions and rear additions stepping down in scale to the rear.
9. Although the ridge of the roof of the proposed dwelling would only rise to a similar level to its neighbours, I saw no examples of dwellings on three floors as proposed. The dwelling would also extend, at its full ridge height, towards the rear boundary to a significantly greater extent than the adjoining dwellings. It would, therefore, have a considerably greater bulk and mass overall than its neighbours, and the roof light windows and uniform brick finish would add to the perception of its scale.
10. Although the site is within a verdant setting, with trees and hedges to boundaries, the dwelling, as proposed, due to its overall size and form would be obvious in views on approaches along School Lane. To my mind, with its combined height and depth into the site, this detached dwelling would represent a rather strident feature which would be over dominant in this location and significantly out of keeping with the nearby smaller scale cottages.
11. Due to the height and proximity of the main dwelling to the rear boundary the development would also form a conspicuous building from the dwellings and gardens areas in Herrings Lane.
12. I conclude the proposed dwelling, due to its scale and form, would have a materially harmful effect on the character and appearance of the area. As such it would be contrary to the Framework and Policy DM9 of the CS.

#### *Highway Safety*

13. The Framework indicates that development should only be prevented on transport grounds where the cumulative impacts of development are severe. Policy DM11 of the CS requires any development which could impact on the safe and efficient flow of traffic movement to include measures to reduce and mitigate such impacts.
14. School Lane is a narrow, unmade track with a slight gradient. The nature of the track is such that vehicle speeds along it, by necessity, are likely to be limited. The traffic generation from the proposed development is indicated to be relatively low, being identified at around 4-6 additional vehicle movements a day. While too narrow for two vehicles to pass, School Lane is of sufficient width to accommodate cars and pedestrians alongside each other. In these circumstances the development would not have significant consequences for the

movement of vehicles or pedestrians or cause any additional, material highway safety issues along its length.

15. However, the existing junction with Chertsey Road is poor and has resulted in earlier schemes for the site being resisted. In this case, to compensate for the additional traffic likely to be generated by the appeal development, various works to the junction of School Lane and Chertsey Road have been put forward, aiming to improve visibility splays and to prevent parking within sight lines.
16. I note a number of local residents have objected to the proposed highway works questioning their need and extent. Different iterations for the works have been put forward and I recognise that, as set out in the comments submitted by the highway authority, and subsequent safety audit, some further amendments to the submitted highways plan are required. However, these alterations and their implementation could be controlled by a condition on any permission granted.
17. The highway authority indicates that the proposed road narrowing of Chertsey Road would provide an appropriate balance between improving visibility at the junction with School Lane, whilst maintaining an acceptable carriageway width on Chertsey Road itself. Furthermore, that the features being introduced as part of the scheme would offer a traffic calming effect. I have no reason to disagree with this assessment and, to my mind, the proposed works would mitigate any effects created by increased traffic movements along School Lane from the proposed development and would generally improve the safety of this junction.
18. Overall, I have no reason to conclude that the development incorporating the highway works proposed would result in any adverse effect on highway or pedestrian safety. I therefore find no conflict with the Framework or Policy DM11 of the CS.

### **Conclusion**

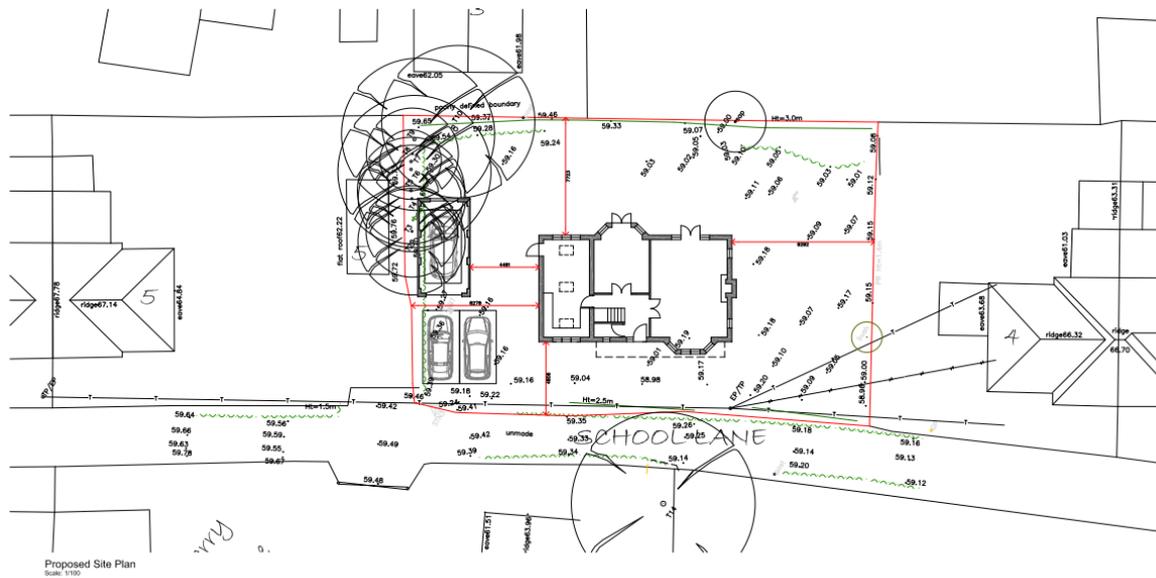
19. Although I have concluded that the proposal would not cause any material highway safety issues, this does not outweigh or negate my concerns regarding the effect on the character and appearance of the area. For the reasons given above, I conclude that the appeal should be dismissed.

*Ray Wright*

INSPECTOR



Proposed site plan



Proposed street scene



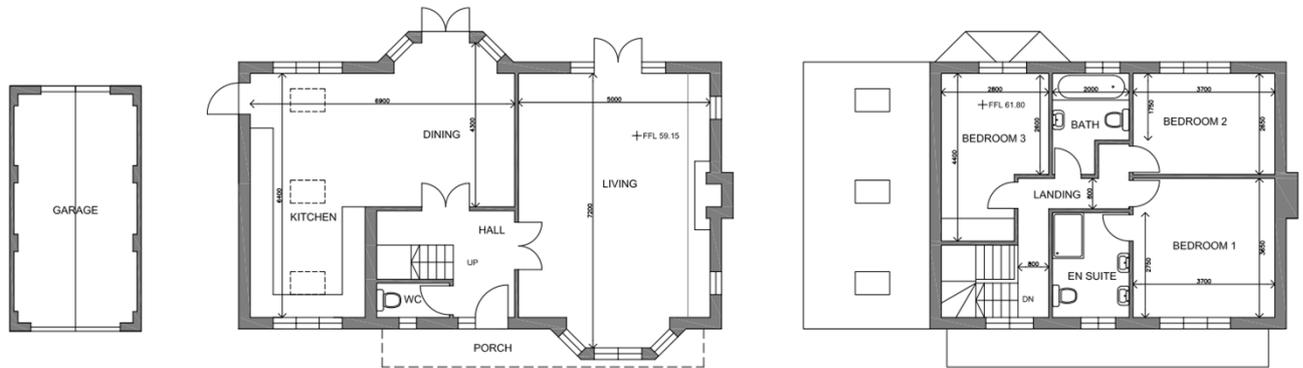
Proposed elevations



Proposed West Elevation  
Scale: 1/100

Proposed South Elevation  
Scale: 1/100

Proposed Floorplans



Proposed Garage Plan  
Scale: 1/50

Proposed Ground Floor Plan  
Scale: 1/50

Proposed First Floor Plan  
Scale: 1/50

Site Pictures





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<b>Title</b>	Planning Applications		<b>Page</b>	7 of 8
<b>Application number</b>	16/1063		<b>Scale @ A4</b>	1:500
<b>Address</b>	1, 1A & 3 GUILDFORD ROAD, FRIMLEY GREEN, CAMBERLEY, GU16 6NL		<b>Date</b>	20-01-2017
<b>Proposal</b>	Change of Use of first floor from C3 (residential) to B1 (offices) and use of land to rear for parking in connection with the first floor offices and ground floor estate agency.			
<p style="text-align: center;">© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2017</p>				

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**LOCATION:** 1, 1A & 3 GUILDFORD ROAD, FRIMLEY GREEN,  
CAMBERLEY, GU16 6NL

**PROPOSAL:** Change of Use of first floor from C3 (residential) to B1  
(offices) and use of land to rear for parking in connection  
with the first floor offices and ground floor estate agency.

**TYPE:** Full Planning Application

**APPLICANT:** Mr David Wilkin & Mrs Mary Luff  
Luff & Wilkin Property Specialists

**OFFICER:** Emma Pearman

**This application would normally be determined under the Council's Scheme of Delegation, however, it is being reported to the Planning Applications Committee at the request of Cllr Paul Deach.**

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This application is for the change of use of a residential flat above an estate agents, to office use in association with the estate agents, and the use of the land to the rear for parking (2 spaces only). A previous application was refused in August 2016 under delegated powers due to the loss of the residential unit and it was considered that there was not a strong enough justification to lose this unit when Surrey Heath has a shortage of residential accommodation and a surplus of office accommodation. The applicant has provided further justification for the proposal with this application. However, it is still considered that the benefits of allowing the change of use do not outweigh the loss of the residential unit.

### **2.0 SITE DESCRIPTION**

- 2.1 The application property is a two storey detached building on the corner of Guildford Road and Wharf Road in Frimley Green. The ground floor is occupied mainly by an estate agents (at number 1) and also barber shop (at number 3) which has utilises a side entrance door. The upper floor is a residential flat (number 1a). To the side there is an access road leading to an area at the rear. There was previously a garage preventing access to the rear which has now been removed along with sheds in the rear area. The rear area is enclosed by a close-boarded fence along the boundary with Wharf Road and along the eastern boundary, but is open to the boundary with the neighbouring shop and access road. The application site is identified as being part of a District and Local Centre within the Surrey Heath Core Strategy Proposals Map 2012.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 16/0552 - Change of Use of a first floor from C3 (Residential) to B1 (Offices), use of land to the rear for parking in conjunction with the Class A2 use on ground floor and proposed office use on first floor, following demolition/removal of existing garage and storage sheds (demolition is retrospective).

*Refused 26/08/2016 for the following reason:*

- 1. The proposal would result in the loss of a residential unit and it has not been demonstrated to the satisfaction of the Local Planning Authority that the harm caused by this loss would be outweighed by other benefits. The proposal is therefore considered contrary to Policy CP3, DM12 and paragraph 47 of the National Planning Policy Framework.*

### **4.0 THE PROPOSAL**

- 4.1 The proposal is for the change of use of a first floor from C3 (Residential) to B1 (Offices), use of land to the rear for parking in conjunction with the Class A2 use on ground floor and proposed office use on first floor, following demolition/removal of existing garage and storage sheds. No changes are proposed to the exterior of the building itself and the existing ground floor uses are not affected. Since the submission of the application it was noted at the site visit that the garage and sheds have already been demolished and as such the application is part retrospective.

### **5.0 CONSULTATION RESPONSES**

- 5.1 Surrey County Highway Authority      No objection, subject to condition.

### **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report no letters of representation have been received.

### **7.0 PLANNING CONSIDERATION**

- 7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policy CP3 (Scale and Distribution of New Housing), Policy CP8 (Employment), Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety) and Policy DM12 (District and Local Centres and Neighbourhood Parades). It will also be considered against the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Principle of the change of use;
- Impact on character;
- Residential amenity; and,  
Highways, parking and access.

### **7.3 Principle of the development**

7.3.1 Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 47 of the NPPF requires local planning authorities to identify a five-year housing supply and puts great emphasis on the need for boosting significantly the supply of housing. Surrey Heath currently does not have a five year supply of housing.

7.3.2 Policy CP3 states that any development that involves a net loss of housing will be resisted unless it can be demonstrated that the benefits outweigh the harm. Policy CP8 states that the Council will seek to make provision for up to 7500 new jobs in the period up to 2027 and that on other employment sites, outside Core Employment Areas, redevelopment to provide small, flexible B1 units will be promoted. Policy DM12 states that the Borough Council will encourage development that offers environmental improvements and which supports and enhances the viability, vitality and retail function of District and Local Centres and Neighbourhood Parades. It states that development at first floor level or above within these areas should in the first instance consider residential accommodation and where it has been demonstrated that environmental or amenity impacts prevent residential use, then community or B1a office uses may be acceptable at first floor level or above.

7.3.3 The applicant has stated that the change of use is required to consolidate the estate agency business which is currently operating from two separate sites, to secure its long term future and address an urgent need for additional appropriate accommodation. The first floor would be used to accommodate some of the letting administration staff with other administrative staff to meet client demands. Approximately five members of staff would operate from the first floor working alongside sales staff on the ground floor, however the first floor would not be open to the public, and as such the use is considered to be B1 (offices) rather than A2 (financial or professional services) as the ground floor is.

7.3.4 The previous application was refused due to the loss of the residential unit and as such the applicant has put forward further evidence on this basis. The applicant states that the site was recently purchased with the view to using the first floor for office purposes and will support the viability of the estate agency and a lettings business currently operating in Camberley. As such it would allow a local service to expand and may employ local people. Currently the lettings business is operated from a residential property and the applicants do not want to expand in that location. The applicant states that if the unit above cannot be used for office

purposes this may result in them relocating elsewhere (maybe outside Surrey Heath) or seeking a third site from which to operate which would present practical and logistical issues, and increase cost. They also state that noise from the above premises was previously a problem for the ground floor occupiers when the residential unit was occupied.

- 7.3.5 Surrey Heath has a pressing need for residential units at present given that it has a shortage of housing, and the loss of any residential units would have to be strongly justified. The Council's most recent Employment Land Review indicates that the Council's requirement for B1 office space could be met from the existing supply of land allocations and extant permissions and as such there is not a need for additional B1 units in the borough.
- 7.3.6 While the vitality and viability of district and local centres and local businesses is strongly supported, it is considered that if the applicant chose to relocate it is unlikely that the unit would remain vacant as there are limited vacancies in Frimley Green. In addition, given that the applicant is operating in local markets the move is not likely to be far, which limits the adverse effects on Surrey Heath. If the applicant chose to relocate or rent office space elsewhere, this may provide benefits in utilising existing vacant office space elsewhere in the borough. It should also be stressed that the use goes with the land rather than the individual occupier, whose circumstances might change in the future, and so it would be unreasonable to condition the use to be personal to this occupier.
- 7.3.7 Policy DM12 also stresses that first floor units should be residential unless it can be demonstrated that other impacts prevent this use, which is not the case here. Whilst the applicant claims that residential use would not be desirable due to the effects of noise such a scenario is not uncommon and there is no explanation as to why the residential use could not be noise attenuated to mitigate any impacts. Moreover, it has not been satisfactorily demonstrated why the first floor could not accommodate a smaller residential unit and still accommodate some office space.
- 7.3.8 It is therefore considered that the harm caused by the loss of the residential unit has again not been demonstrated and is not been outweighed by the benefits of office use, given that Surrey Heath has a shortage of residential units and a surplus of office space. As such the principle of the development in this case is contrary to Policies CP3, DM12 and paragraph 47 of the NPPF.

#### **7.4 Impact on character**

- 7.4.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.
- 7.4.2 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.3 There will be no change to the exterior of the building so the only external changes would be the demolition of the garage and sheds. Given that these have already

been demolished it was not possible to assess any contribution they made to the street scene on site but older photos of the site indicate that the sheds would not have been visible, and the garage did not make a particularly positive contribution to the street scene. It is not considered that using the rear area for parking would cause any harm to character in this location.

- 7.4.4 It is therefore considered that the proposal is acceptable in character terms and in line with Policy DM9 and the NPPF in this regard.

## **7.5 Impact on residential amenity**

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

- 7.5.2 The nearest residential unit to the proposed development appears to be to the rear at 4 Wharf Road. The change of use could give rise to additional cars in the vicinity of the application site, however the area to the rear is proposed to be used for parking two cars, and additionally there is a free car park a short distance away in Wharf Road which allows parking up to 18 hours. As such given that only five additional members of staff would be working at the site, it is not considered that the change of use and associated traffic is likely to have a noticeable impact on the occupiers of this property. The proposed parking spaces would be approximately 8m away from this property, with a close-boarded fence in between, however given the small number of spaces and the existing noise climate and traffic in the area it is not considered that this change would have any significant impacts on amenity for the occupiers of this property.

- 7.5.3 Other surrounding units are commercial and it is not considered that any other residential properties are close enough to be affected. The proposal is therefore considered to be acceptable in terms of its impact on residential amenity and in line with Policy DM9 and the NPPF in this regard.

## **7.6 Highways, parking and access**

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

- 7.6.2 The garage which has been demolished allows access to a small area to the rear, which is proposed to serve two spaces, so allowing for the demolished garage, this is an increase of one off-road space. The County Highway Authority asked for the applicant to demonstrate that the cars to be parked had sufficient space to turn and exit the site in forward gear. Subsequently the three spaces originally proposed on the site location plan were reduced to two, to allow for space for

manoeuvring. The County Highways Authority has not objected, subject to a condition requiring the parking spaces to be laid out prior to occupation and retained for that purpose.

7.6.3 The County Highways Authority has noted that it would take several turns to be able to exit in forward gear, and that the parking spaces are smaller than standard. Notwithstanding this, County has not objected and it is not considered that the turns would cause any other harm in terms of impact neighbouring residential properties.

7.6.4 It is therefore considered that the proposal is acceptable in terms of its impact on highways, parking and access and in line with Policy DM11 and the NPPF in this regard.

## **8.0 CONCLUSION**

8.1 The proposal is considered acceptable in terms of its impact on character, residential amenity and highways, parking and access. However, the loss of a residential unit is contrary to Policy CP3, CP12 and paragraph 47 of the NPPF and it is considered that in this case, again the harm caused by this loss is not sufficiently outweighed by other benefits. It is therefore considered that the application should be refused.

## **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 suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal would result in the loss of a residential unit and it has not been demonstrated to the satisfaction of the Local Planning Authority that the harm caused by this loss would be outweighed by other benefits. The proposal is therefore considered contrary to Policy CP3, CP12 and paragraph 47 of the National Planning Policy Framework.

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16/1063 – 1, 1A & 3 GUILDFORD ROAD, FRIMLEY GREEN

Shop front on corner of Guildford Road and Wharf Road



Shop front from Guildford Road



16/1063 – 1, 1A & 3 GUILDFORD ROAD, FRIMLEY GREEN

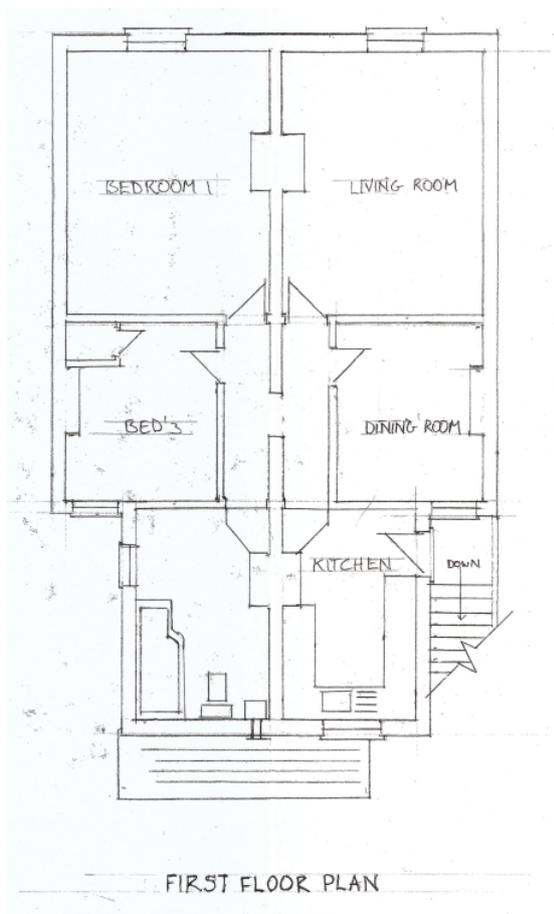
Proposed parking area to the rear (following garage demolition)



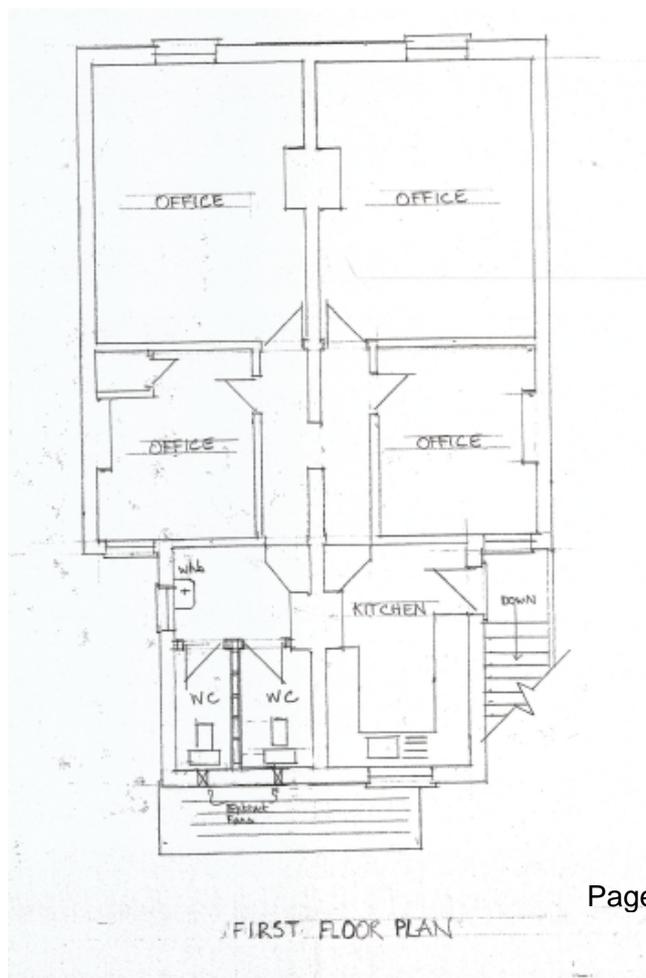
Proposed parking area to rear



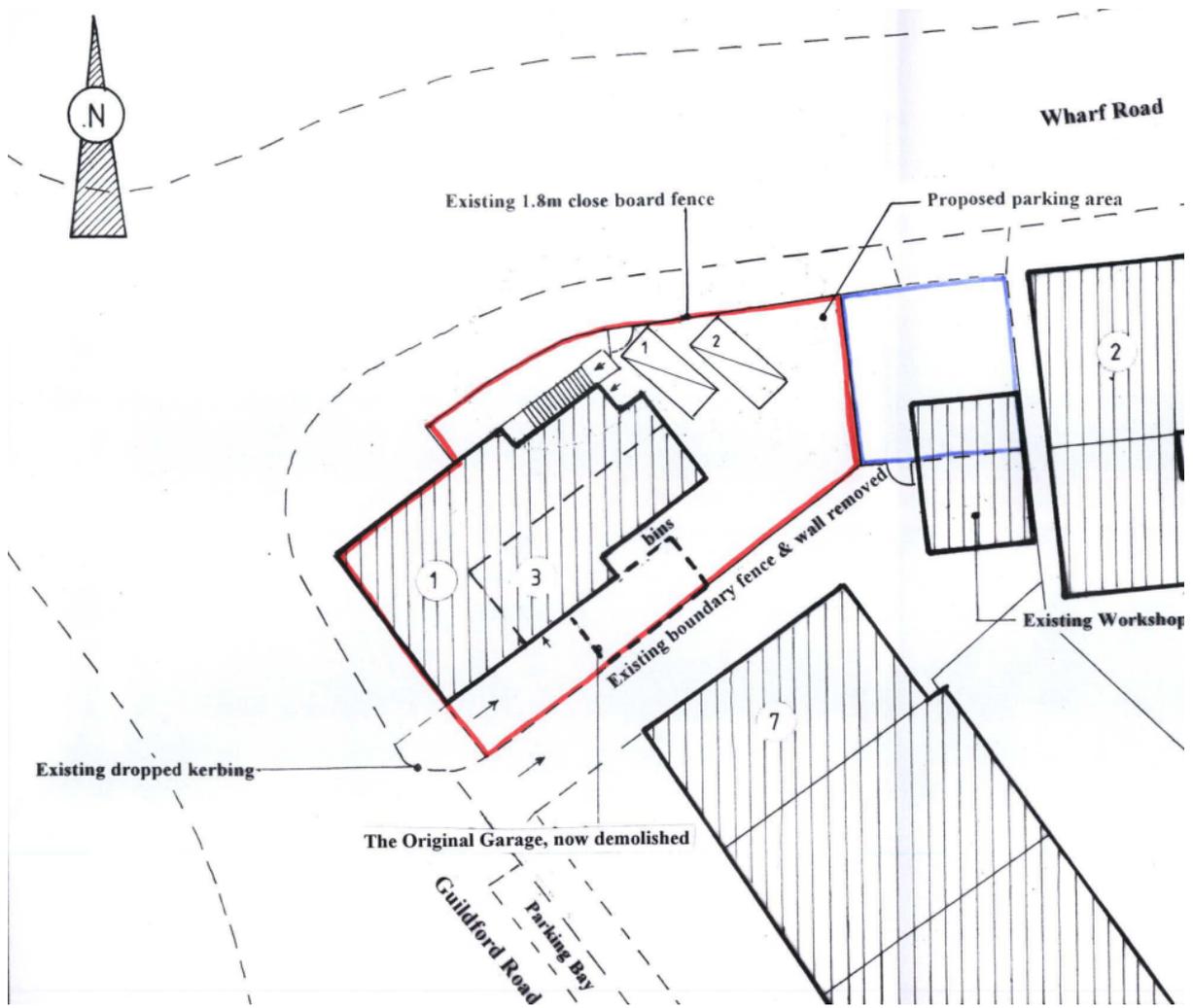
Existing first floor plan



Proposed first floor plan



Proposed Site Plan



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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:

<b>A1. Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
<b>A2. Financial &amp; professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
<b>A3. Restaurants and Cafes</b>	For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes.
<b>A4. Drinking Establishments</b>	Public houses, wine bars or other drinking establishments (but not nightclubs).
<b>A5. Hot Food Takeaways</b>	For the sale of hot food consumption off the premises.
<b>B1. Business</b>	Offices, research and development, light industry appropriate to a residential area.
<b>B2. General Industrial</b>	Use for the carrying on of an industrial process other than one falling within class B1 above.
<b>B8. Storage or Distribution</b>	Use for the storage or as a distribution centre including open air storage.
<b>C1. Hotels</b>	Hotels, board and guest houses where, in each case no significant element of care is provided.
<b>C2. Residential Institutions</b>	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
<b>C2A. Secure Residential Institutions</b>	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.
<b>C3. Dwelling houses</b>	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.
<b>C4. Houses in Multiple Occupation</b>	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.
<b>D1. Non-residential Institutions</b>	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.
<b>D2. Assembly &amp; Leisure</b>	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).
<b>Sui Generis</b>	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.