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To: The Members of the **Planning Applications Committee**
(Councillors: Cliff Betton (Chair), Victoria Wheeler (Vice Chair), Shaun Garrett, Mary Glauert, Nirmal Kang, Liz Noble, David O'Mahoney, Ying Perrett, Murray Rowlands, John Skipper, Kevin Thompson, David Whitcroft, Helen Whitcroft, Valerie White and Richard Wilson)

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 Louise Ashbery, Jonny Cope, Lisa Finan-Cooke, Mark Gordon, Rob Lee, Shaun Macdonald, Jonathan Quin and Pat Tedder

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 Head of Planning 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, Knoll Road, Camberley, GU15 3HD on **Thursday, 26 October 2023 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes of Previous Meeting	3 - 6

To approve as a correct record the minutes of the meeting of the Planning

Applications Committee held on 21 September 2023.

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.

4 Enforcement Monitoring Report 7 - 14

Planning Applications

5 TPO Confirmation: Woodland between Devonshire Drive and Larchwood Glade, Camberley 15 - 50

6 Application Number: 23/0783 - Lightwater Country Park, Lightwater Leisure Centre, The Avenue, Lightwater, Surrey, GU18 5RG 51 - 68

7 Application Number: 23/0757- 49 Firwood Drive, Camberley, Surrey, GU15 3QD 69 - 86

8 Exclusion of Press and Public

That the press and public be excluded from the meeting during consideration of Agenda Item 8 Development Management Performance Monitoring as it involves the likely disclosure of exempt information relating to the financial and business affairs of any particular person (including the authority hold that information) as defined in paragraphs 1 and 3 of Part 1 the Schedule 12A the Local Government Act 1972

(1) Information relating to any individual.

(3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

9 Development Management Performance Monitoring

To receive a presentation on the performance of the Development Management Service.

*** indicates that the application met the criteria for public speaking**

Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 21 September 2023

+ Cllr Cliff Betton (Chair)
 + Cllr Victoria Wheeler (Vice Chair)

+ Cllr Louise Ashbery	+ Cllr Murray Rowlands
+ Cllr Shaun Garrett	+ Cllr John Skipper
+ Cllr Mary Glauert	+ Cllr Kevin Thompson
+ Cllr Nirmal Kang	+ Cllr David Whitcroft
+ Cllr Shaun Macdonald	- Cllr Helen Whitcroft
- Cllr Liz Noble	+ Cllr Valerie White
+ Cllr David O'Mahoney	+ Cllr Richard Wilson
* Cllr Ying Perrett	

+ Present
 - Apologies for absence presented
 * In attendance virtually

Substitutes: Cllr Louise Ashbery for Cllr Helen Whitcroft
 Cllr Shaun Macdonald for Cllr Liz Noble

Officers Present: Sarita Bishop, Principal Planning Officer
 Duncan Carty, Principal Planning Officer
 Gavin Chinniah, Head of Planning
 Sue McCubbin, Business and Leisure Services Manager
 Jonathan Partington, Development Manager
 Sarah Shepherd, Senior Solicitor
 Andy Stokes, Highways, Surrey County Council

17/P Minutes of Previous Meeting

RESOLVED that the minutes of the meeting of the Planning Applications Committee held on 24th August 2023 are approved as being a correct record and signed by the Chairman.

18/P Application Number: 22/1066/RRM Princess Royal Barracks, Brunswick Road, Deepcut, GU16 6RN

The application was for the provision of allotments with associated works, the provision of natural and semi natural open space to the Accessible National Greenspace Standard with upgrading to the local highway network.

The provision of allotments and informal recreation space, landscape enhancements and improved connectivity form important parts of the community, public open and recreational space provisions required to serve the Mindenhurst development and the wider community and were in accordance with the Deepcut Supplementary Planning Document, the hybrid permission and the Section 106 agreement, as varied.

The Committee was informed that the design of the allotments had been developed in consultation with the Camberley and District Horticultural Society, who managed allotments in the western part of the Borough on behalf of the Council with the Section

106 agreement for the main site including an clause which stated that the allotments were to be for the benefit of residents of the Deepcut area.

The Committee noted the amended conditions and informative detailed in the update sheet.

The officer's recommendation to approve the application subject to the conditions and informatives set out in the report and the update sheet, was proposed by Councillor Whitcroft, seconded by Councillor Garrett put to the vote and carried unanimously.

RESOLVED that planning application number 22/1066/RRM be approved.

NOTE 1

It was noted for the record that SKANSKA had written to all Committee members about the application.

19/P Application Number: 22/1182/FFU Lawrence Lodge, Old Dean Road, Camberley, GU15 4JY

The application was for the variation of a condition applied to a previously approved planning application.

The application had originally been approved by the Planning Applications Committee at its meeting on 1st June 2023 however a condition had been imposed on the development stating that the development must commence within one year of the date of the permission, an implementation period which was shorter than the standard implementation period of three years. This shorter implementation period had been imposed in line with the Surrey Heath SANG Allocation Criteria 2020, which had been developed to ensure that SANG capacity would not be tied up for long periods by unimplemented consents.

Since the Committee's resolution of 1st June 2023, the applicant had requested that the time limit to commence the development be extended from one to three years in order that the site could continue to be used as hostel accommodation for the homeless for a further 18 months in order to allow the sufficient time to enable alternative accommodation for the residents to be prepared and the residents subsequently rehomed into their new accommodation.

The Committee was informed that the three year timescale for a development to commence would only start on the date that the legal agreement was issued. Should development not commence within the stated time period then the planning permission would lapse and a new application would have to be submitted.

The officer's recommendation to grant the application, subject to the conditions set out in the report, was proposed by Councillor Whitcroft, seconded by Councillor Wheeler, put to the vote and carried following the use of the Chairman's casting vote.

RESOLVED that planning application 22/1182/FFU be approved.

NOTE 1

In accordance with In accordance with Part 4, Section D, Paragraph 18 of the Constitution the voting in favour of the motion to approve the application was as follows:

Voting in favour of the motion to approve:

Councillors Betton, MacDonald, O'Mahoney, Wheeler, Whitcroft and Wilson

Voting against the motion to approve:

Councillors Ashbery, Garrett, Rowlands, Skipper, Thompson and White
Abstaining:
Councillors Glauert and Kang

NOTE 2

It was noted for the record that Councillor Garrett had received correspondence from residents of Lawrence Lodge in his capacity as ward councillor for the Old Dean ward.

Chair

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Monitoring Report

Portfolio:	Planning
Ward(s) Affected:	All Wards

Purpose: As an information item providing an overview of function and performance of the Planning Enforcement Service for the period 1st July 2023 to 30th September 2023

1. Key Issues

1.1 This report provides an overview of the performance of the Planning Enforcement Team for quarter two of the current financial year i.e. from 1st July 2023 to 30th September 2023.

1.2 The following matters will be discussed within the report:

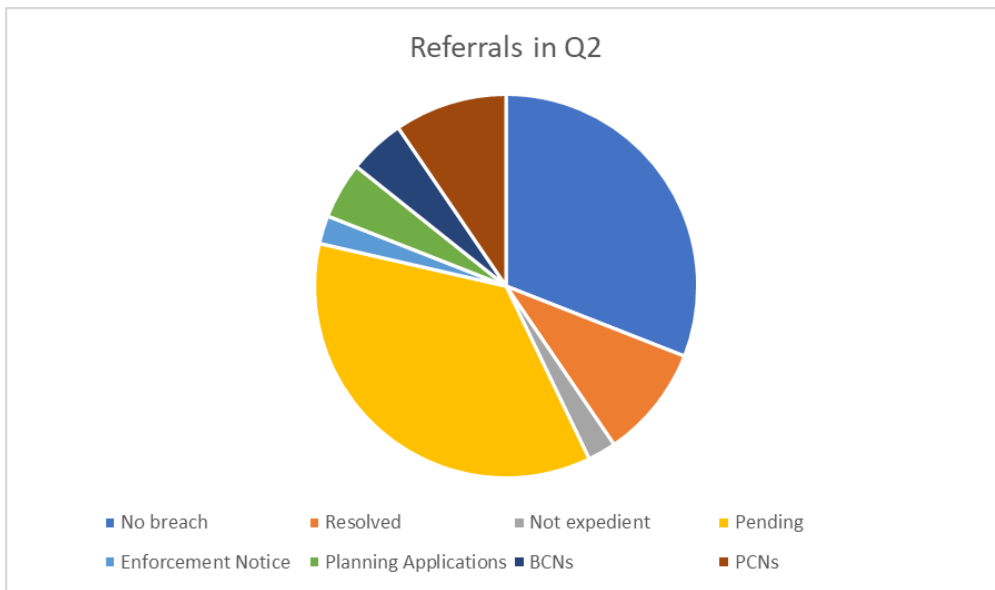
- Enforcement performance information
- Information on Notices Issued
- Information on outstanding appeals
- Action Plan/Progress

2. Enforcement Performance

2.1 During quarter 2 (July to September 2023), the Planning Enforcement Team, received 43 service requests. They investigated allegations of breaches of planning control and determined as follows:

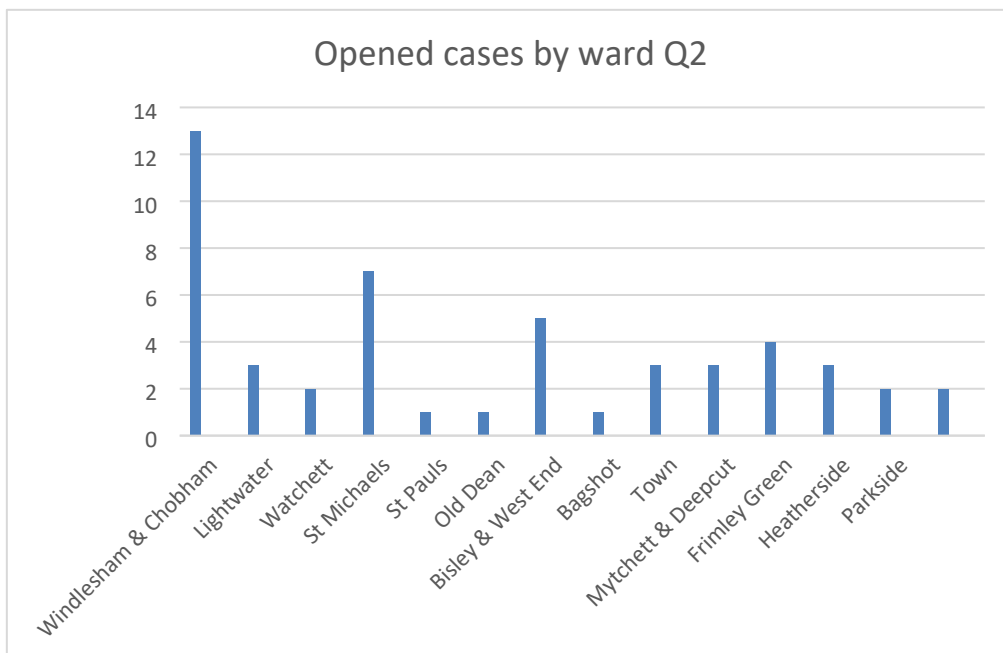
Number of referrals received during period	43
No breach established	13
Breach resolved	4
Not expedient to pursue	1
Planning applications received dealing with matters under investigation	2
Pending consideration (open investigations)	15
Enforcement Notices issued	1
Breach of Conditions Notices issued	2
Planning Contravention Notices Issued	4

2.2 This information is illustrated in the graph below. 15 cases received in this quarter remain under investigation and are included in the total number of unresolved or open cases reported below.



2.3 There were 137 open or unresolved planning enforcement cases at the end of the reporting period in Q1. Following a review of historic cases, this has reduced and there are currently 105 open planning enforcement cases.

2.4 Of the cases reported during Q2, the following table identifies the number of investigations opened per ward across the Borough:



2.3 Quarter 2 saw the team again exceed the 80% target (**achieved 90%**) set out in their Key Performance Indicator (KPI) of planning enforcement referrals where the initial action (e.g. a site visit) takes place within the target timescales as set out in the adopted Local Enforcement Plan. The KPI cumulative performance so far this financial year is **92%**.

3.0 Enforcement Notices Issued during reporting period

3.1. Four Enforcement Notices and Four Breach of Condition Notices were issued during the quarter and since the last report on performance was made. These notices are as follows:

3.2. Enforcement Notice – Land at Browells Wood, Windlesham Road, Chobham. (20/0082/ENF) Alleging “Without planning permission, the material change of use of the land has taken place without the benefit of the necessary planning permission from a mixed agricultural and equine use to a mixed use including agricultural and equine uses, the use of the land for the siting of a caravan occupied as a residential dwelling, the use of the land for keeping domestic pets and the use of the land for keeping animals related to a pet therapy business.” An appeal against this notice has been lodged but has not yet started.

3.3. Enforcement Notice – Land South of Heath Cottage, Priest Lane, West End. (22/0110/ENF) Alleging “Without planning permission, the material change of use of land from agricultural use to a mixed agriculture and equine use and unauthorised operational development relating to the erection of an unauthorised fence, posts and gate adjacent to Priest Lane which exceeds 1 metre in height adjacent to a highway used by vehicular traffic”. An appeal against this notice has been lodged but has not yet started.

3.4. Breach of Condition Notice – 12 London Road, Bagshot. (22/0248/ENF) Alleging “Failure to comply with conditions 8 and 9 of planning permission 17/0745/FFU” requiring amendment to road markings, modification of the access, provision of visibility zones, closure of the north access and reinstatement of kerbs, verge or footway. This notice has not been fully complied with so may be subject to further action.

3.4 Breach of Condition Notice – Land at Windlesham Garden Centre, London Road, Woking (also known as Lavershot Barns). (19/1053/ENF) Alleging “Failure to comply with Condition 2 of planning permission 21/0901/FFU” requiring installation of temporary barriers in accordance with the agreed details. This notice was originally issued by Royal Mail registered post. The Royal Mail did not deliver the notice, as a result, the notice was reserved via personal service accordingly the period for compliance runs to 19th October 2023. A verbal update on compliance will be provided to the meeting.

- 3.5 Breach of Condition Notice – 62 Lake Avenue, Mytchett, Camberley. (23/0040/ENF) Alleging breach of condition 8 of planning permission 19/0031/FFU requiring removal of the garage door installed on the car port. This notice has been complied with.
- 3.6 Breach of Condition Notice – 35 Lake Avenue, Mytchett, Camberley. (23/0131/ENF) Alleging breach of condition 8 of planning permission 19/0031/FFU requiring removal of the garage door installed on the car port. Planning application submitted (currently invalid) for retrospective approval (23/1018/FFU refers) further consideration of this case to be held in abeyance pending determination of the abovementioned application.
- 3.7 Enforcement Notice – Land at 154 Guildford Road, West End. (23/0011/ENF) Alleging “Without planning permission the material change of use of land occupied by a dwelling with its related curtilage and garden land to a mixed use of land including a dwelling with its related curtilage and garden land and use for the creation of two caravan pitches with ancillary parking, a shared utility building and circulation land for occupation as independent dwellings”. An appeal against this notice has been lodged but has not started.
- 3.8 Enforcement Notice – Land at Hall Grove Farm Industrial Estate, London Road, Bagshot. (23/0146/ENF) Alleging “Without planning permission, the unauthorised material change of use of former golf course land to land used for a mixed commercial use associated with storage of commercial plant, machinery and ancillary items including other plant and equipment and use of the land for the parking of vehicles and trailers in the area hatched red on the attached plan. Unauthorised operational developments including engineering operations to change land levels and installation of a hard surface in the approximate position of the land shown hatched black on the plan attached, erection of boundary enclosures which in areas exceed 2 metres in height by both fencing and creation of earth bunds in the approximate positions indicated on the attached plan between areas a to c, and unauthorised building operations relating to erection of a two storey structure and covered work area/site office comprised of metal scaffolding materials and metal containers in the approximate position hatched blue on the attached plan.” This notice is a reissued notice following an appeal decision by the Planning Inspectorate to quash two earlier notices served following a case review.

4.1 The following cases which were subject to appeal have been determined during the reporting period :

There have no decisions received relating to appeals against Enforcement Notices during the reporting period.

5.1 The following cases have been appealed and are with the Planning Inspectorate for determination

Land on South East side of 79 Guildford Road, Bagshot. Reference number 3295907. Start date 12/4/22. Appeal grounds A, C, D, F, G.

1 Middle Close, Camberley. Reference number 3299756. Start date 13/6/22. Appeal grounds A F G.

Chobham Car Spares, Clearmount, Chobham Reference number 3301643. Start date 5/7/22. Appeal grounds. A, C, D, E, F. Reference number 3301644. Start date 5/7/22. Appeal grounds. C, D, F, G.

Land to the East of Highams Lane, Chobham. Reference number 3301015. Start date 20/6/22. Appeal grounds. A, C, D, F, G. Reference 3301016. Start date 20/6/22. Appeal grounds. C, D, F, G.

Four Oaks Nursey, Highams Lane, Chobham. Reference number 3301935. Start date 12/7/22. Appeal grounds. A, D.

55A Robins Bow, Camberley, Surrey. Reference number 3319565. Appeal grounds A, C, F. Procedure – hearing.

Land at Browells Wood, Windlesham Road, Chobham. Reference number 3328661. Appeal grounds F. Appeal confirmed valid but not yet started. Procedure – written representations.

Land South of Heath Cottage, Priests Lane, West End. Reference number 3328517. Appeal grounds C and E. Appeal submitted but not yet started. Procedure – written representations.

Of Note :

Land lying east of (adj to Lake House (known as Oakley Stables), Highams Lane, Chobham. Reference numbers 3301015 and 3301016. An Enforcement Notice was issued on 31 May 2022 alleging “Without planning permission, the material change of use of the land to a mixed use of equestrian and residential, the construction of a menage, the construction of stables with associated concreted hardstanding, the importation of materials and subsequent regrading of land for the construction of a large hardstanding to facilitate the unauthorised stationing of caravans for residential purposes, construction of fencing, the stationing of 3 caravans for residential purposes, the stationing of a caravan for storage purposes associated with the residential use of the land, the stationing of portable loos and a washroom facility, the construction of a raised swimming pool.” Appeal grounds A, C, D, F and G. Appeal procedure – Public Inquiry. Correspondence has been received from PINS offering an inquiry date of 5th December 2023. Members will be updated further.

5. Uniform / Enterprise

- 6.1 The planning enforcement team action plan tasks are being progressed.
- 6.2 The first task prioritised and identified for completion; the review and update of the Statutory Register of Enforcement and other notices has been completed during this quarter.
- 6.3 The statutory register contains details of all notices (where records exist) issued since formation of the Borough Council in 1974.
- 6.4 The planning legislation requires the register to be available for inspection, however, a version of the register (up to 2019) was previously published on the Council's website. For overall transparency reasons, the register has been updated to ensure it in an accessible format and it has been updated to ensure all notices issued since 2018 to the present day now also appear on the register.
- 6.5 The register now complies with statutory requirements and is published and accessible via the Councils' website.
- 6.6 Officers will ensure the register will be regularly updated to reflect any further notices which are issued and updated with compliance/appeal decisions relating to the notices as necessary.
- 6.7 Further tasks relating to the use of the Uniform database are underway.
- 6.8 During the last quarter the team has been involved in process mapping of tasks associated with planning enforcement administration to standardise the approach to use of the system. A team workshop took place where process related matters were explored and agreed. I.T colleagues will assist the team to refine the processes and procedures. As the matter progresses, members will be updated.
- 6.9 The next task to be undertaken relates to the review and creation of standardised documents/templates. The team has reviewed all of the existing documents and will shortly begin updating all of the documents applicable to the function in tandem with review of the other documents used across the corporate enforcement team.
- 6.10 The formation of enterprise tasks will follow the completion of the process mapping exercise and review of documents and templates. This work is due to take place in Q3/4.
- 6.11 An audit of the use of the planning enforcement module has been organised to take place in January with assistance from an external consultant from Idox which has been organised by the I.T team. Any further improvements to the module and functionality of the system will then be explored.
- 6.12 Alongside the abovementioned works, officers have been liaising with I.T and development management colleagues to assist in configuration of the appeals

module. This module will be used by both teams to administer appeals which should in due course increase transparency and information available to customers via the planning portal on the website. Work in relation to the appeals module is currently taking place with input from officers across the development management, i.t. and planning enforcement teams. It is anticipated that following configuration and formulation of templates and documents, the module is likely to become accessible in the coming quarters.

6.13 Members will be updated on progress in the next performance report.

7. Summary

7.1 Q2 has been a busy quarter.

7.2 Officers have dealt with some difficult and contentious cases and are continuing to resolve historic matters. A number of historic cases have been reviewed by the team alongside more recently occurring matters.

7.3 Officers anticipate that the remainder of this financial year is likely to remain very busy given ongoing appeals and court actions. The team will however endeavour to continue to progress system and procedure improvements and make full use of technology.

Author / Contact Details	Julia Greenfield Corporate Enforcement Manager
Head of Service Strategic Director	Gavin Chinniah, Head of Planning Nick Steevens, Strategic Director of Environment & Community

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09/23

Old Dean

LOCATION: Woodland between Devonshire Drive and Larchwood Glade, Camberley
PROPOSAL: To protect a Woodland by means of Tree Preservation Order
TYPE: Tree Preservation Order (TPO)
APPLICANT: Jane Whitby – Land Owner
OFFICER: Alastair Barnes

This matter has been reported because under the Scheme of Delegation when objections are received to the serving of a Tree Preservation Order this must be reported to the Planning Applications Committee.

RECOMMENDATION: Confirm the Order with no modifications

1.0 INTRODUCTION

- 1.1 A Tree Preservation Order (TPO – 09/23) has been served to protect the Woodland Copse, between Larchwood Glade and Devonshire Drive.’ A copy of the order is appended to this report *[See Appendix 1]*.
- 1.2 In accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Trees Preservation) (England) Regulations 2012, the TPO was served upon the owner and occupier of the land affected by the TPO together with the owners and occupiers of any land adjoining on which the tree is situated.
- 1.3 As per the regulations, all interested parties were given 28 days to object and to make written representations regarding the Tree Preservation Order.
- 1.4 One objection to the order was received within the 28 days of serving *[Appendix 2]*. A formal response to objections made from the Council’s Arboricultural Officer to the objector did not provide a resolution to the objection and so the decision whether to confirm the order is therefore brought before the Planning Applications Committee. Details regarding the nature of the objection can be found within this report. It should be noted that the objector has stated that her son had also objected to the TPO, but no written record of this objection can be found.

2.0 BACKGROUND

- 2.1 Tree Preservation Order 09/23 was served on the 5th June 2023 to protect a Woodland Copse that is located between the two roads of Larchwood Glade and Devonshire drive and provides amenity to nearby residents as well as a habitat for wildlife.
- 2.2 The trees were protected via a Woodland TPO which protects all trees of all species including saplings and seedlings that grow up subsequently. The woodland designation is a means of protecting a woodland in order to ensure a means of long-term retention for areas of amenity and wildlife and trees which provide character to the street scene. Previous to this order there was an area order in place which only protected the trees growing at the time of serving. Since then, many trees have grown, fallen and regrown as part of a continuous cycle of natural regeneration. It is now those trees which will benefit from further protection.

3.0 POWER TO MAKE A TPO (RELEVANT LEGISLATION)

- 3.1 The law on Tree Preservation Orders is contained in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 3.2 Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath.
- 3.3 Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO.

4.0 EXPEDIENCY

- 4.1 In this instance the trees subject to the TPO are highly visible from both Devonshire Drive and Larchwood glade and are visible beyond and over the existing properties. *[Appendix 3 & 3a]*. The Local Authority was made aware that following the refusal of the planning application (See 4.3 below) that the land was being sold at auction. It was considered expedient to serve a new TPO to be reflective of the current land use and utilise TPO legislation to deter inappropriate development and tree removal which would harm the woodland and the surrounding character.
- 4.2 The woodland provides a positive impact on the natural environment by ensuring retention of important landscape features for the wider environmental benefits, enhancing the amenity of the area as well as maintaining the sylvan nature of the street scene. The majority of the woodland are pines which are reflective of historic land use and are in total keeping with the surrounding area. The trees provides amenity to not only the immediate residents but residents from further afield where they are prominent features on the sky line. The tree plays an important role in the wider context providing seasonal interest, ecological biodiversity benefits and it helps to break up the built form.
- 4.3 Protection of this tree is consistent with Policy DM9 (iv) of the Core Strategy and Development Management Policies 2012 that seeks to ensure that trees and vegetation worthy of retention are afforded protection. Furthermore, a previous planning application on this site for the erection of 3 no. two storey detached dwellings with private amenity area, parking and access (application reference 20/0752/FFU) was refused in March 2021. It was dismissed at appeal in February 2022 on the grounds of diminished enjoyment of the proposed properties, loss of trees, harm to protected trees and the impact on the trees and woodland of the proposal. *[see Appendices 4 and 4A for a copy of the appeal decision]*.
- 4.4 Highlighting the significant visual amenity of the woodland, at paragraph 7 of the appeal decision the Inspector states the following:

'The development would directly affect, by their removal, almost a quarter of the approximately 200 trees assessed by the appellant. This would be a substantial reduction in

the number of trees. More than two-thirds of the trees lost would be Scots pine trees and more than three-quarters of the trees lost would be higher category B trees, including all but two of the Scots pines. Albeit, individually, mostly in the lowest B sub-category, these trees are nonetheless 'of moderate quality and value' and 'in such condition as to make a significant contribution'. Moreover, in my view, they also have significant visual amenity value collectively. Accordingly, there would also be a notable reduction in the prevailing species and quality of trees on the site.'

- 4.5 The DEFRA (Department of Environment, Food and Rural Affairs) MAGIC GIS system has the woodland categorised as 'Priority habitat inventory – Deciduous woodland.' This means that the woodland is considered important for its tree coverage and the woodland and forms part of the national forest inventory.
- 4.6 It should be noted that a TPO is not designed to hinder the appropriate management of a tree. Any application to undertake work will be judged against good arboricultural practice and the Council would not withhold consent for appropriate works sympathetic to the current condition of the tree.
- 4.7 The serving of a Woodland TPO brings the site up to date, in that when the initial area order was served the woodland designation was not available and as such was not totally representative of the land use. The new TPO now protects the woodland character rather than just the trees at the initial serving.

5.0 REPRESENTATIONS

5.0 Between the 7th June and the 25th July 2023 the Council received approximately 47 letters in support of confirming the TPO as shown. The main reasons for support are summarised below:

- The need for and to protect local wildlife corridors.
- The woodland provides character to the area
- Habitat value
- Aesthetic appeal of neighbourhood.
- Provides character to the area.
- The amenity value of the trees.

5.1 The Council also received one objection to the TPO from the landowner [Appendix 2]. As noted, it was referenced that a second objection was made by the landowner's son, but no written record is evident. The grounds of the objection have been summarised below:

- The TPO does not support the land at all and prevents woodland management.
- The woodland is not a public amenity (use of land).
- Trees, light, and general use.
- Removal of trees.

6.0 ARBORICULTURAL OFFICER'S RESPONSE TO OBJECTIONS

The TPO does not support the land at all and prevents woodland management:

- 6.1 The woodland TPO is designed to prevent inappropriate development and tree removal with consent which would harm the woodland or the amenity it provides. The TPO does not include invasive species such as Laurel and Rhododendron which can be removed without consent of the Council (dependent on methods of removal). The objector is mistaken in that the TPO would prevent good woodland management. At this time no woodland management plan (WMP) has been submitted along with a tree works application to the Council for consideration and so the Council cannot comment on the appropriateness of the scheme. A well designed WMP is considered the most appropriate means to secure the long-term improvement of a woodland and the Council is unlikely to refuse such an application where such a proposal demonstrates clear and achievable outcomes. The Council agrees WMPs as a conditional part of a planning application for this very reason. The Council is unlikely to grant consent for works where it would pave the way for inappropriate development. *[See Appendix 2A for further reasoning]*.

The woodland is not a public amenity (use of land):

- 6.2 The woodland is not a public amenity, for which the Council agrees. However, the woodland provides a public visual amenity for which a distinction exists. The presence of the trees both beyond and at the road frontages helps to soften the built form, provides cooling shade during summer and frames the street scene due to the visual amenity from their form and presence. The objector makes reference to the use of the land in a way not in keeping with the woodland setting including the keeping of animals (which can strip bark, killing trees and prevents natural regeneration through grazing pressure). A woodland is not the most appropriate means of keeping livestock, but the woodland order does not prevent the usual use of the space as an amenity for enjoying wildlife. *[See Appendix 2A for further reasoning]*.

Trees, lights, and general use:

- 6.3 The objector references that the trees will grow and block light to the neighbouring properties. However, the trees on the boundary are already mature but the Council does not receive significant numbers of complaints about light within their gardens at this site. It should also be highlighted that there is no 'right to light' and generally this applies to a certain window under a prescription over a period of time but does not apply to trees. The TPO does not prevent pruning to trees under an application as long as it is justified with suitable levels of evidence as to the condition of the tree and that the proposed work would not impact on the overall health and longevity of the trees. The objector references the woodland as a garden. It is important to remember that the land is not tied to a dwelling per se and would not ordinarily be considered a 'garden.' Further to this, the TPO is a restriction on the land and is there to preserve the area as a woodland. As already mentioned, this land has been identified by DEFRA as Priority Habitat Inventory - Deciduous Woodland.

Removal of trees:

- 6.4 The objector stated that they wish to remove the dead and dangerous trees, however, there already is an exemption for this work. The legislation is clear in that the removal of dead branches can be carried out under an exemption. The removal of 'dangerous' trees reference imminently dangerous rather than perceived 'dangerous' trees and it is advised you seek professional advice before carrying out this work as it could be an offence to remove trees that do not fall under the exemptions. The listed 'dead' trees can also be removed without formal application as an exemption but again 5 days notice should be given to the Local Authority. Applicants wishing to exercise the exemption would need to provide the Council with 5 working days notice so that we may inspect the work proposed. It should be noted, however, that the retention of dead wood and trees in woodlands is a positive for ecology and biodiversity for which the applicant is keen to promote. With that in mind all dead

branches and trees removed should stay within the woodlands to boost the biodiversity levels.

- 6.5 The trees need to be fully assessed by a suitably qualified individual with the necessary woodland management experience and arboricultural expertise to advise on the woodland and have the trees inspected to ensure they remain in a practicable fashion. There also remains an original TPO across the land, irrespective of the woodland order which protects the dominant vegetation at this time. The new TPO is aimed to bring it in line with current land use and government guidance on the use of TPO's.

7.0 LEGAL ADVICE AND IMPLICATIONS

- 7.1 Under the Town and Country Planning (Trees) Regulations 1999, before the local planning authority can confirm a TPO it must first consider any objections or representations duly made in respect of that order. Having considered any objections or representations, the local planning authority may then confirm the order with or without modification or may determine not to confirm the order. In terms of modifications to the order, there is no defined statutory limit on this power, although the Courts have held that this power cannot be used to effectively create a different order from the one originally imposed.
- 7.2 As the order contained a direction under Section 201 of the Town and Country Planning Act 1990 it took effect immediately upon the making of the order. If the order is not confirmed within six months of the date upon which it was made the TPO lapses, and the statutory protection would discontinue.
- 7.3 Once confirmed, the validity of a TPO may not be questioned in any legal proceedings whatsoever, except by way of an application to the High Court under Section 288 of the Town and Country Planning Act 1990 within six weeks from the date on which any order is confirmed.
- 7.4 The confirmation of the TPO has no additional financial implications for Surrey Heath, although there are resource implications in terms of officer workload for the processing of tree works applications in the future.

8.0 OPTIONS AND RECOMMENDATION

- 8.1 The options available to the Committee are:
- To confirm the Order as originally imposed.
 - To confirm the Order subject to modifications; or,
 - Not to confirm the making of the Order.
- 8.2 It is recommended that Tree Preservation Order 09/23 is confirmed as originally imposed.

Background papers

Appendices:
Appendix 1: TPO order 09/23.
Appendix 2: Objection response TPO
Appendix 3: Larchwood Glade
Appendix 3a: Devonshire drive

Appendix 4: Council decision
Appendix 4a: Appeal decision

5th June 2023

TOWN & COUNTRY PLANNING ACT 1990



TREE PRESERVATION ORDER TPO/09/23

relating to

Woodland between Devonshire Drive and Larchwood Glade, Camberley.

Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD

TOWN & COUNTRY PLANNING ACT 1990

TPO/09/23

Woodland between Devonshire Drive and Larchwood Glade, Camberley.

TREE PRESERVATION ORDER

Surrey Heath Borough Council in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:

Hereby make the following Order-

Citation

1. This Order may be cited as **TPO/09/23 Woodland between Devonshire Drive and Larchwood Glade, Camberley.**

Interpretation

2. In this Order “the authority” means Surrey Heath Borough Council
(2) In this Order any reference to a numbered section is a reference to the section so number in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of Section 198 (power to make tree preservation orders) or subsection (1) of Section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in Regulation 14, no person shall:
(a) cut down, top, lop uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with Regulations 16 and 17, or of the Secretary of State in accordance with Regulation 23, and where such consent is given subject to conditions, in accordance with those conditions.

Application To Trees To Be Planted Pursuant To A Condition

4. In relation to any tree identified in the first column of the Schedule by the letter 'C', being a tree to be planted pursuant to a condition imposed under paragraph (a) section of 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated: 5th June 2023

Signed on behalf of Surrey Heath Borough Council

.....

[Authorised by the Council to sign in that behalf]

TOWN & COUNTRY PLANNING ACT 1990

SCHEDULE 1

SPECIFICATION OF TREES

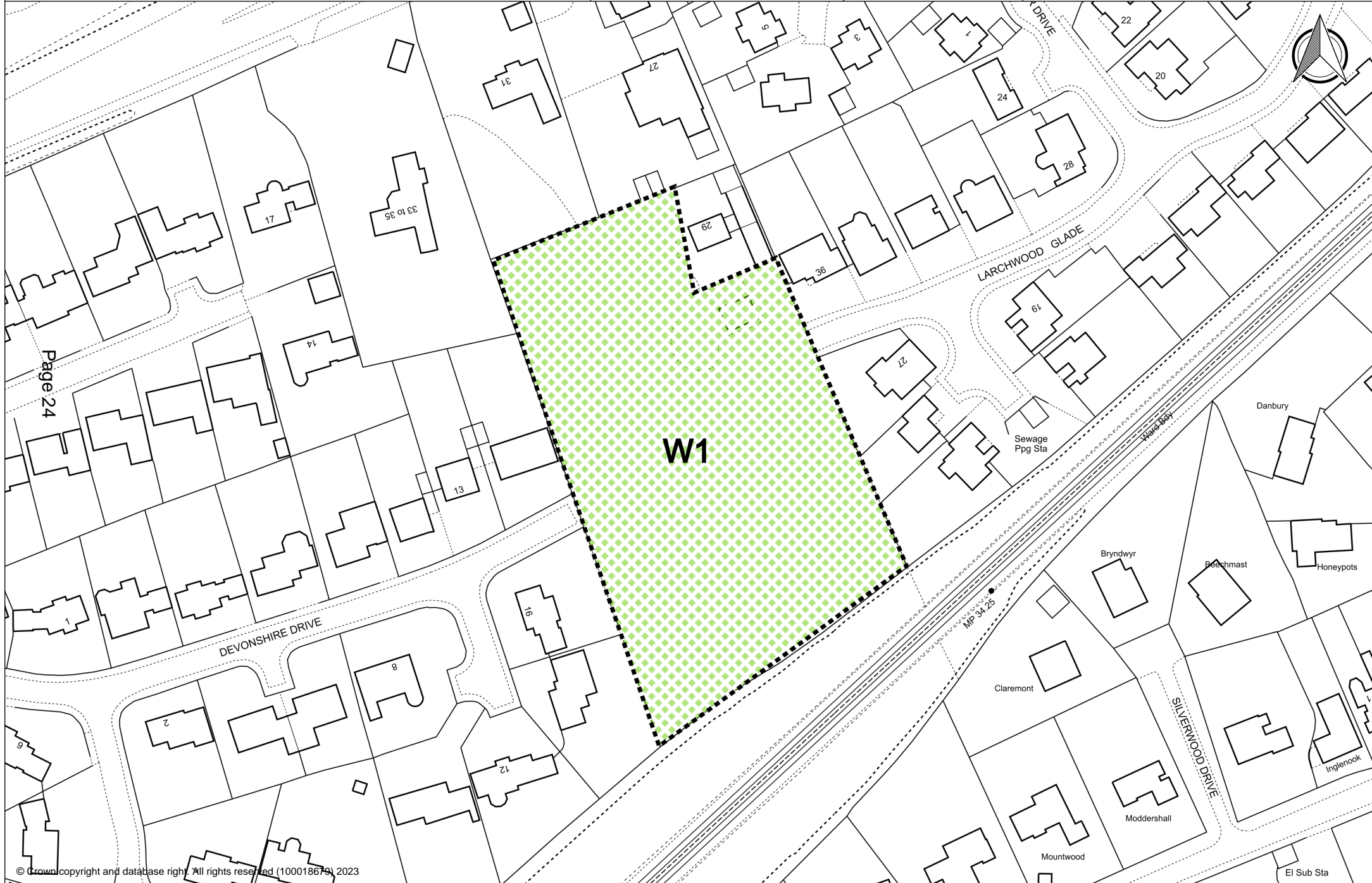
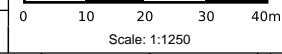
WOODLANDS

(within a continuous black line on the map)

Reference on Map	Species	Situation*
W1	All trees of whatever species	Woodland between Larchwood Glade and Devonshire drive and trees to the rear of No 29 London Road. (As shown on plan)

* complete if necessary to specify more precisely the position of the trees.

NB Please note that the initials within the brackets after the Latin name are for identification of trees on the TPO map which are contained within groups where applicable.



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88 Bitterne Rd West
SO18 1AP

surreywildlifehub@yahoo.com

6/7/2023

Dear Sir /Madam

Tree Preservation order: TPO/09/23

Land To The South Side Of 29 London Road GU15 3UW

I am writing to object to the Tree Preservation Order placed on the Land To The South Side Of 29 London Road GU15 3UW.

I purchased this land knowing the land needed managing and looking after. We read all the documents available online and saw that no one was allowed to build on it so bought it for recreational purposes and to teach my grandchildren how to care for the woodland environment. This woodland is in a dreadful state and reports completed prior to previous planning applications state it has about 10 -15 years to live, possibly because of the poor management, with its existing TPO, of the woodland in the first place. The new TPO does not support the preservation of the land at all. It is overrun with invasive species which are growing saplings and destroying the woodland. It has built a canopy ensuring the ground has little light and preventing species (broadleaf and other traditional trees and shrubs which we intend to plant) from growing.

I feel that the placing of this new order on this particular area has serious flaws as we are currently undergoing the process of setting up a woodland management plan with the full intention of keeping it for our future generations, not as a 'public amenity, as stated in your letter to me. It is not a public amenity as it is private property and, in its current state, it is dangerous, full of invasive poisonous plants and a danger to most animals. I have applied to attend a forestry course and for a grant for 500 trees (we will not plant them all of course) but simply because of the lifespan predicted by the specialists and because the majority of the woodland is cherry laurel, bamboo, rhododendron and holly etc with some very old and dangerous trees (near the train line) in it as per the tree report done prior to the previous trust wanted to decimate the area and fill it with houses. As the area has been unmanaged for a considerable length of time, this has directly impacted the woodlands condition with the establishment of more trees, plants and saplings that are not sustainable for a woodland. If the woodland is left in this unmanaged condition, it will continue to decline with the more dominant species of ecological benefit, increasing the density and preventing the natural regeneration of appropriate species. Therefore the new TPO should be denied so that it can be managed properly by people who genuinely care and who own it.

When purchasing the land, it was with the intention to allow the children in the family a space where they can run and play, enjoy the wildlife, forestry and camping. I would also like them to learn the process of growing and selling, trees, plants and vegetables. In the future, if the council are amenable, we would like to open the area to the public so they can enjoy the wildlife in the forest and also learn. This new TPO will prevent us from using the land for which it was purchased: to ensure broadleaf trees and woodland shrubs are planted in appropriate places to make the woodland safe for children and the community.

The holly has spread through the woodland at an alarming rate which is also toxic to our family pets and makes it hard for the children and pets to walk around safely and freely. Without the ability to cut back or remove trees regularly we will find that pathways will soon be blocked off so the children and family pets cannot play. Getting permission can take upto 6-8 weeks, which is a long time. The new TPO also makes it hard for the children to have any other pets or livestock on the land as they may damage smaller trees and saplings. We had hoped to introduce red squirrels, red kites, insects and other creatures in danger but we must be allowed to remove saplings which we know are bad for the woodland and to be able to create a woodland that is of benefit to the natural world, our own family for which we purchased it and eventually the wider community.

With the new TPO, the saplings and trees on the boundary line will eventually grow and due to their size, it will create loss of light in the majority of the properties surrounding the land. Some of the trees may overgrow into the neighbour's property and become a nuisance as they will have to request permission just to cut back a tree. Another concern is structural damage and subsidence. If the woodland is not managed the roots of the young trees and saplings in the future could become a problem for the neighbours as there are a lot of oak, sycamore and ash trees. If the trees/saplings, such as the Scots pine, are near the houses/ train tracks and start leaning towards them, this could become a risk. At the minimum, saplings growing on the boundaries will damage existing boundary fences for all neighbours, cause the woodland to expand into neighbouring gardens and therefore potentially cause the neighbouring houses to also have to have TPOs which would cause a multitude of problems for the neighbours who are very free with what they do in their gardens. This woodland is our garden and we wish to look after it, care for it, remove the unwanted species so this TPO does not support us doing that but rather forces us to leave it to be overrun with the invasive species which is currently threatening it and the wildlife within.

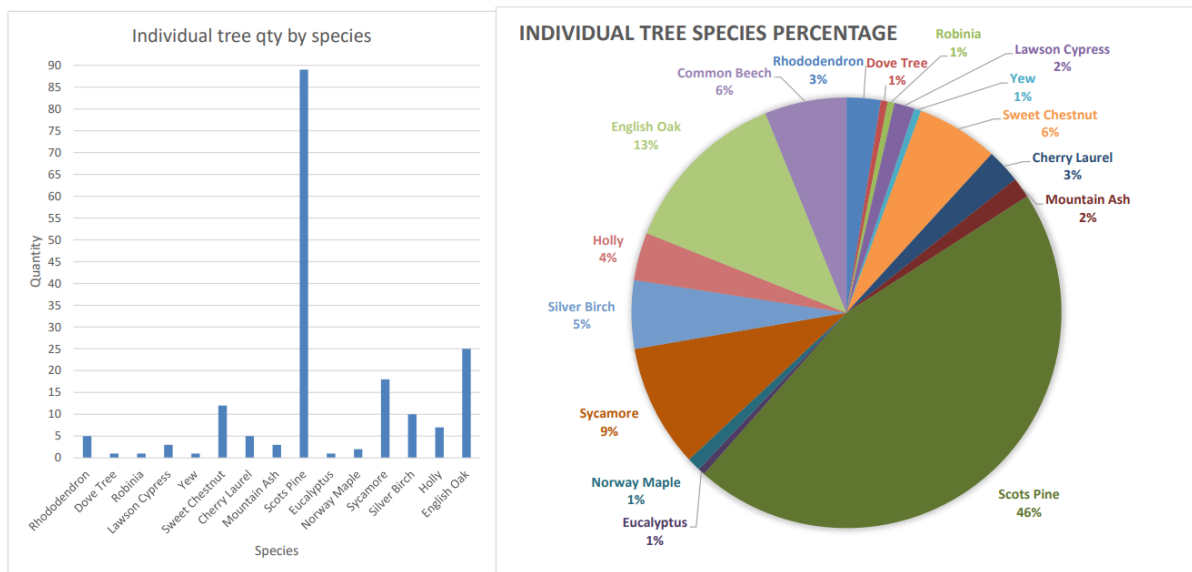
As the area has been unmanaged for a considerable length of time, this has directly impacted on the woodland's condition with the establishment of more dominant sub climax species, in particular the high proportion of Scots pines. If the woodland is left in this unmanaged condition, it will continue to decline with the more dominant species of lower ecological benefit, increasing in density and preventing the natural succession/regeneration and introduction of more appropriate species. Eventually resulting in the loss of the diversification essential to support a true natural woodland habitat.

Paul Watts the past Tree Officer at Surrey Heath Borough Council was consulted on numerous occasions (2021) with site visits to acquaint himself with the woodlands condition. It was his opinion that the woodland was in a poor condition and decline with the likelihood without any management and replanting that it would deteriorate and within the next 10-15 years become unsafe to allow access and ultimately result in the

loss of the woodland entity from a visual and environmental aspect.

He also stated: From our extensive time in the woodland, it is very apparent that the Scots Pine dominance and their canopy shading is contributing to prevention of natural regeneration occurring, also their age class a major issue in that, within the next 10-20 years most, in association through their poor condition will either die, or need to be removed. Resulting in the effective loss of the woodland as an entity. The new TPO would enable this loss and should not be confirmed.

Currently we have:



It is imperative that saplings of the undesired kind not be allowed to grow which goes against the new TPO.

Through a phased removal, over a 2-to-5-year period, there will be a requirement to reinspect trees throughout the entire woodland, with the goal to determine if any could be removed but retaining the more mature specimens this will improve the light penetration and allow the regeneration to become established. Coppicing of some Sweet chestnut early mature stock. This should encourage more diverse ground fauna to develop. The new TPO will hinder all of this.

The vision is to revitalise the woodland whilst encouraging the continuation of the woodland by the phased removal of the invasive understorey vegetation and the removal of less desirable non characteristic trees and replacement with more native and sustainable species creating a more diverse selection of species and mitigating the deprivation of species loss due to selective disease or pathogen, environmental, attack. The opening of the canopy should encourage the natural regeneration to develop and a produce a more biodiverse ecological structure.

In addition, the TPO will make it impossible to maintain this woodland. A report done in 2019 shows the danger of leaving trees to grow where they wish in some instances:

T53	Scots Pine	SP	Mature	18	Branches - Poor, Stem - Poor, Roots - Fair	Poor	C1	Recommended action: Fell	Located 2m from boundary fence to railway cutting. Main stem has a lean to the north with several lesions wounds on the main stem indicating structural concerns. Advisable to remove on safety grounds.	28.05.19
T54	Scots Pine	SP	Mature	21	Branches - Fair, Stem - Fair, Roots - Fair	Fair	B2	Recommended action: No action	Located on fence line to railway cutting. Main stem has several slight twists and kinked from 5 to 10 metres.	28.05.19
T55	Common Beech	BE	Early Mature	13	Branches - Fair, Stem - Fair, Roots - Fair	Fair	B3	Recommended action: No action	Located on boundary fence to railway cutting.	28.05.19
T56	Scots Pine	SP	Mature	16	Branches - Fair, Stem - Fair, Roots - Fair	Fair	B3	Recommended action: Fell	Located on boundary fence to railway cutting. Tree has a significant lean of the main stem and biased crown to the south and a potential hazard to the railway. This tree should be removed on safety grounds.	28.05.19

As caretakers of the land we purchased, we do not wish to see trees growing near the railways, new boundaries and damaging the neighbour's properties or cause danger and therefore ask that this new TPO be denied as per the report made 4 years ago showing potential hazards to neighbours:

T82	Scots Pine	SP	Mature	16	Branches - Poor, Stem - Poor, Roots - Fair	Dead	U	Recommended action: Fell	Tree has been dead for some time and potential hazard to the residential properties on the eastern boundary. Tree should be removed as a matter of urgency.	28.05.19
T83	Scots Pine	SP	Mature	2	Branches - Poor, Stem - Fair, Roots - Fair	Declining	B3	Recommended action: No Action	Within 5m of boundary to residential properties, stem and crown are leaning and biased to the west. The main stem has fluted depressions on the western side at 2m.	28.05.19

The only trees/saplings we would want to remove are those that are dead, dying or dangerous to make the place safe and accessible for our family and two dogs. The new TPO prevents this.

Based on this I do not think that it is expedient for the land to be protected with another TPO as there are no trees being felled, pruned or damaged in ways which would have negative significant impact on the amenity of the area. The extra new TPO is unnecessary, shortsighted, dangerous and will cost me extensive funds and excessive time to continually ask permission to remove that which is unnecessary, unwanted and damaging/dangerous to the woodland which we hope to restore.

Regards,

Jane Whitby



Team: Tree Service
Our Ref: TPO/09/23
Direct Tel: 01276 707100
Email: Trees@surreyheath.gov.uk

Surrey Heath Borough Council
Surrey Heath House, Knoll Road,
Camberley, Surrey GU15 3HD
Web: www.surreyheath.gov.uk

Jane Whitby
88 Bitterne Road West
SO18 1AP

Date: 20/07/23

TPO NUMBER: 09/23

TPO TITLE: Woodland between Devonshire Drive and Larchwood Glade, Camberley.

TPO LOCATION:

Larchwood Glade/Devonshire Drive.

Dear Jane Whitby,

Thank you for your letter dated 6th July 2023 which outlines your objections to the above Tree Preservation Order (TPO).

I will address each of the most pertinent points raised in your letter which directly relate to the TPO.

Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO. The woodland itself is a public amenity, this is not to say it is open to the public, it is that it provides a visual amenity to the wider public creating a rural woodland feel in an urban setting, softening the built environment and creating wildlife habitat. The assertion that it is considered 'public' has been misinterpreted. The Council have applied a further Woodland order to bring it in line with current guidelines around woodlands and

TPO's and to ensure that the future trees that are currently saplings and seedlings which will actively benefit the woodland are also protected.

Woodland Management.

A Woodland is a unique, dynamic and natural asset of our countryside, whether this is in the wider landscape or pocket woodlands such as the one you have recently purchased, however, it is erroneous to say that the woodland is 'dying' if that was the case woodlands would no longer exist without humans to manage them, which is factually wrong. Woodlands go through many stages, or 'seral stages' ranging from early to mature to ancient. basically speaking when a woodland reaches a mature stage the older trees tend to die or fall over or are removed, creating gaps in the canopy which allows low growth species to take advantage such as wildflowers and young trees which colonise these open spaces or glades eventually new trees exploit this space and then they become the dominant canopy, what humans do is to recreate this natural process by creating glades and cuttings through selective tree removal. It would be expected that trees growing in the understorey are awaiting this advantage to occur, when we remove these trees early we deplete the woodland by preventing natural regeneration and breaking these links. The dominant species in the wood is pines which provide dappled light through the canopy, it is expected that understorey such as pines would regenerate and broadleaves as some do grow within shaded conditions, others however, will await open conditions, I should be noted that the woodland does have a mix of open space and shaded areas from mature trees, this is not a bad thing in terms of woodland management.

Management plan.

The Local authority would always promote activities that directly benefit a woodland such as those described before and would encourage anyone to consider a implementing a suitable woodland management plan that encourages native species and good woodland management, the TPO does not prevent good woodland management as long as it is suitably evidenced of the benefits and forms part of a long term woodland plan. Within the report you reference a 5837 development tree survey, this was submitted in support of a planning application and has been assessed as such, it has not been assessed in the realms of woodland management and so cannot be relied upon for general tree condition as it does not take into account the many benefits of old woodland. Some of the 'issues' raised such as old mature trees are the very things that are the most beneficial to a woodland and should be seen as a benefit, things like older trees with dead branches and dead standing trees provide a rich source of ecological habitats and trees generally provide the most ecological benefits at their mature stages, the contradiction between the planning documents and a proposed woodland management should not be read in conjunction with each other as it can lead to confusion about the state of a tree/woodland.

You have referenced that the woodland is in poor condition but no full ecological assessment of it has been carried out by a suitably qualified ecologist/woodland manager but as you have mentioned you intend to have the site surveyed and implement a woodland management scheme this would address your concerns over the state of its health, as mentioned the Council would not always refuse an application for positive woodland management which actively demonstrates that it will improve the area, it would refuse an application where demonstrably harm occurs to the woodland.

Invasive species.

I do not disagree over the presence of invasive species such as Laurel and Rhododendron, these species do indeed prevent woodland regeneration and should be removed, the TPO would not prevent the removal of these as they are shrubs and not covered by the Order, trees such as Holly provide many benefits to wildlife and are considered a pioneer species which helps to nurture seedlings and saplings as well as an important food source for wildlife, it is not considered an invasive species and is native to the UK. If you have concerns over pets etc. eating the berries I would suggest not taking them into the woodland, the removal of the species for these reasons would not be considered acceptable in consideration of the many other benefits it provides to wildlife and can be seen as an overreaction where simple solutions exist. Further to this it is important when wanting to create a natural area for education that we educate our offspring to not eat or ingest things that might cause harm. The Council would welcome an application to carry out the removal of the non-native understorey e.g. laurel and rhododendron and would not refuse such an application, the need to apply is only that the process of removing these shrubs, can cause harm to saplings and seedlings but it would not ordinarily be refused.

Use of the land

You do say that the land is for play, enjoyment of wildlife and camping, it is private land and you can use it as such, the TPO does not prevent access to it or to enjoy wildlife, it is still a woodland and any significant changes of land use would impact on the ability of the woodland to regenerate and cause harm to retained and protected trees, the use of livestock can damage trees, saplings and seedling which the TPO protects, a woodland is not necessarily a suitable means of keeping livestock especially were a woodland order exists as domesticated animals do harm trees through natural processes of rooting and foraging.

Trees, light and general use.

You reference that the trees will eventually grow and block light to the neighbouring properties, the trees on the boundary are already mature but the Council does not receive significant numbers of complaints about light within their gardens at this site, however, it should be highlighted that there is no 'right to light' and generally this applies to a certain window under a prescription and does not apply to trees. The TPO does not prevent pruning to trees under an application as long as it is justified with suitable levels of evidence as to the condition of the tree and that the proposed work would not impact on the overall health and longevity of the trees. It should also be highlighted that although you reference the woodland as a garden, it is important to remember that it is not tied to a dwelling per se and would not be ordinarily be considered a 'garden', further to this, the TPO is a restrictive on the land and is there to preserve the area as a woodland, this land use is reflected under the MAGIC GIS from 'DEFRA' which has identified the land as *Priority Habitat Inventory - Deciduous Woodland (England)*. <https://magic.defra.gov.uk/>

Removal of trees.

You have stated that you wish to remove the dead and dangerous trees, there already is an exemption for this work, the legislation is clear in that the removal of dead branches can be carried out under an exemption,

the removal of 'dangerous' trees references imminently dangerous rather than perceived and it is advised you seek professional advice before carrying out this work as it would be an offence to remove trees that do not fall under the exemptions. If you intend to exercise the exemption you will need to provide the Council with 4 working days' notice so that we may inspect the work proposed. It should be noted however, that the retention of dead wood and trees in woodlands is a positive for ecology and biodiversity for which you are keen to promote, it is advised that all dead branches and trees removed stay within the woodlands to boost the biodiversity levels. Further I would advise that the trees are fully assessed by a suitably qualified individual with the necessary woodland management experience and arboricultural expertise to advise you on your woodland and have the trees inspected to ensure they remain in a practicable fashion. Their remains an original TPO across the land here, irrespective of the woodland order which protects the dominant vegetation at this time, the new TPO is aimed to bring it in line with current land use.

I hope I have made clear some of the issues you have raised and provided a response which should alleviate your concerns, the intention is to confirm the TPO as originally served, if this letter has not overcome your objections then do please let me know, if it has not, the decision to confirm the order will be put to elected members at a planning committee to decide on its confirmation, if you have any other questions regarding any points raised in this letter do please let me know.

Alastair Barnes

Arboricultural Officer

Appendix 3 – Larchwood Glade



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Appendix 3A – Devonshire Drive



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Surrey Heath Borough Council

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD
Contact Centre: 01276 707100
DX: 32722 Camberley
Website:
Www.surreyheath.gov.uk

Service: Regulatory Services
Our Ref: 20/0752/FFU
Officer: Miss Patricia Terceiro
Direct Tel: Contact Centre: 01276 707100
Email: development.control@surreyheath.gov.uk

Mr Nicholas Cobbold
Bell Cornwell Chartered Town Planners
Bell Cornwell
Unit 2 Meridian Business Park
Osborn Way
Hook
RG27 9HY

Date of Decision: 24th March 2021

TOWN & COUNTRY PLANNING ACT 1990
Town & Country Planning (Development Management Procedure)
(England) Order 2015

Application Number: 20/0752/FFU

Proposal: Erection of 3no two storey detached dwellings (1x 3bed and 2x4bed) with private amenity area, parking and access.

Location: Land Between Larchwood Glade And Devonshire Drive, Camberley, Surrey, GU15 3UW

In pursuance of their powers under the above-mentioned Act and Order the Council, as the Local Planning Authority, hereby **REFUSE** permission for the above development for the following reason (s):

- 1 The proposed development would erode the tree compartment located between Larchwood Glade and Devonshire Drive and result in the loss of a significant number of trees that make a positive contribution both as a group and individually to the surrounding environment. The harm to this part of the defined Wooded Hills Character Area, for which its soft and green character is a key characteristic, could not be mitigated through replacement planting. The proposed development is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Guiding Principles WUA2, WUA3, WH1, WH3 and HE3 of the Western Urban Area Character Supplementary Planning Document 2012 and the National Planning Policy Framework.

- 2 The proposed development, by virtue of the plot sizes and closely set buildings, would give rise to a cramped form of development that would fail to respond to the layout that can be seen on surrounding cul-de-sacs and be contrary to the prevailing spacious character of the area. As such, the proposal would fail to integrate into its surrounding context, respect and enhance the character and quality of the area, including the Wooded Hills Character Area and would be contrary Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Guiding Principles WH1, WH2, HE1 and HE2 of the Western Urban Area Character Supplementary Planning Document 2012 and Principles 6.6 and 7.4 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
- 3 The proposal would fail to provide an acceptable level of usable amenity space to its future occupiers due to the significant overshadowing of the garden area which would arise due to proximity and size of retained trees covered by a Tree Preservation Order (TPO 7/71) located on the site. Moreover this arrangement would be likely to give rise to pressure for the pruning or felling of these trees, which would add to the identified harm to the character of the area (reason for refusal 1). The proposal would therefore be detrimental to the residential amenities of its future occupiers, contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Principle 8.4 of the Residential Design Guide Supplementary Planning Document 2017 and the National Planning Policy Framework.
- 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 (2019).

Informatives:

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.
3. The applicant is advised that any future re-submission of a residential scheme on this site should clarify that there will be a measureable

biodiversity net gain at the site secured as a result of the proposed development. The applicant may wish to use an appropriate metric such as the DEFRA Biodiversity Metric 2.0 to demonstrate how the site will provide biodiversity net gain.

4. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.



Executive Head - Regulatory
Duly authorised in this behalf
(ATTENTION IS DRAWN TO THE NOTES ATTACHED)

NOTES TO APPLICANTS

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice, unless your decision relates to the following:

- For a Householder Planning Application you must appeal within 12 weeks of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, then you must appeal within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application then you must appeal within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- For a minor commercial application you must appeal within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Further advice

- If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner may serve a Purchase Notice on Surrey Heath Borough Council. This Notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 120 of the Town and Country Planning Act 1990.
- This decision notice refers only to the application made and does not convey any other consent or permission. Applicants should satisfy themselves that any other relevant consent is obtained before any work commences. For example: approval under the Building Regulations; consent under the Environment Agency byelaws; the release of any restrictive covenants on the land or permission of any landowners. Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

- This decision notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained at www.surreyheath.gov.uk. A paper copy can be obtained but there is a charge for this service.

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Appeal Decision

Site visit made on 24 January 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2022

Appeal Ref: APP/D3640/W/21/3277808

Land Between Larchwood Glade and Devonshire Drive, Camberley, Surrey GU15 3UW

- 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 Forays Homes against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0752/FFU, dated 24 August 2020, was refused by notice dated 24 March 2021.
 - The development proposed is the erection three dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. With its final comments the appellant submitted an executed unilateral undertaking (UU) dated 14 December 2021. The Council was given the opportunity to comment on it, having already commented on a previous draft. No comments were received. The appellant states that the UU 'has now been agreed by the Council' but I have not been provided with any such confirmation by the Council. However, it is a UU and I have had regard to it in my decision. It contains planning obligations with regard to the Thames Basin Heath Special Protection Area, which I deal with in 'other matters' below, and a draft woodland management plan, which I deal with in the first 'main issue' below.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area, having particular regard to its effect on protected trees and its layout and form; and
 - the living conditions of future occupiers, with respect to overshadowing and external amenity space.

Reasons

4. The appeal site is a large parcel of undeveloped land between the ends of two residential cul-de-sacs at Devonshire Drive and Larchwood Glade, south of some houses¹ fronting the A30 London Road. It is mostly covered by tall, mature evergreen Scots pine trees. A smaller part would be developed with three detached two-storey houses and gardens, accessed by extending one of

¹ Including a property in use as flats

the cul-de-sacs. The remainder of the site would be managed as woodland and for ecology.

Character and appearance

Trees

5. The appeal site is in the Western Urban Area² (WUA) which historically included extensive pine tree woodland plantations. In places, these swathes of trees have been eroded over time including interspersed within a patchwork of suburban residential development. Nonetheless, the wooded character of the site is still clearly evident and as such it is in the Wooded Hills Character Area (WHCA). The trees are protected by an area Tree Preservation Order³.
6. Dense mature vegetation, including large trees, are features and key characteristics of the WHCA though, as I saw, often now reduced to rows of trees along road or railway corridors. Even if it is not a remnant of a pine plantation, the extensive, homogeneous block of mainly Scots pine trees on the site is locally distinctive and a dominant local landscape feature. Individually and collectively these trees make a significant positive contribution to the visual amenity of the area and can be observed as such in short and longer distance public views from nearby roads.
7. The development would directly affect, by their removal, almost a quarter of the approximately 200 trees assessed by the appellant. This would be a substantial reduction in the number of trees. More than two-thirds of the trees lost would be Scots pine trees and more than three-quarters of the trees lost would be higher category B trees, including all but two of the Scots pines. Albeit, individually, mostly in the lowest B sub-category, these trees are nonetheless 'of moderate quality and value' and 'in such condition as to make a significant contribution'. Moreover, in my view, they also have significant visual amenity value collectively. Accordingly, there would also be a notable reduction in the prevailing species and quality of trees on the site.
8. Most of the confirmed tree removals would be within that part of the site to be developed, leaving a narrower perimeter of trees on two sides. However, the extent of internal hollowing out of trees to create a pocket of open space to facilitate the development would unduly diminish the density of trees on the site and, in particular, detract from the continuity and aggregation of the distinctive tall Scots pine tree trunks and canopies across the site. This diminution of trees would be at odds with the intrinsic form of this block of trees and unduly erode its integrity, causing a significant loss of visual amenity. Many of these trees would be lost from parts of the site closest to its boundaries with Devonshire Drive and Larchwood Glade and would, therefore, be most apparent in public views from these roads, including between or over existing houses and across gardens or lower intervening planting.
9. Most of the Scots pine trees on the site are approaching the end of anticipated life expectancy, a few within 10 years. In due course natural processes will likely lead to different conditions on the site. However, most of these trees have between approximately 10 and 20 years longevity, some 20 to 40 years, and most are in a fair condition. In particular, while many of the Scots pine trees to be removed are in poor condition, many are in fair condition with 10 to

² Western Urban Area Character Supplementary Planning Document, May 2012 (the WUA SPD)

³ TPO ref 7/71 – area A7

20 years life. Even though they have not been managed for some time, most of these trees would, therefore, continue to make a significant positive contribution to local visual amenity for a meaningful period of time.

10. The draft woodland management plan (draft WMP) would secure new planting and future management of trees at the site for a minimum of 20 years. However, it aims to remove 'less desirable and non-characteristic' trees in circumstances where the otherwise 'high proportion' of Scots pines, even if they are of lower ecological value to other trees, is unsurprising and to be respected given their location in the WUA and WHCA. Moreover, it seeks to introduce a 'bias' towards 'more appropriate species' and a 'more mixed broadleaf character'.
11. While this would achieve some biodiversity and ecology net gains, the number of broadleaf trees to be planted, combined with the quantity of Scots pine removals, would fundamentally alter the stock of trees on the site. It would result in trees distinctly different in form and appearance to the Scots pines and detract from the individual and collective historic or contemporary visual amenity value of these trees. This would be at odds with a defining characteristic of the WUA and WHCA. Accordingly, the draft WMP would not provide appropriate or satisfactory mitigation.
12. While the UU provides for future iterations to the draft WMP to be agreed with the Council, there is no substantive evidence before me that a final form of WMP could be resolved that was more reflective of the WUA and WHCA, or that it would successfully integrate with the proposed development. This matter cannot, therefore, reasonably be left to the UU or relegated to approval of details by condition post planning permission.

Layout and form

13. The large, detached houses in large plots south of the A30 have no meaningful intervisibility with the site but are, nonetheless, representative of the distinctive, generally lower density layout of residential development in the WHCA. In clear contrast, Devonshire Drive and Larchwood Glade are higher density sub-urban residential estates with smaller detached houses and plots. While some houses have been extended to reduce gaps between built form, it does not alter plot sizes, and both estates are set within broad envelopes of open land with distant horizons, either with trees on the site behind or next to more sporadic individual trees or against a backdrop of more distant trees. Consequently, and notwithstanding the proximity of these houses to the site, both estates are, unsurprisingly, in different character areas of the WUA.
14. Three small and tightly spaced houses, including two directly opposing each other, on small, regular shaped plots would be inserted into the site, surrounded by existing or proposed trees. Such a tight, enclosed spatial and visual relationship between trees and this layout of built form would be manifestly out of keeping with the prevailing nature of residential development in the WHCA and, in any event, in these respects with both cul-de-sacs. Moreover, while the layout and built form, taken in isolation, would at least have more in common with the houses in Larchwood Glade, it would instead be sited closer to and be out of keeping with the generally larger houses and plots in Devonshire Drive.

15. There is, therefore, no justification to 'transition' the site by importing an alien layout of built form, more akin to a different character area, and merge it into the WHCA. Infiltrating the WHCA in the manner proposed would unduly dilute the distinctive cohesiveness of this part of the WHCA and in turn, degrade the value the WUA.
16. Combined with the tree removals and the, albeit narrow, gap at the site entrance, the incompatibility of the proposed layout and form of development would be particularly evident in views from Devonshire Drive. Moreover, during night time external and internal lighting on the site, including vehicle headlights, would be conspicuous where there is currently darkness. While the compact layout of built form seeks to minimise tree loss, it would, nonetheless fail to integrate the development into its surrounding context and, no matter how close to the adjoining development, lead to urbanisation of the site. New planting would not alleviate the fundamental incongruity of the development in these regards and would, by itself, take many years to have any meaningful screening effect. A lack of greater public visibility does not diminish the inherent incompatibility of the proposal in layout and form.
17. I have been referred to an appeal decision⁴ for housing development at one of the properties south of the A30. The reference to 'atypical' and a 'spur' in paragraph 12, and in relation to adjoining character areas, was informed by the particular location of that site, including as part of a row of large houses and flanked by other houses either side. These were part of the visual context to that site (see also paragraph 13). Similarly, the Inspector's finding in paragraph 20, in relation to that sites surroundings, needs to be properly understood in the context of paragraph 18. Here the Inspector found that the site was at 'an extremity' of the WHCA where 'the characteristic features' of that particular part of the WHCA 'become less evident'. Though near that site and that end of the WHCA, the current appeal site is not at an 'extremity' and the extent of trees on it is significantly greater. This other development is not, therefore, directly comparable and that appeal decision can be distinguished from the circumstances of the current appeal.
18. Taking all of the above into account, I find that the development would cause significant harm to the character and appearance of the area, having particular regard to protected trees and its layout and form. Accordingly, it would not comply with the Council's Core Strategy⁵ (CS) Policies CP2 or DM9. These policies include that development should respect and enhance the quality and character of the local natural and urban environments, protect trees worthy of retention and create a strong sense of place. CS Policy DM9 also requires proposals to reflect measures set out in the WUA SPD and the Council's Residential Design Guide SPD. The development would, respectively, conflict with Guiding Principles WUA2, WUA3, WH1, WH2, WH3, HE1, HE2 and HE3 and with Principles 6.6 and 7.4.

Living conditions

19. The rear gardens of these family sized houses would be acceptable in dimensions and area for external amenity use. Notwithstanding the proposed tree and understorey removals, significant parts of the gardens of all three houses would contain trees or be closely bordered by retained or new trees.

⁴ APP/D3640/W/18/3209110

⁵ Surrey Heath Core Strategy & Development Management Policies, February 2012

While some parts of the gardens would not be directly over-shaded by retained trees, the individual trunks and evergreen canopies of Scots pine trees would, in particular, be tall, elevated well above ground level and overlapping. While they would not physically interfere with useability of the gardens, they would significantly overshadow a substantial part of the gardens.

20. All three gardens would receive 'some sunlight'. However, only one garden would achieve the requisite BRE guidance recommendation for 2 hours of sunlight over 'at least' 50% of the garden on 21 March. The percentage coverage for sunlight rises by 21 June, at a time when gardens are likely to be more actively used. However, the failure in two gardens against the 21 March standard — which I note is said to determine whether a garden is 'adequately sunlit throughout the year' — is catastrophic in one case (0%) and a material shortfall (30.1%) in the other. Moreover, even 1 hour of sunlight on 21 March would not be achieved over 50% of one garden which would still endure a significant shortfall (8.3%). Consequently, not all of the gardens would be 'adequately' sunlit throughout the year and the degree of overshadowing would be excessive.
21. Furthermore, the appellant's overshadowing assessment considers only 'retained existing trees'. It does not, therefore, take into consideration the potential effect of new tree planting and in this regard, it is not 'worst-case'. I appreciate that an outcome of the appellant's draft WMP might be to counteract the overshadowing effect of the Scots pine trees, but for the reasons I have explained in the main issue above, unduly altering the balance towards broadleaf and deciduous trees would be unacceptable. In any event, under the draft WMP there would be more broadleaf trees in leaf during the summer months and the restriction on sunlight as a result most pronounced over a substantial period of time when the gardens are likely to be most actively used.
22. The TPO gives the Council some control over the trees and I have been referred to extracts of relevant Council guidance⁶. However, retained and new trees would be in such close proximity to gardens, that in addition to overshadowing, they would be overbearing, including when deciduous trees were not in leaf. The resulting conditions would be overly oppressive and cumulatively detract from the useability and enjoyment of these external amenity areas. The immediacy and intensity of spatial conflict between the development and trees would not be conducive to domestic amenity use or meet normal expectations of future occupiers.
23. These circumstances would be such that it is likely that future occupiers would wish to prune or fell trees. Once the development exists, I consider that it would be difficult for the Council to resist such reasonable requests. If so, this would exacerbate harm to the character and appearance of the area for the reasons explained in the main issue above. Sufficient sunlight and satisfactory external amenity space are requisites of high quality design and planning in the public interest. These matters cannot, therefore, be left to the personal preferences of any particular potential purchaser. This issue should instead be resolved or obviated through the design and layout of development to begin with and avoid such conflict from the outset or in the future.

⁶ Surrey Heath Borough Council Tree Advice & Guidance, April 2017

24. Considering the above, I find that the development would cause significant harm to the living conditions of future occupiers, with respect to external amenity space and overshadowing. Accordingly, it would not comply with CS Policy DM9. This policy includes that development should provide sufficient (adequate) private amenity space. This policy also requires proposals to reflect measures set out in the Residential Design Guide SPD. The development would conflict with Principles 8.3 and 8.4.

Other Matters

Thames Basin Heaths Special Protection Area

25. The appeal site is within a zone of influence of the Thames Basin Heaths Special Protection Area (the SPA). A significant effect on its population of three species of birds would be likely to occur from the proposed increase in residential development alone, or in combination with other plans and projects, in an area where the additional residents would be within such proximity that they would be likely to visit for recreational purposes.

26. The Council has adopted a strategy⁷ to address this matter. In this case, mitigation measures have been identified for suitable alternative natural green space (SANG) and strategic access management and monitoring measures (SAMM) to reduce the effect of recreational disturbance on the SPA. There is sufficient SANG available and the requisite financial contribution to it would be collected by the Council under the Community Infrastructure Levy (CIL). The UU would secure a financial contribution towards implementing SAMM. The Council considers that on this basis, the proposal would not adversely affect the integrity of the SPA. I return to the SPA below.

Council consultations

27. I appreciate that differing comments have been made by the Council's previous and current tree officers. In preparing the application, and in the appeal, the appellant has largely sought to rely on the former. However, both officer's views are advice. Having made the decision that the Council did, for the reasons that it did, I have considered the proposal and the appeal on its individual planning merits, including having regard to both officer's comments.

Planning Balance

28. The main parties agree that the Council cannot demonstrate a five year housing land supply. I have no reason to find otherwise⁸. As a consequence, and by virtue of footnote 8, Framework paragraph 11 d) is engaged.

29. In terms of benefits, the provision of three dwellings on a sustainably located site within the wider built-up area of Camberley would make a small, but notable, contribution to housing supply. It would be aligned with the objective of the Framework to significantly boost the supply of homes. The social, economic and environmental benefits associated with building and occupying the dwellings, which would be well-designed and high quality in appearance and include a CIL payment, are factors which carry moderate weight in the scheme's favour.

⁷ The Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document, March 2019

⁸ The Council's 'Draft Five Year Housing Land Supply 2020-2025, August 2020' refers to a 4.85 year supply.

30. The draft WMP would not be aligned with the objective of the Council to maintain the character and appearance of the WHCA and the WUA overall, and the UU does not contain a planning obligation for public access to the retained woodland. Accordingly, there is no benefit from both in this appeal.
31. The site is not in a Conservation Area or in the curtilage or setting of a listed building. The proposal would have satisfactory means of access and parking and traffic generation would be acceptable. It would not have an adverse effect on the living conditions of occupiers of existing dwellings. The absence of harm in these regards, or compliance with the Council's development plan or the Framework, are neutral factors in my decision.
32. However, while the Framework recognises that small windfall sites and efficient use of land can make an important contribution to meeting housing requirements, it also seeks to conserve the natural environment, and retain trees wherever possible, and achieve well-designed places. The proposal would not add to the overall quality of the area or be visually attractive in layout and would not be sympathetic to local character and history or maintain a strong sense of place. Nor would it provide a high standard of amenity in gardens for future occupiers.
33. It would conflict with the Council's relevant development plan policies and diminish the Council's objectives in these respects. These are consistent with aims of the Framework to balance meeting housing needs with these other objectives of sustainable development. Consequently, I give substantial weight to the significant harm that would be caused to the character and appearance of the area and to living conditions.
34. Notwithstanding that the benefits would be aligned with the Framework, and the absence of a five-year housing land supply, the adverse impacts of the proposed development would therefore significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.
35. Since I intend to dismiss the appeal for these reasons, there is no need for me to consider the SPA, or the UU in this regard, any further.

Conclusion

36. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
37. Therefore, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR

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23/0783/FFU

Reg. Date 25 July 2023

Lightwater

LOCATION:	Lightwater Country Park, Lightwater Leisure Centre, The Avenue, Lightwater, Surrey, GU18 5RG
PROPOSAL:	Construction of an outdoor seating area for cafe use, the conversion of window to external service hatch, and window to service door together with the installation of an extract flue to the roof.
TYPE:	Full Planning Application
APPLICANT:	Competition Line (UK) Limited
OFFICER:	Navil Rahman

This application has been referred to the Planning Applications Committee as the Council owns the land.

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 The application relates to the creation of an outdoor seating area to an existing grassed verge, installation of an extraction flue and alteration to the fenestration in connection with the existing café use to the leisure centre.
- 1.2 The proposed development would be considered acceptable in principle. The proposed creation of seating and alterations to the building would not harm the visual amenity of the area.
- 1.3 The proposed development would support the vitality of the café and provide users of the leisure centre with a hot food facility. The proposed extraction fan would not result in any undue visual, noise or odour impact.
- 1.4 The application is therefore recommended for approval subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to Lightwater Leisure centre situated within the wider Lightwater Country Park (that comprises 59 hectares), accessed via the end of The Avenue, Lightwater. The site falls within the Countryside Beyond the Green Belt, and within the 400m buffer zone of the Thames Basin Heaths Special Protection Area. The site is located directly adjacent to the Site of Nature Conservation Importance (SNCI) and Site of Special Scientific Importance (SSSI) which form part of the Thames Basin Heaths SPA.
- 2.2 The leisure centre itself is a part single, part three storey building which comprises a large sports hall, gym, changing rooms, w/c's, and ancillary office space together with an indoor café, which sits within the single-storey element of the building. Surrounding the leisure centre is the associated car parking, open playing fields and tennis courts.

3.0 RELEVANT PLANNING HISTORY

- 3.1 98/0818 Variation to Condition 14 attached to planning permission SU/96/148 and Condition 1 attached to planning permission SU/96/1020 to allow the leisure centre to be open to the public between the hours of 6am - 12.30am Monday to Saturday and 7am - midnight on Sundays and Bank Holidays. *Granted 13/10/1998.*
- 3.2 01/0061 Erection of a single storey front extension to form dance studio, creche, meeting room and ancillary offices, erection of floodlighting and provision of additional parking. *Granted 31/05/2001.*
- 3.3 06/0654 Erection of a first-floor extension to infill the open terrace. *Granted 18/09/2006.*
- 3.4 11/0134 Erection of an external fire escape staircase. *Granted 27/04/2011.*

4.0 PROPOSAL

- 4.1 Planning permission is sought for the construction of an outdoor seating area associated with the existing café, together with alterations to the fenestration in converting an existing window to an external service hatch, and window to service door. An extraction flue would also be installed to the single-storey part of the building.
- 4.2 The proposed seating area would measure 125sqm and would provide approximately 40 seated covers, with composite decking laid out to delineate the seating area and paving to the circulation areas. The decking and paving would have a single level, level with the pavement. Planters are also indicatively shown to the edge of the seating area. No changes are proposed to the existing operational hours which are 6am – 10pm Monday - Friday, 8am – 8pm Saturday and Sunday and 8am - 4pm Bank holidays.
- 4.3 The proposed extract flue would be located on the flat roof of the building and it's height would be no higher than the parapet height of the existing building.
- 4.4 In support of the application, the application has provided the following information and relevant extracts from these documents will be relied upon in section 7 of this report:
- Product specification sheet for the extraction flue

5.0 CONSULTATION RESPONSES

- 5.1 The following external consultees were consulted, and their comments are summarised in the table below:

Consultee	Representation received
Natural England	Raise no objection subject to submission of a Construction Environmental Management Plan (CEMP) to be secured by condition.
SCC Highways	Raise no objection subject to a condition relating to cycle storage and improved access arrangement for pedestrian and cycle users.
Windlesham Parish Council	Raise no objection.

5.2 The following internal consultees were consulted, and their comments are summarised in the table below:

Consultee	Representation received
Arboricultural Officer	The proposed development would result in the loss of existing trees adjacent to the area of works. No objections are raised to this subject to a tree replacement condition being secured.
Environmental Health officer	Requested further detail in respect of noise. Following the receipt of further information as part of the application process, no objections are raised.

6.0 REPRESENTATION

6.1 A total of two letters of consultation were sent on the 1st August 2023 to neighbouring sites, together with a site notice dated 1st August 2023. No letters of representation were received as part of the public notification exercise.

7.0 PLANNING CONSIDERATIONS

7.1 The application site falls within the Countryside beyond the Green Belt as identified in the proposals map of the Surrey Heath Local Plan. In considering this development regard is given to Policies CP1, CP2, CP8, CP14, DM1, DM9, DM10, DM11, DM13 and DM15 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and the National Planning Policy Framework (NPPF).

7.2 The key issues to be considered within this application are:

- Principle of development
- Impact on the character, appearance, and trees
- Impact on residential amenity
- Impact on highway safety and parking capacity
- Impact on biodiversity
- Other matters.

7.3 Principle of development

7.3.1 Policies CP1, CP8, DM13 of the CSDMP are relevant as they support employment growth. Policy DM1 support the adaption of existing buildings within the Countryside for economic purposes will be supported where the development does not conflict with the wider purposes of the Countryside.

7.3.2 The proposed development would seek to enhance and support the existing leisure club facilities. The site currently benefits from an internal café; however, the food preparation area does not benefit from an extraction flue and therefore fresh hot food cannot be made on site. The proposed extraction flue would therefore support the offer provided by the café and in turn it is expected to attract an increased number of customers both using the leisure facilities as well as the wider park. To facilitate the increase in customers the additional outdoor seating has also been proposed. The alterations to the fenestration are sought in response to the amended layout to suit the service needs.

7.3.3 Whilst the site falls within the Countryside beyond the Green Belt, the proposed external works would be of a limited scale, relating to outdoor furniture and alterations to the material of the ground (whether composite cladding or paving). The proposed extraction flue would not stand taller than the parapet of the existing building and there

would therefore be limited views of the flue from the public vantage points. The proposed works would be sited to an existing area of low-level landscaping within the footprint of the landscaping associated with the existing building and the loss of this landscaping would not be considered harmful. The proposed works would therefore not significantly change the scale or appearance of the leisure centre building relative to its surroundings, and given the position of the works, it would not conflict with the objectives of the countryside designation.

- 7.3.4 The application form does not set out that the development would result in an increase in employment numbers, notwithstanding this as considered above, it would support the vitality and viability of the café and the wider leisure facility. No changes are proposed to the operational hours with the existing centre operating between 6am – 10pm Monday-Friday, 8am – 8pm Saturday and Sunday and 8am-4pm Bank holidays. Given its isolated location relative to the surrounding residents, together with its limited size and operation, it is not considered necessary or reasonable to impose any specific operational restriction to the outdoor seating area for the café use with the café use already established.
- 7.3.5 Based on the above assessment, the proposed development would be considered an acceptable and appropriate land use in this setting, supporting the existing employment use without harm to the countryside. The principle of the development is therefore considered acceptable in line with Policies CP1, CP8, DM1 and DM13 of the CSDMP.

7.4 Impact on the character, appearance, and trees

- 7.4.1 Policies DM9 and CP2 of the CSDMP are relevant as they promote high quality design and landscaping.
- 7.4.2 The proposed outdoor seating area is proposed to an existing grassed area with trees adjacent to the area of development. As a result of the development some of the low-level ornamental trees would be lost, and it is therefore recommended that replacement planting is provided. The Council's Arboricultural officer has been consulted and raises no objection subject to a tree replacement condition requiring the planting of a minimum of three new trees.
- 7.4.3 The proposed use of composite cladding, given it would be at ground level, would be considered an appropriate choice of material that would be more durable than natural timber. The use of paving stones to the circulation area also raises no concerns. The installation of fixed furniture, whilst taking away from the existing serene environment would not be considered harmful in the context of the backdrop of the leisure building.
- 7.4.4 The proposed extraction flue would not stand taller than the parapet of the existing building and there would therefore be limited views of the flue from the public vantage points. Notwithstanding this, to further ensure its visual impact is limited it is recommended to be painted in a green colour to match the existing roof, which can be secured by planning condition. The proposed alteration to the fenestration raises no visual concerns.
- 7.4.5 The proposed development would have no significant visual impact on the existing building or wider surrounding area, being of an acceptable scale, position, and design. It would therefore be acceptable in accordance with Policy DM9 of the CSDMP.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development.

- 7.5.2 The site falls within the country park, isolated from any residential development and located 182m from the nearest residential curtilage. Given its scale and limited operation, it is not considered to result in any residential amenity harm.
- 7.5.3 The proposed development would therefore be considered acceptable in line with Policy DM9 of the CSDMP and the NPPF.

7.6 Impact on highway safety and parking capacity

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) of the CSDMP is relevant.
- 7.6.2 The application relates to an existing operational leisure centre whereby the proposed works would support an ancillary facility. Users of the café would be expected to be those that utilise the existing leisure centre and it is considered that the development itself would not be a trip attractor in its own right. It would therefore not be considered to result in any wider highway impact in respect of trip generation, traffic congestion or highway safety.
- 7.6.3 Surrey County Council have been consulted as part of the application, raising no objection. However, a condition is recommended relating to the construction of a sheltered, secure cycle store, and the creation of a safe route for pedestrians and cyclists within the site. Given the development relates to an extension of an existing building which would not be considered to result in any additional trip generation in its own right, and is of a limited scale, it is not considered reasonable to attach a condition requiring a safe route to be created from the Avenue to the development site which would not be considered proportional to the development at hand. The construction of a sheltered secure cycle store is considered appropriate and reasonable in the interests of encouraging sustainable modes of travel to the site.
- 7.6.4 On the basis of the above assessment, the proposed development would satisfy the objectives of Policies CP11 and DM11 of the CSMDP.

7.7 Impact on biodiversity

- 7.7.1 Policy CP14 of the CSDMP indicates that development which would result in harm to or loss of features of interest for biodiversity will not be permitted whilst biodiversity gain is recommended.
- 7.7.2 The site is situated adjacent to the SSSI and SIN. However, given its scale and position within the footprint of the existing landscaping of the building, , it would not be considered harmful to the biodiversity of the surrounding area. Natural England have raised no objection to the development subject to a construction environmental management plan being secured by condition.
- 7.7.3 The proposed development would operate up to 10pm. It is recommended full details of the external lighting is submitted prior the first occupation of the building to ensure that there is no adverse impact arising from artificial lighting upon the SSSI.
- 7.7.4 As such, the development satisfies the objectives of Policy CP14 of the CSDMP.

7.8 Other Matters

- 7.8.1 The Council's Environmental Health officers have reviewed the application submissions and raised no objection recommending no conditions. The proposed extraction system is considered acceptable from a noise and odour perspective.

7.8.2 The proposed development would result in the loss of an area of soft landscaping, however given the scale of development, together with its siting within a Flood Zone risk 1, it is not considered reasonable nor to require the addition of a SuDS condition. The development would not be considered to unduly result in increased surface water flood risk.

7.8.3 The existing servicing and waste management procedures of the existing café would not change.

8.0 PUBLIC SECTOR EQUALITY DUTY

8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex, and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

9.0 CONCLUSION

9.1 The proposed development would be considered acceptable in principle, supporting the vitality and viability of the existing café and wider leisure centre, without harm to the objectives of the countryside. The proposed development would be of an acceptable scale, design, and siting, without harm to the visual amenities of the area, residential amenity, nor the wider highway network. Given its limited scale and siting it would also not result in any adverse harm in respect of flood risk or biodiversity and ecology. It is therefore recommended that planning permission be granted, subject to the conditions below.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. The development hereby permitted shall be begun within three years 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: 1370.100.01, 1370.100.02, 1370.100.03, 1370.100.04, 1370.100.05, 1370.100.06, 1370.100.07, 1370.100.08, 1370.100.09, 1562-001, and TKB-1007-001 Rev A received 25/07/2023 and Product Sheet RD28/1 received 08/09/2023 unless the prior written approval has been obtained from the Local Planning Authority.

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

3. The proposed works, hereby approved, shall be constructed in the materials as set out in drawing no.1370.100.06 received 25/07/2023.

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

4. The proposed extraction equipment shall be built in accordance with the details as shown on drawing no.1370.100.08 received 25/07/2023 and Product Sheet RD28/1 received 08/09/2023, and coloured dark green. The development shall thereafter be maintained for the lifetime of the development.

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

5. Prior to the first occupation of the development hereby approved on site, full details of cycle storage to be sheltered and secure for a minimum of 10 bicycles are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

Reason: In the interests of supporting sustainable modes of transport in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and National Planning Policy Framework.

6. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, to include details of:

- a) Storage of construction materials/chemicals and equipment
- b) Dust suppression
- c) Chemical and/or fuel run-off from construction into nearby watercourse(s)
- d) Noise/visual/vibrational impacts
- e) Visual screening (for SPA birds)
- f) Measures to ensure no materials, machinery, vehicles or works will encroach on the designated site
- g) Timing of works outside of bird breeding season

Reason: In the interests of preserving and enhancing the ecological and biodiversity value of the area in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

7. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting, with a minimum of three trees, shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier, watering schedule and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years following the completion of the landscaping scheme (whichever is later), shall be replaced in the following planting season (October to end of March) by specimens of similar size and species. This condition may only be fully discharged on completion of the planting subject to satisfactory written and photographic evidence, detailing that the trees have been planted as proposed.

Reason: To mitigate the loss of the existing planting on site and contribute towards maintain the visual amenity of the area in accordance with Policy DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied until details of external lighting are submitted to and approved in writing by the Local Planning Authority. 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 ecological designations and visual amenities and to accord with Policy DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

APPLICATION NUMBER	SU/23/0783/FFU
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DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: James Lawrence

Location: Lightwater Country Park, Lightwater Leisure Centre , The Avenue, Lightwater, Surrey, GU18 5RG

Development: Construction of an outdoor seating area for cafe use, the conversion of window to external service hatch, and window to service door together with the installation of an extract flue to the roof.

Contact Officer	Richard Peplow	Consultation Date	1 August 2023	Response Date	6 September 2023
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

Conditions

1) The development hereby approved shall not be first opened for trading unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- (a) The secure parking of bicycles within the development site,
- (b) Providing safe routes for pedestrians / cyclists to travel between the Avenue, Lightwater and the development site,

Reason

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2021.

Policy

Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2021.

Note to Planning Officer

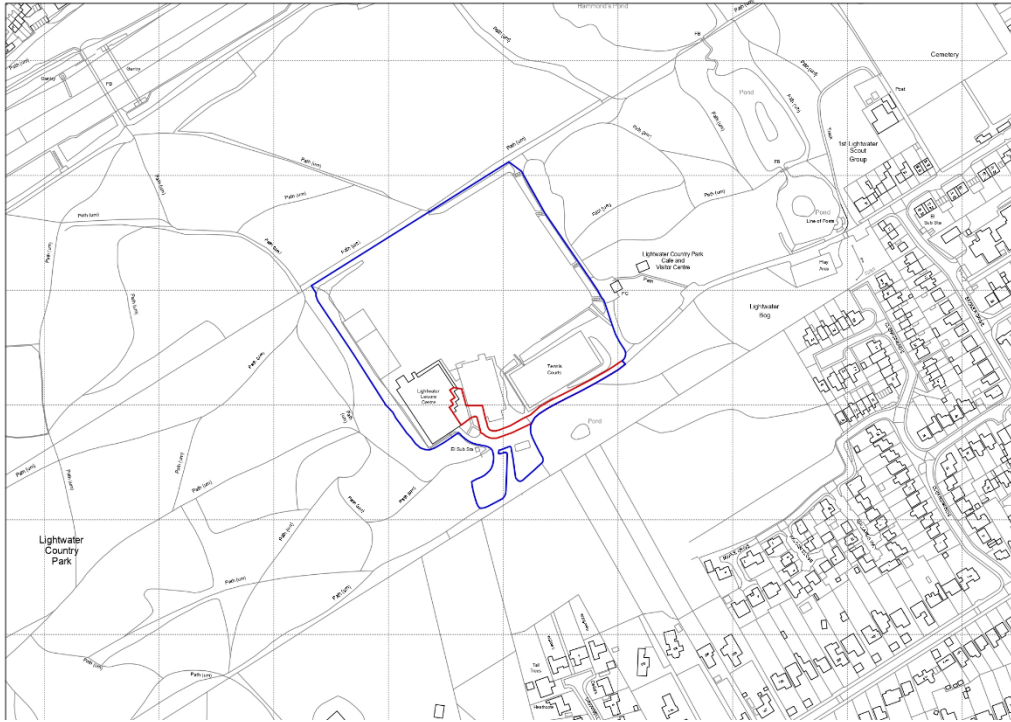
The above conditions are required to promote travel to the site by sustainable modes of transport.

From visiting the site the County Highway Authority noted that whilst there is existing cycle parking on site near to the entrance of the Leisure Centre this is uncovered. The cycle parking should either be repaired with a roof fitted or an upgraded covered cycle parking facility for a minimum of 10 bicycles provided.

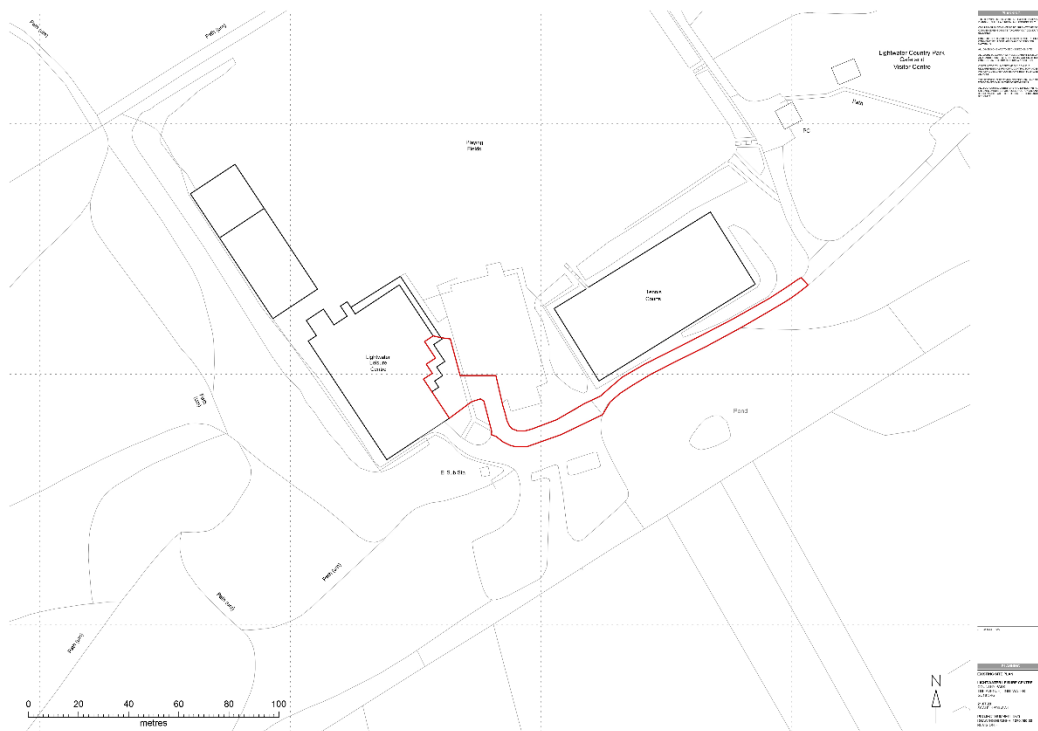
Access to the site from the Avenue, Lightwater on foot or by bicycle is along a shared use track that is deeply rutted. This would be a safety concern for cyclists or pedestrians using it. It is recommended that the surface of the track be improved to enable safe access for all users.

23/0783/FFU - Lightwater Country Park, Lightwater Leisure Centre, The Avenue, Lightwater, GU18 5RG

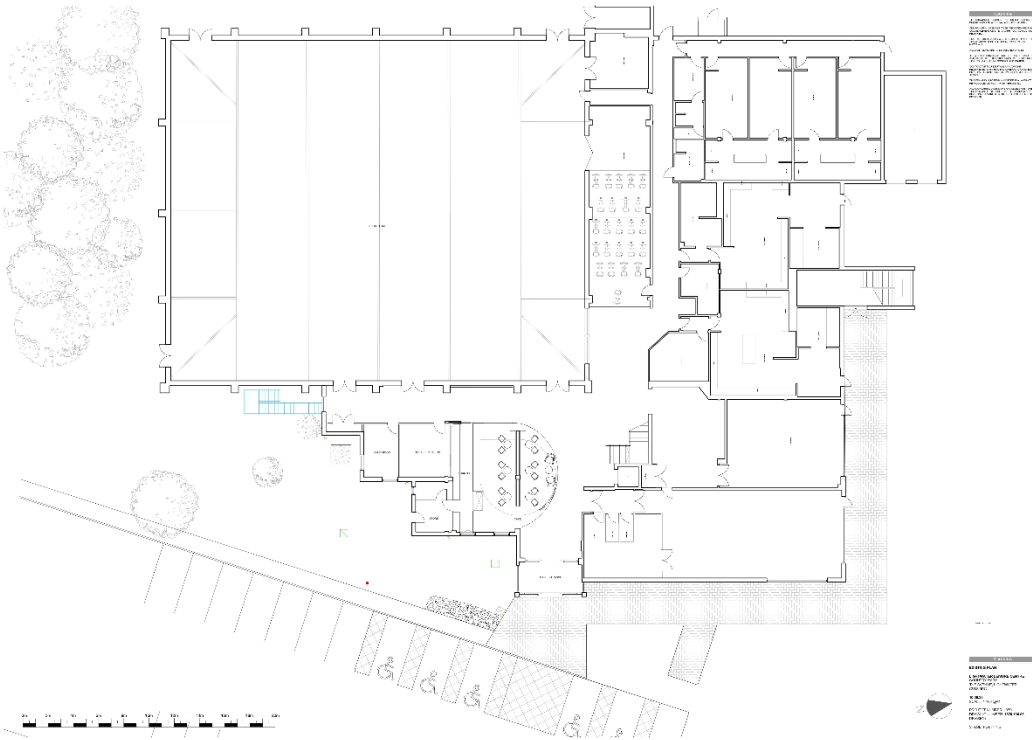
Location Plan



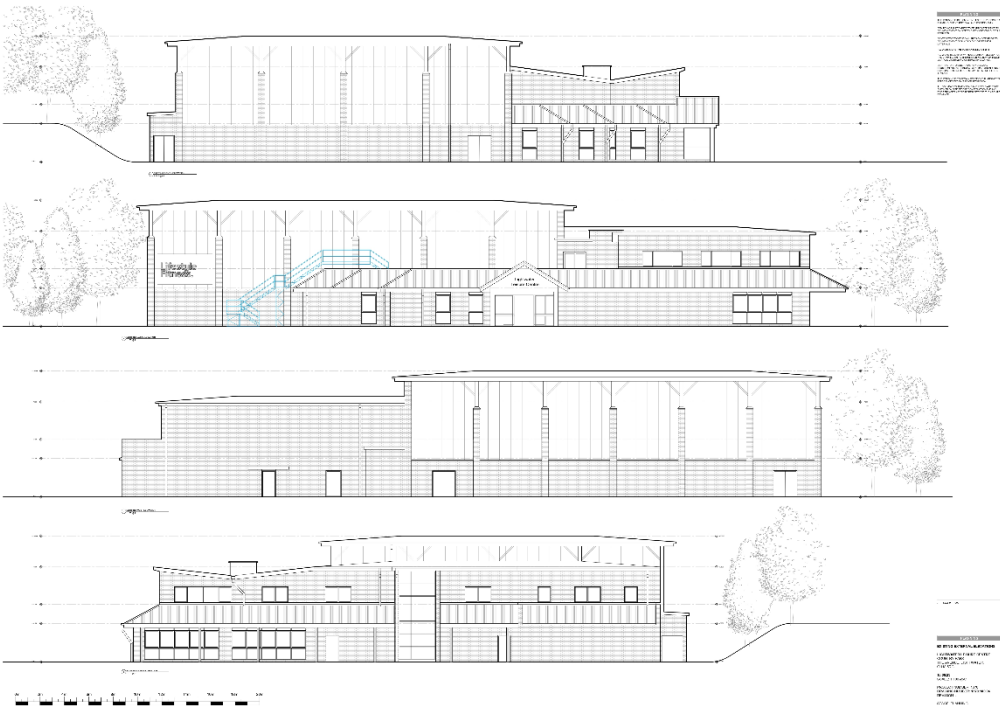
Existing Site Plan



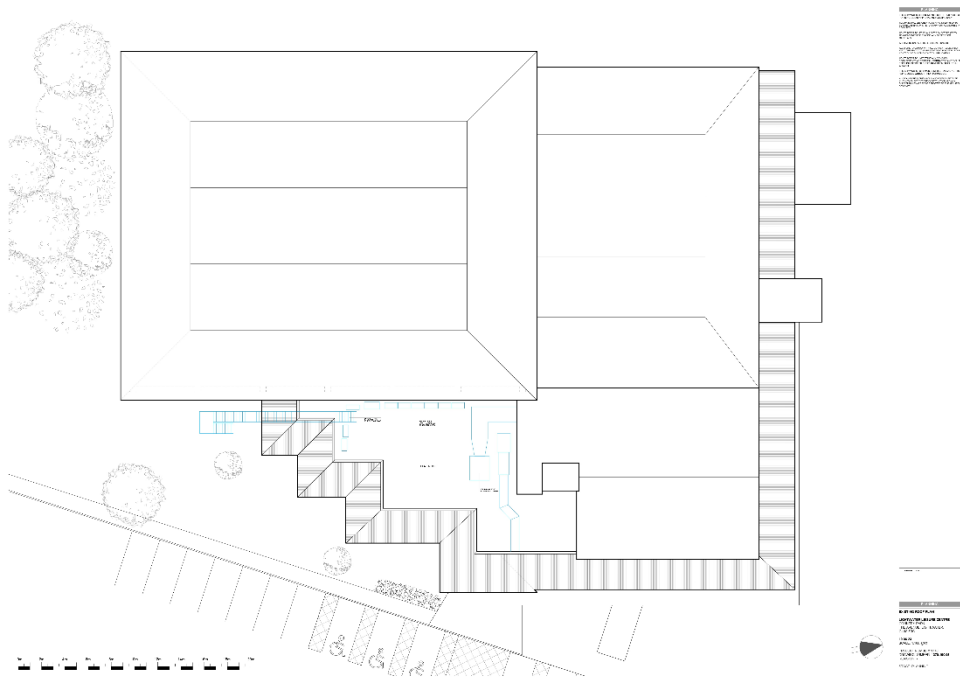
Existing Plan



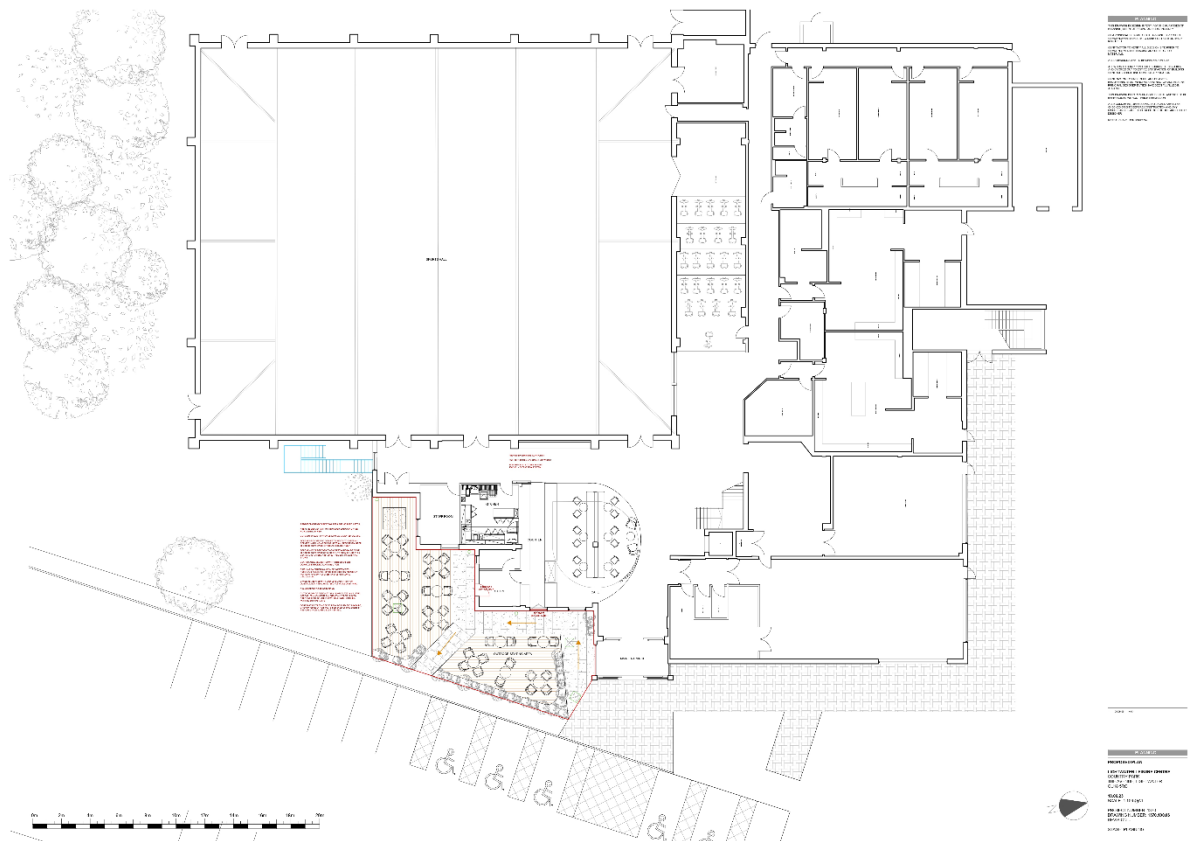
Existing Elevations



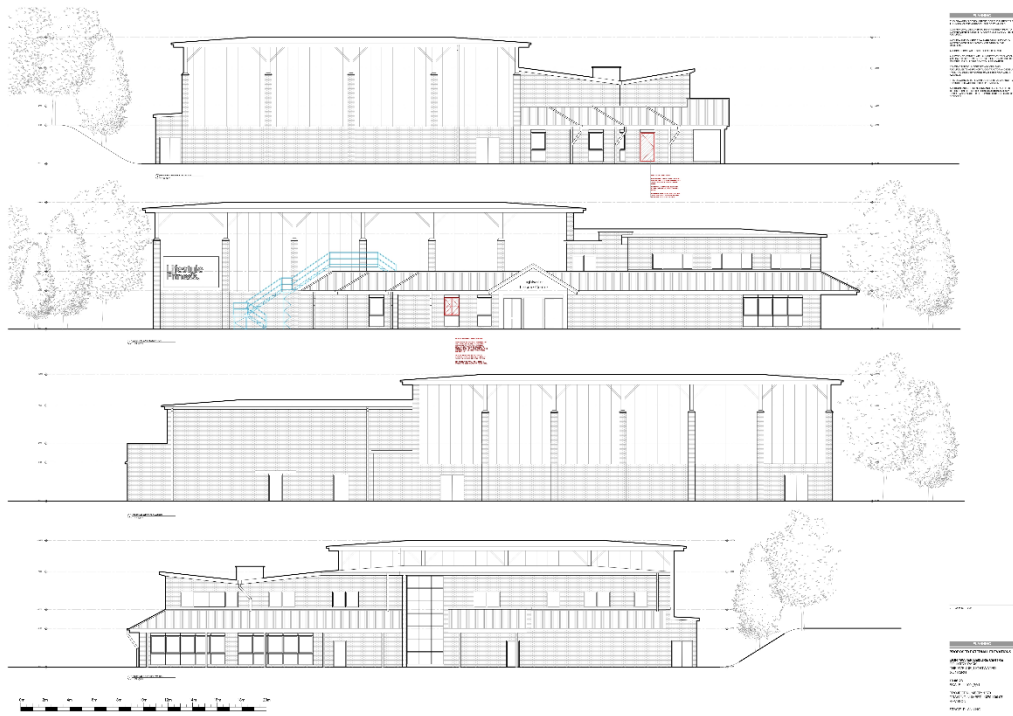
Existing Roof Plan



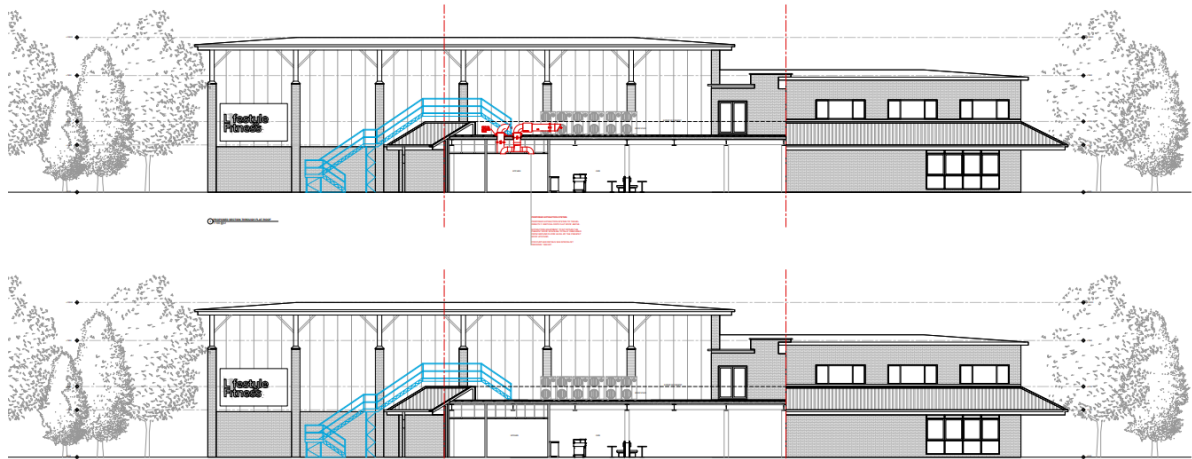
Proposed Plan



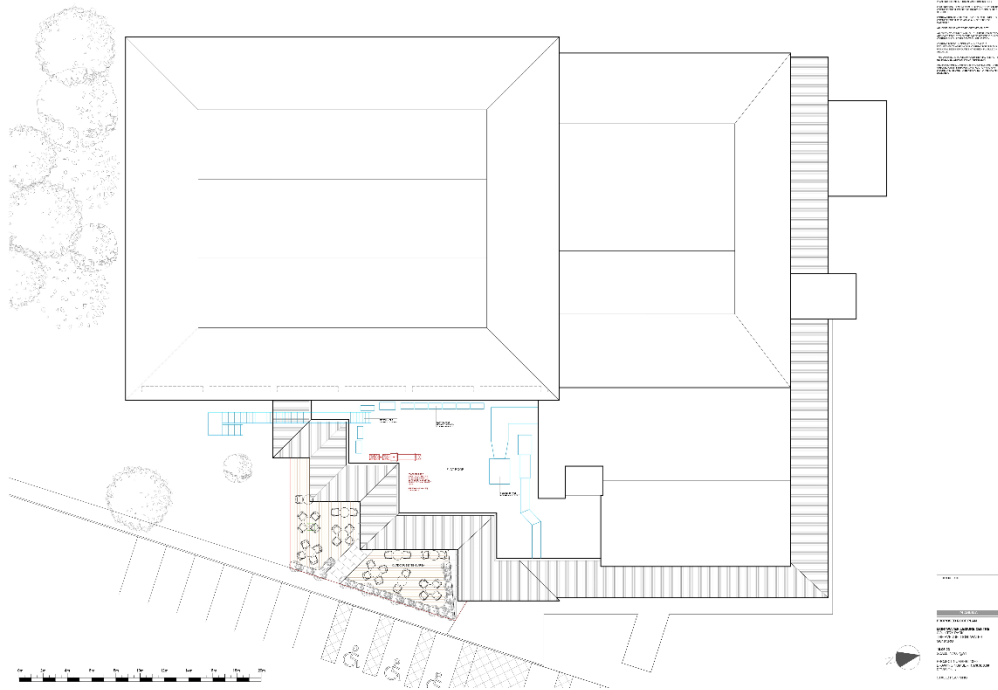
Proposed Elevation



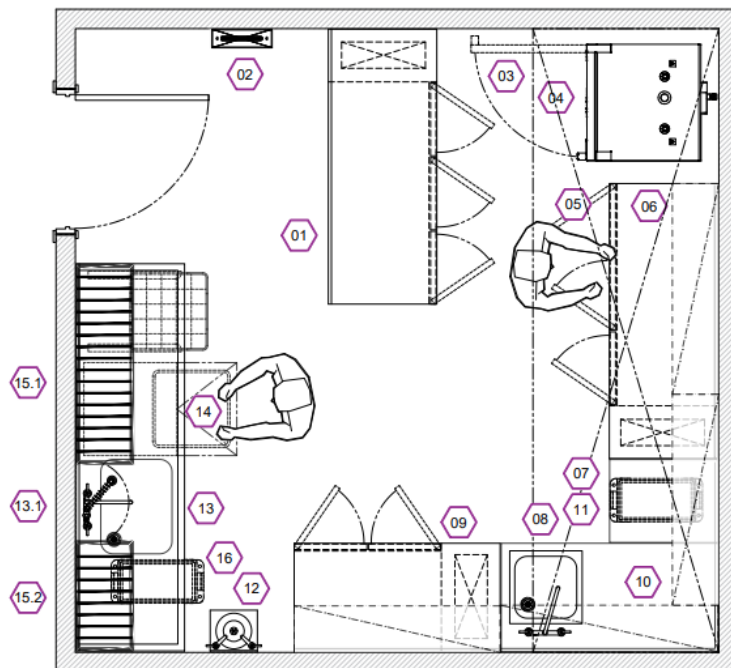
Proposed section drawings



Proposed Roof Plan



Proposed Kitchen Layout



NOTES

Dimensions Subject to final site survey.
Information scaled from original Drawings.
DO NOT SCALE FROM DRAWING.

EQUIPMENT LEGEND

ITEM	Count	DESCRIPTION
01	1	3 door refrigerated counter
02	1	Flying insect exterminator
03	1	St/st extract canopy
04	1	10 grid combination oven
05	1	3 door refrigerated counter
06	1	Run of st/st 2 tier wall shelving
07	1	St/st infill bench
08	1	St/st prep sink
08.1	1	Lever action monoblock mixer tap
09	1	2 door freezer counter
10	1	Run of st/st 2 tier wall shelving
11	1	Refuse bin
12	1	Wash hand basin
13	1	St/st dishwash sink with full anti-drip edge & bay of basket runners under
13.1	1	Pre-rinse spray arm c/with bowl filler
14	1	Dishwash machine
15.1	1	St/st rodged pot rack
15.2	1	St/st rodged pot rack
16	1	Refuse bin

A Revised to new area size 14-07-23

Rev:

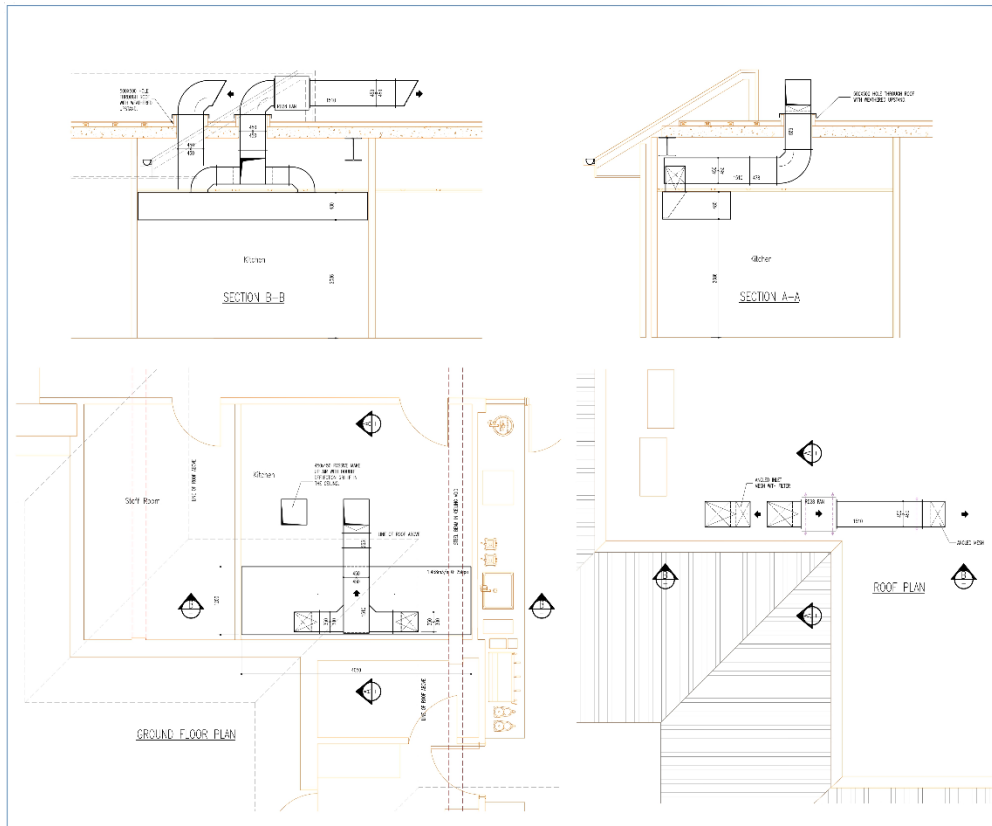
THE KITCHEN BOX

Unit 1, Wishanger Farm Estate
Wishanger Lane
Churt, Farnham, Surrey, GU10 2QJ

Project:

LIGHTWATER FITNESS CENTRE

Proposed Kitchen Ventilation layout



Photos





23/0757/FFU

Reg. Date 17 July 2023

St Michaels

LOCATION: 49 Firwood Drive, Camberley, Surrey, GU15 3QD

PROPOSAL: Erection of a part single and part two storey side extension.

TYPE: Full Planning Application

APPLICANT: R Sell

OFFICER: Shannon Kimber

This application would normally be determined under the Council's Scheme of Delegation but it is being reported to the Planning Applications Committee on the request of Councillor Rowlands because of proximity to the boundary line with 47 Firwood Drive and overlooking of the garden of this neighbouring dwelling.

RECOMMENDATION: GRANT, subject to conditions

1.0 SUMMARY

- 1.1 The proposed development is acceptable in principle.
- 1.2 It is considered to result in no adverse impact on the character of the area, host dwelling or highway safety.
- 1.3 In addition, subject to conditions, it would not result in a detrimental impact on the residential amenities of the occupiers of the neighbouring dwellings or the health of protected trees.
- 1.4 Therefore the application is recommended for approval subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises of a two storey, detached dwelling. It is located to the south of the highway, at the end of a cul-de-sac. It is within the Edwardian Mosaic Housing Character Area. There is a tree preservation order along the rear boundary of the site (reference: TPO/6/66). The surrounding area is predominantly residential.

3.0 RELEVANT HISTORY

- 3.1 6305/3 Erection of 10 houses (37 to 53 Firwood Drive) Approved 07.10.1970

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of a part single and part two storey side extension.
- 4.2 The proposed side extension would provide a snug and utility room at ground floor level, with a dressing room and en-suite at first floor level.

- 4.3 The proposed extension would have a width of 3 metres. It would have a maximum height of 6.4 metres, with an eaves height of 5.3 metres at first floor level. The single storey element to the front would have a maximum height of 3.6 metres and an eaves height of 2.4 metres. The extension would have a maximum depth of 7 metres, being set-back by 1.8 metres at ground floor level. At first floor level the structure would have a depth of 4.5 metres, and would be set-back by 4.2 metres from the front elevation. It would be sited adjacent to the eastern boundary of the site which splays with a minimum separation of 0.5 metres and a maximum separation of 6 metres and 14.7 metres separation to the rear boundary.
- 4.4 The application form states that the proposed materials would match the existing brick, roof tiles and white u-PVC window frames.

5.0 CONSULTATION RESPONSES

- 5.1 No external consultees were required for this application.
- 5.2 The following internal consultee was consulted and their comments are summarised in the table below:

Internal Consultation	Comments Received
Arboricultural Officer	The trees to the rear boundary of the site are protected by TPO reference: TPO/6/66. The Arboricultural Officer raised no objection subject to a condition which secures the submission of a Tree Protection Plan.

6.0 REPRESENTATION

- 6.1 A total of 4 individual letters of notification were sent out on 20th July 2023 to the adjoining neighbouring properties. To date three letters of representation have been received, from one address.
- 6.2 The table below summarises the material planning reasons for objection:

Material Reason for Objection	Officer Response
Loss of daylight and sunlight to family room, utility room and patio area.	The affected rooms are a utility room served by a door which is not a habitable room, and a family room, which is also served by a larger window to the rear elevation. In this instance it is considered that the proposed development would not result in a detrimental loss of light to any room. The window and door affected are southern facing with the extension sited approximately 2.8 metres to the southwest. The patio space would receive some loss of light, but this would occur only in the late afternoon/evening, when the shadow of the existing dwelling would also affect this patio area. In addition there is a much larger, more private amenity area to the rear of the neighbouring property which would receive an unaffected level of light. It is therefore considered that the proposed extension would comply with principles

	10.1 and 10.3 of the RDG.
Loss of outlook/overbearing	The proposed extension would be sited approximately 2.8 metres to the south of the side elevation of no. 47 Firwood Drive. The extension would be part single storey to the front with the two-storey element set-back a further 4.4 metres from the front elevation of the host dwelling. Due to the separation and the set back of the two-storey element the proposal would not appear overbearing to the occupiers of number 47 Firwood Drive. The proposal would be screened by the host dwelling and would not impact on number 51 Firwood Drive.
Loss of privacy/overlooking	No side facing windows are proposed. Due to the orientation, the window serving the proposed en-suite would not have a direct line of sight towards the neighbours patio, in addition, it would be reasonable to secure obscure glazing with limited opening to this window. At ground floor level, a boundary fence would provide a degree of screening to the side facing windows at number 47. In addition, the forward facing windows within the proposed extension would serve a utility room which is not a habitable room. As such the proposal would not result in overlooking or loss of privacy to the detriment of the neighbouring residential occupiers.
Development would infringe on the neighbouring property	The submitted plans show the proposed extension entirely within the curtilage of 49 Firwood Drive and the ownership certificate A has been completed and submitted with this application. In any event, an informative can be attached to a decision with advice regarding access and Party Wall Agreements.
Aesthetically displeasing	The proposed extension would be the set-back and set-down design of the extension and would appear subservient to the host dwelling and is similar in design to the neighbouring two storey extension at number 47 Firwood Drive and recent approval at 51 Firwood Drive. The proposed extension is therefore considered be acceptable.
There are trees in the rear garden of the application site	The Arboricultural Officer has been consulted and raised no objection to the proposed development subject to a condition securing a tree protection plan and its implementation during the proposed construction. As such the proposal would not result in harm to any protected trees.

There has been an increase in the number of cars in the cul-de-sac	The proposed development has yet to commence, as such the present increase in car use is not linked to this application. In any event, the proposed development would not reduce the level of parking at the application site, nor would it provide a need to increased parking (such as providing an additional bedroom).
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6.3 The table below summarises the non-material planning reasons for objection:

Non-Material Reason for Objection	Officer Response
No reason for the development as extra space is not required	This is not a material planning consideration.
There are sewage pipes in close proximity to the proposed development	This point is noted, however the construction of the development would need to comply with building regulations.
The applicants may run a business from home	This has not been applied for and forms no part of this proposal.
Negative impact on the value of neighbouring properties	House prices are not a material planning consideration.

7.0 PLANNING CONSIDERATION

7.1 The site lies in the urban settlement where development is acceptable in principle. In considering this proposal regard has been had to the National Planning Policy Framework (NPPF), the National Design Guide (NDG), Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) and guidance within the Surrey Heath Residential Design Guide Supplementary Planning Document 2017 (RDG) and the Western Urban Area Character Supplementary Planning Document (WUAC).

7.2 The main issues to be considered with this application are:

- Impact on the character and appearance of the area
- Residential amenity
- Highway impacts
- Other matters

7.3 Impact on the character and appearance of the area

7.3.1 Policy DM9 of the CSDMP seeks development of high-quality design. This is supported by Para. 130 of the NPPF, Principles 7.8, 10.1 and 10.3 of the RDG and Guiding Principles EM1(e) and EM2 of the WUAC.

7.3.2 It is acknowledged that the proposed development would be visible from the public realm, however the proposal, at ground floor level would be set 1.8 metres behind the principal elevation, and there would be a set-back of 4.2 metres at first floor level. In addition to this set-back from the front elevation of the host dwelling, the proposal would be sited a minimum of 11.4 metres from the near-side-edge of the public highway to the front of the site. Furthermore, it is noted that there is a similar two storey side extension within the street scene found at number 47 Firwood Drive (planning permission ref: 01/0616) and a similar extension has been approved at number 51 Firwood Drive (planning permission ref: 22/0855/FFU). As such, the proposed development is considered not to be an over-dominant or out of keeping with the character of the surrounding area.

- 7.3.3 It is noted that principle 10.3 of the RDG states that a minimum gap of 1 metre between the side elevation of side extensions and the side boundary of the site should normally be retained to provide for access and servicing. In this instance there would be a minimum of 0.5 metres between only the front corner point of the side elevation and the existing boundary wall. As the boundary splays and runs at 45 degrees from the existing house, there would be maximum gap of 6 metres between the side extension and the side boundary measured from the rear most point of the extension. Furthermore, external access to the rear garden is provided to the alternate side of the dwelling. Due to this diverging side boundary, the proposed extension would also not result in the loss of a sense of space surrounding the site, nor would the views to the rear of the mature vegetation be significantly reduced.
- 7.3.4 The proposed roof of the side extension would be set 1 metres lower than the ridgeline over the host dwelling. In addition to this set-down, the height of the eaves, the pitch of the roof slope and the roof form would all match those of the host dwelling. The width of the proposed extension would also be modest when viewed against the width of the host dwelling. The proposal's design remains sympathetic and subservient to the main building and does not project beyond the building line on the street. It is noted that the windows on the front elevation of the extension at ground and first floor level would not align vertically. The first floor level window would be sited centrally, however the windows at ground floor level would be sited to one side to accommodate the internal layout of this room. It would not be reasonable to refuse an application due to the placement of matching windows. In addition, the windows would align horizontally with the lintels of the existing windows. The application form states that the materials will match the existing and a condition securing the material to match the existing materials of the host dwelling is recommended. As such, the design of the proposal is considered acceptable.
- 7.3.5 The land along the rear boundary of the site is covered by a tree preservation order (reference: TPO/6/66). These trees are visible from the public realm and make a positive contribution to the area. The area of the site proposed to be covered by the extensions has no trees present. The Council's Arboricultural Officer has been consulted and recommended a condition to secure the submission of a tree protection plan to ensure the protected trees are not harmed during the construction phase.
- 7.3.6 Therefore, the proposed development would comply with the NPPF, Policy DM9 of the CSDMP, Principles 7.8, 10.1 and 10.3 of the RDG and Guiding Principles EM1(e) and EM2 of the WUAC in terms of the impact of the development on the character of the surrounding area.

7.4 Impact on residential amenities

- 7.4.1 Policy DM9 of the CSDMP states that development will be acceptable where the proposal respects the amenities of the occupiers of neighbouring properties, amongst other things. This is reiterated by Para. 130 of the NPPF and Principles 8.1, 8.2, 8.3 and 10.1 of the RDG.
- 7.4.2 The closest neighbouring dwelling to the proposed extension is 47 Firwood Drive to the east of the site. The extension would be sited approximately 2.8 metres from the side elevation of this dwelling. This dwelling has a side to side relationship with the application site, at 90 degrees and share a boundary at 45 degrees.
- 7.4.3 There are no windows proposed to the south-eastern side elevation. It is considered reasonable to restrict the further installation of windows to this side elevation by condition which removes the relevant permitted development rights. The window proposed at first floor level on the front elevation would not directly face the patio area to the side of number 47, however it is noted that there would be perceived overlooking. As this window

would serve a bathroom, it is considered reasonable to secure obscure glazing and with high level opening for the privacy of all involved. The windows at ground floor level would serve a utility room and would be partially screen by the boundary treatment and would not result in a material alteration to the existing pattern of overlooking.

- 7.4.4 It is noted that the proposed extension would result in additional built form 3 metres closer to this neighbouring dwelling. However, due to the splayed shared boundary, the rear garden of number 47 increases in width to the rear. The proposed extension would be single storey to the front with the two storey element set-back which would retain a maximum distance of 6 metres between the side elevation of the proposed extension at its rear and the side boundary. The proposed development is considered to be modest in width and due to the single storey element being in closest proximity to the number 47 with the two storey element being set-back the proposal would not result in an adverse overbearing impact on the occupier of this neighbouring dwelling, nor would it result in the outlook from this neighbouring dwelling being dominated by the built form.
- 7.4.5 To the south-western side of number 47 is a door serving a utility room which also has a window on the front elevation, and there is also a window which serves as a secondary window to the lounge. There are no windows at first floor level. The side elevation of number 4.7 faces south and the two storey element of the proposal would retain a separation of approximately 5.4 metres. In addition the window and door are secondary windows to habitable rooms, for these reasons it is considered that, there would be no adverse loss of light or sunlight to the detriment of the amenity of this neighbouring occupier.
- 7.4.6 The proposed extension would be sited to the south-west of number 47. There would be a minimum separation distance of 2.8 metres between built form and the side elevation of number 47. It was observed during the site visit that there is a patio area adjacent to the utility room door. It is acknowledged that the proposed development would result in a limited loss of light to this outdoor amenity space, with particular reference to evening sun as the application site is west of the patio area to the side of number 47. However, there is a wider private amenity area to the rear of this neighbouring dwelling which would be unaffected by the proposed development. Therefore the proposal would not result in overshadowing of the private amenity area of this neighbour to the detriment of their amenity.
- 7.4.7 There is no residential dwelling directly to the front of the site. To the rear of the site, is the rear garden of 19 France Hill Drive. The proposal would retain a separation of approximately 14.7 metres to the share boundary and approximately 32 metres to the rear elevation of this dwelling. These separation distances would prevent any harm to the amenity of this neighbouring occupier. The proposed development would be screened to the north-western side and would not result in harm to the neighbouring occupiers at no 51 Firwood Drive.
- 7.4.8 Subject to the recommended conditions, it is considered that the proposed development would not result in an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings. The proposal would comply with the relevant policy DM9 of the CSDMP and principles 10.1 and 10.3 of the RDG.

7.5 Highway impacts

- 7.5.1 Policy DM11 of the CSDMP states that development will be not acceptable were the proposal adversely impacts safe and efficient flow of traffic.
- 7.5.2 One of the comments received as part of neighbour notification scheme mentioned that there has been an increase in parking in the cul-de-sac. The proposed development is not applied retrospectively, as such, any existing parking pressures are not a result of this proposal. The proposed development does not result in any additional bedrooms, nor would it involve the loss of the existing garage or driveway space. As such, the proposal

would not result in a significant worsening of the existing parking situation. It is considered that the proposed extension would have an acceptable impact on highway safety.

7.5.3 The proposed development would comply with policy DM11 of the CSDMP.

7.6 Other matters

7.6.1 The proposed development is not for a net increase in dwellings, nor is it for a residential extension of over 100 square metres, as such the proposal will not be CIL liable.

8.0 PUBLIC SECTOR EQUALITY DUTY

8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

9.0 CONCLUSION

9.1 The proposed development would result in no adverse impact on the character of the area, host dwelling or residential amenities of the occupiers of the neighbouring dwellings. Nor would the proposal have a detrimental impact on highway safety or the health of protected trees. The proposed development would comply with the NPPF, Policies DM9 and DM11 of the CSDMP, Principles 7.8, 8.1, 8.2, 8.3, 10.1 and 10.3 of the RDG. and the Guiding Principles EM1(e) and EM2 of the WUAC.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

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

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

2. The proposed development shall be built in accordance with the following approved plans:

Site Location Plan, Drawing reference: AD4826 Sheet 1, Received: 17.07, 2023
Proposed Plans and Elevations, Drawing reference: AD4826 Sheet 2, Received: 17.07, 2023.

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

3. The building works, hereby approved, shall be constructed in external fascia materials to match those of the existing building.

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

4. Before first occupation of the development hereby approved the en-suite window in the front elevation at first floor level shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as

such at all times. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. No additional windows shall be created in the south-eastern side elevation of the development hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by the neighbouring resident at 47 Firwood Drive and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. No demolition works or development shall take place until a Tree Protection Plan (TPP) specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan shall be written in accordance with, and address sections 5.5, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. All protection measures shall be erected before any equipment, machinery or materials (including demolition and all preparatory work) are brought on to the site, and thereafter maintained until all construction work, equipment, machinery and surplus materials have been permanently removed from the site. Once approved the development shall be undertaken in entire accordance with the approved plans and particulars.

Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those protected areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

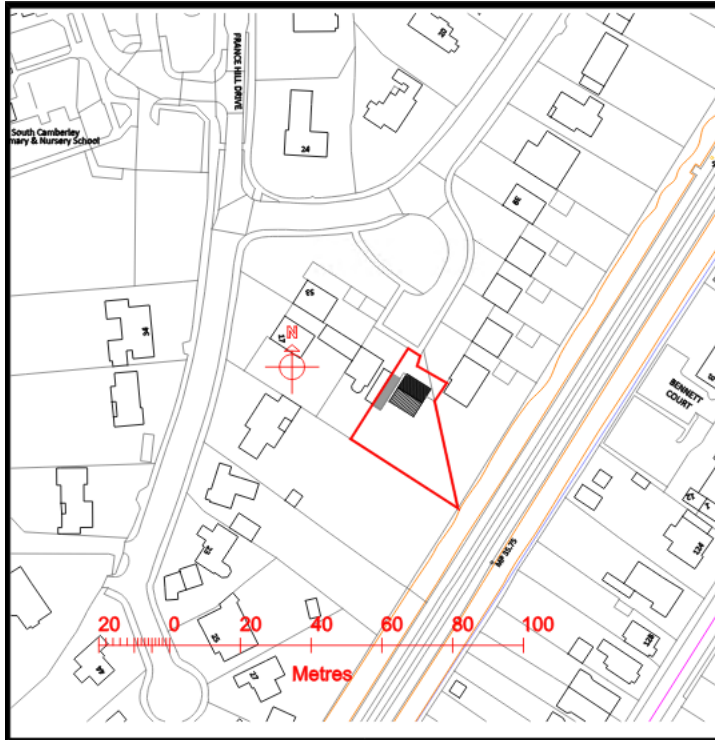
1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact Building Control with regard to the necessary consents applicable under the Building Regulations and the effects of legislation under the Building Act 1984.
3. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land.
4. The applicant's attention is drawn to the Party Walls (etc) Act 1996.
5. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner.

6. Under The Control of Pollution Act 1974 noisy construction working practices should be limited to:
- Monday to Friday: 8am to 6pm
 - Saturday: 8am to 1pm
 - At no time on a Sunday or Bank Holiday

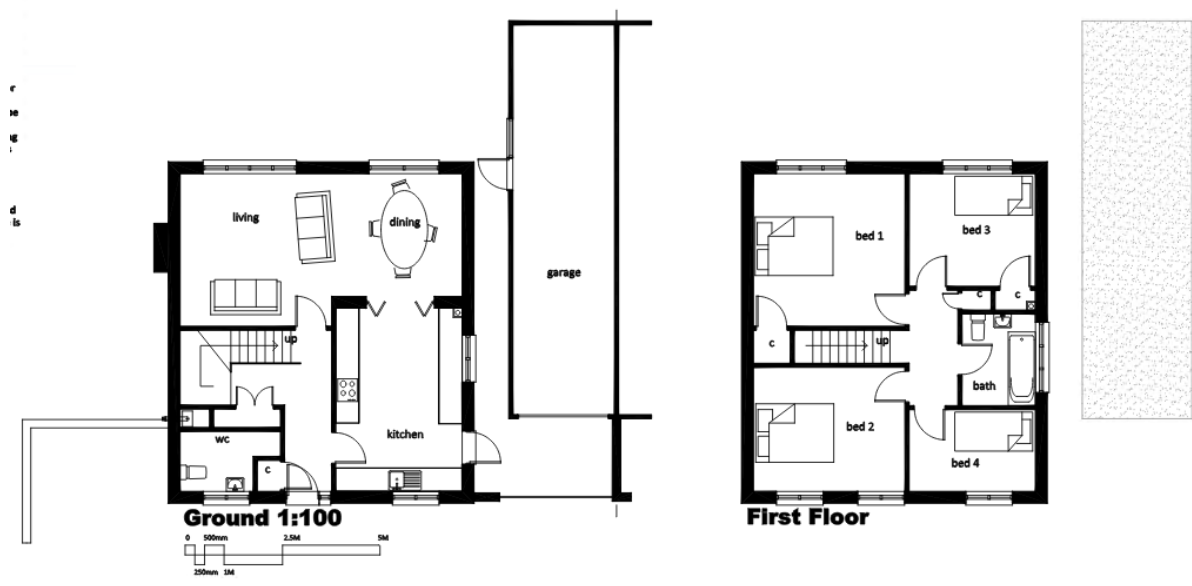
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49 Firwood Drive Camberley – Plans and Photos

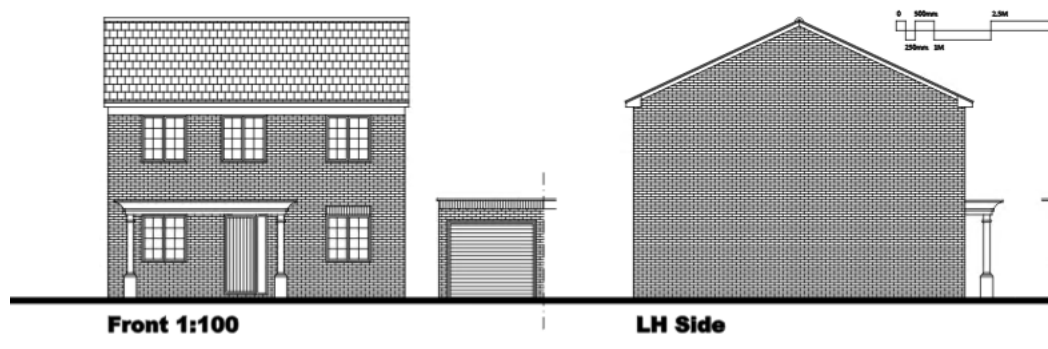
Location Plan

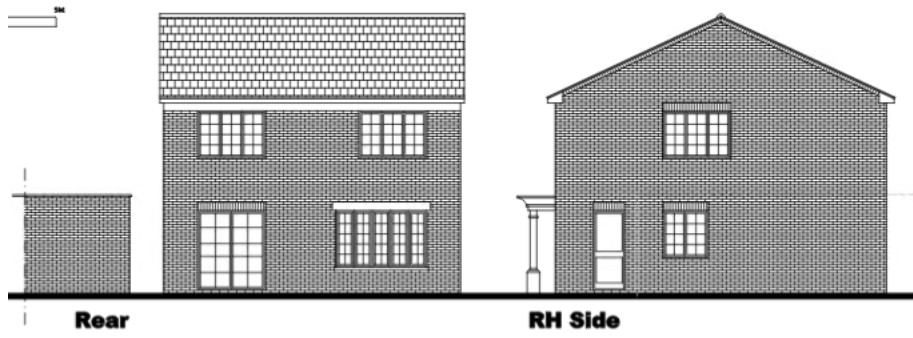


Existing Floor Plans

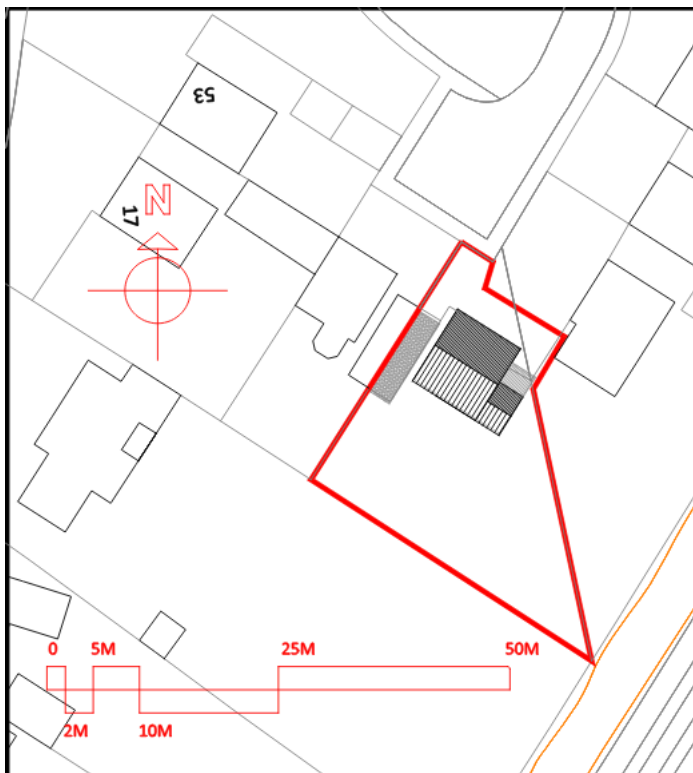


Existing Elevations



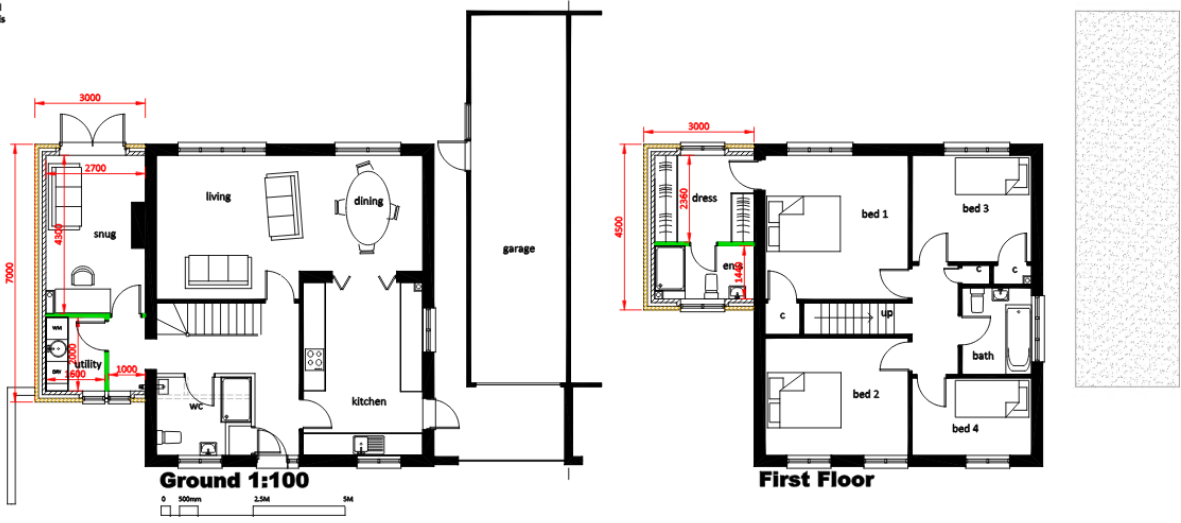


Proposed Site Plan

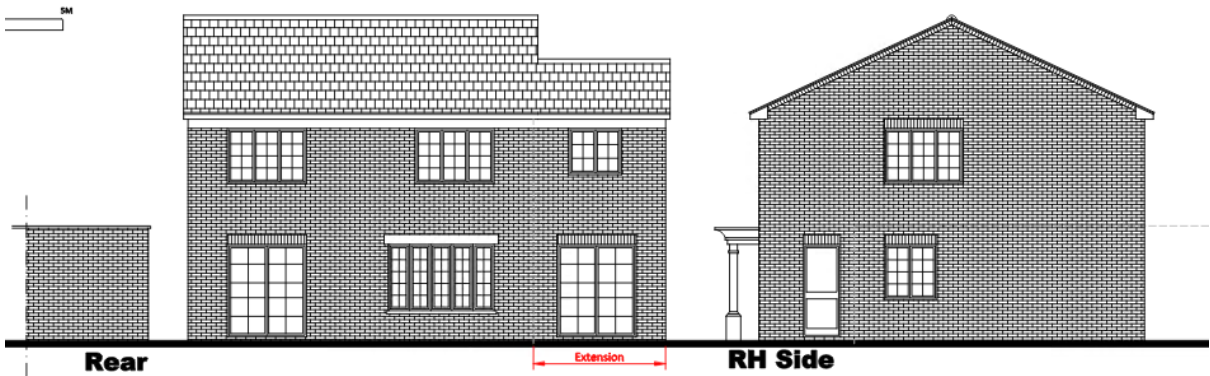
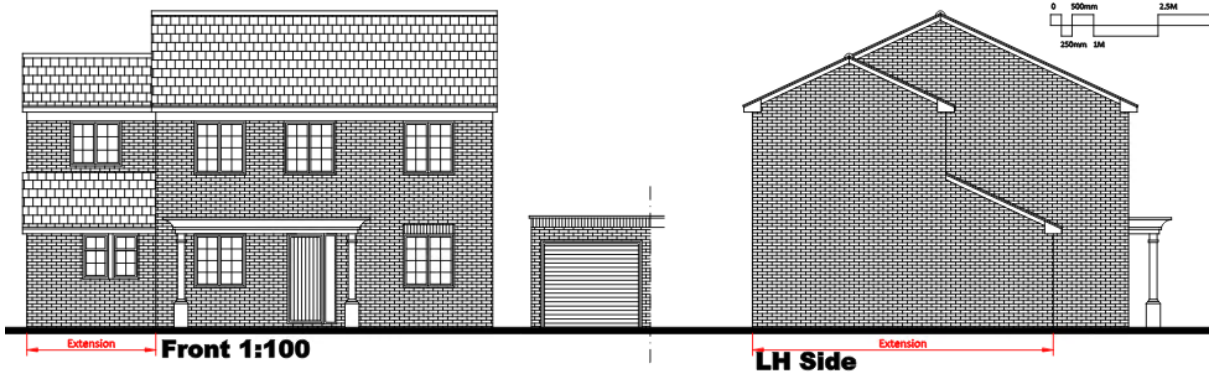


Proposed Floor Plans

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Proposed Elevations



Site Photos



Front Elevation



Number 47 Firwood Drive



Side Elevation of application site.



Looking North between application site and number 47.



Side elevation of number 47.

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