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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, 23 November 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

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#### AGENDA

	Pages
<b>1 Apologies for Absence</b>	
<b>2 Minutes of Previous Meeting</b>	<b>3 - 8</b>

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

Applications Committee held on 26 October 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.

#### **Planning Applications**

<b>4</b>	<b>Application Number: 23/0672/FFU - Plot 3 Land West Of, Bullhousen Farm, Bisley Green, Bisley, Woking, Surrey *</b>	<b>9 - 36</b>
<b>5</b>	<b>Application Number: 23/0936/FFU - Cedars Garden Nursery , Church Road, Windlesham, Surrey, GU20 6BL</b>	<b>37 - 64</b>
<b>6</b>	<b>Application Number: 23/1019/FFU - 9 Ashwell Avenue, Camberley, Surrey, GU15 2AR</b>	<b>65 - 76</b>

**\* 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 26 October 2023**

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

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

+ Present  
- Apologies for absence presented

Substitutes: Cllr Shaun Macdonald (In place of Cllr Mary Glauert) and Cllr Jonathan Quin (In place of Cllr Murray Rowlands)

Members in Attendance: Cllr Lisa Finan-Cooke , Cllr Sarbie Kang, Cllr Lewis Mears.

Officers Present: Alastair Barnes, Aboricultural Officer  
Gavin Chinniah, Head of Planning  
William Hinde, Principal Solicitor  
Shannon Kimber, Senior Planning Officer  
Maxine Lewis, Corporate Enforcement Team Leader  
Jonathan Partington, Development Manager  
Navil Rahman, Principal Planning Officer  
Rachel Whillis, Democratic Services Manager

## **20/P Minutes of Previous Meeting**

The minutes of the meeting held on 21 September 2023 were confirmed and signed by the Chair.

## **21/P Enforcement Monitoring Report**

The Committee received a report summarising the work of the Planning Enforcement Service for the period 1 July 2023 to 30 September 2023.

During the reporting period, the Planning Enforcement Team had investigated 43 allegations of planning breaches of which 13 were deemed to have not breached planning regulations. One Enforcement Notice had been issued, two Breach of Condition Notices had been issued, and four Planning Contravention Notices had been issued.

The Committee noted the report.

**22/P TPO Confirmation: Woodland between Devonshire Drive and Larchwood Glade, Camberley**

The Committee was informed that a Tree Preservation Order, TPO – 09/23, had been served to protect the woodland copse between Larchwood Glade and Devonshire Drive.

The TPO had been served on 5 June 2023 to protect a woodland copse that sat between the two roads of Larchwood Glade and Devonshire Drive and provided amenity to nearby residents as well as a habitat for wildlife. The site already benefited from an Area Preservation Order but, following several refused development applications and a recent land sale, it was considered expedient to update the Order to a new Woodland Order to reflect the current use and protect the character of the area.

One objection to the order had been received within 28 days of serving, citing concerns including that the TPO did not support the land at all and prevented woodland management, and that the woodland was not a public amenity (use of land). The Committee was informed that the reasons provided in the objection were not considered sufficient against the benefits the woodland currently provided. It was also noted that approximately 47 representations had been received in support of the TPO.

The officer recommendation to confirm the Tree Preservation Order with no modifications was proposed by Councillor Shaun Garrett, seconded by Councillor Victoria Wheeler, put to the vote and carried.

**RESOLVED that Tree Preservation Order 09/23 be confirmed.**

**NOTE 1**

Voting in favour of the motion to confirm the Tree Preservation Order:  
Councillors Cliff Betton, Shaun Garrett, Nirmal Kang, Shaun Macdonald, Liz Noble, David O'Mahoney, Ying Perrett, Jonathan Quin, Kevin Thompson, Victoria Wheeler, David Whitcroft, Helen Whitcroft, Valerie White and Richard Wilson.

Voting against the motion to confirm the Tree Preservation Order:  
None

Abstaining:  
None

**NOTE 2**

It was noted for the record that Councillor Shaun Garrett declared that he had corresponded with the landowner but a meeting that had been suggested had not taken place.

**23/P Application Number: 23/0783 - Lightwater Country Park, Lightwater Leisure Centre, The Avenue, Lightwater, Surrey, GU18 5RG**

The application was for the 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.

The application had been referred to the Planning Applications Committee as the Council owned the land.

The Committee noted the updates provided in the supplementary agenda papers. It was advised that Condition 9 required the installation and maintenance of planters to the edge of the seating area as shown in plan drawing 1370.100.06 Rev A, in order to contribute towards maintaining the visual amenity of the area.

The officer recommendation to approve the application subject to conditions was proposed by Councillor David Whitcroft, seconded by Councillor Shaun Macdonald, put to the vote and carried.

**RESOLVED that application 23/0783/FFU be approved subject to the conditions in the officer's report and the planning update sheet.**

**NOTE 1**

Voting in favour of the motion to grant the application subject to conditions: Councillors Cliff Betton, Shaun Garrett, Nirmal Kang, Shaun Macdonald, Liz Noble, David O'Mahoney, Ying Perrett, Jonathan Quin, Kevin Thompson, Victoria Wheeler, David Whitcroft, Helen Whitcroft, Valerie White and Richard Wilson.

Voting against the motion to grant the application subject to conditions:  
None

Abstaining:  
None

**NOTE 2**

It was noted for the record that the following declarations were made:

- (i) Councillor Shaun Macdonald declared that he had attended the opening of the refurbished Lightwater Leisure Centre;
- (ii) Councillor Kevin Thompson declared that he was a member of Lightwater Gym, based at Lightwater Leisure Centre; and
- (iii) Councillor Victoria Wheeler declared that she was a member of Lightwater Netball Club, which had previously met at Lightwater Leisure Centre.

**24/P Application Number: 23/0757- 49 Firwood Drive, Camberley, Surrey, GU15 3QD**

The application was for the erection of a part single and part two storey side extension.

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

The Committee considered the application and, arising from the discussion, it was agreed to strengthen Informative 2 due to concerns about the impact on the sewage pipes in close proximity to the proposed development, with the final wording to be agreed in consultation with the Chair and Vice Chair of the Committee.

The officer recommendation to approve the application subject to conditions was proposed by Councillor Helen Whitcroft, seconded by Councillor Kevin Thompson, put to the vote and carried.

**RESOLVED that application 23/0757/FFU be approved subject to the conditions set out in the officer's report and the amendment to Informative 2, as set out above.**

**NOTE 1**

Voting in favour of the motion to approve the application subject to conditions:

Councillors Cliff Betton, Shaun Garrett, Nirmal Kang, Shaun Macdonald, Liz Noble, David O'Mahoney, Kevin Thompson, Victoria Wheeler, David Whitcroft, Helen Whitcroft, Valerie White and Richard Wilson.

Voting against the motion to approve the application:

None

Abstaining:

Councillors Ying Perrett and Jonathan Quin.

**NOTE 2**

It was noted for the record that Councillor Jonathan Quin declared that he had spoken with a resident and had visited the site.

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

**RESOLVED that pursuant to Part 1 of Schedule 12A of the Local Government Act 1972 the public and press be excluded from the meeting during the consideration of the item at minute 26/P as it**

**involved the likely disclosure of exempt information as defined in paragraphs 1 and 3:**

- (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).**

**26/P Development Management Performance Monitoring**

The Committee received a presentation detailing Development Management's performance against targets and an update on appeals to the Planning Inspectorate.

Chair

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23/0672/FFU

**Reg. Date** 23 June 2023

Bisley & West End

**LOCATION:** Plot 3 Land West Of, Bullhousen Farm, Bisley Green, Bisley, Woking, Surrey, ,

**PROPOSAL:** Alterations to existing barn to include solar panels and windows, vehicular access with associated hardstanding and parking area, patio area and internal works to provide ancillary accommodation for workers in association with the farm. Installation of an underground sewage treatment plant.

**TYPE:** Full Planning Application

**APPLICANT:** Mr Ewan Vosloo

**OFFICER:** Melissa Turney

**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 Noble due to concerns that the proposal is out of keeping and is over development of the site.**

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

**1.0 SUMMARY**

- 1.1 The application relates to alterations to an existing building granted prior approval under ref: 21/0108/GPE in connection with an agricultural/forestry use of the land to grow Christmas trees on the wider site. The proposal would involve the creation of ancillary office and storage use and would provide welfare facilities for staff. It also includes the provision of hardstanding and a patio area for the staff working on the farm.
- 1.2 The proposed development would be in connection with ancillary uses associated with the established forestry use and would not result in inappropriate development within the Green Belt and would not result in harm to the openness of the Green Belt and would result in the diversification of the rural economy supported by policy DM1.
- 1.3 The proposed development would not result in harm to the character of the area or the setting of neighbouring listed building and would not result in harm to neighbouring residential amenity. It would not result in increased traffic generation and would be acceptable in terms of its impact on the highway and public rights of way and would not result in harm to the biodiversity of the site.
- 1.4 The proposal is therefore recommended for approval subject to the recommended conditions.

**2.0 SITE DESCRIPTION**

- 2.1 The application site relates to a Christmas tree farm located to the west of Bullhousen Farm and sited within the Green Belt. Bisley Tree Ltd have purchased approximately 13 acres of land. However, this application solely relates to 1.9 ha of land where the barn is sited.

- 2.2 The wider site is open agricultural/forestry land accessed via a track which runs from Shaftesbury Road, across Bisley Common and through Bullhousen Farm. The nearest residential properties are Bullhousen Farm, Heatherleigh and Furze Farm.
- 2.3 The application site is enclosed by hedges. The barn located on the site and subject of this application, was granted a prior approval under application reference 21/0108/GPE in connection with the forestry use of the site.

### **3.0 RELEVANT HISTORY**

- 3.1 21/0108/GPE Application to determine if prior approval is required under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of a barn for machinery storage. Prior approval required and approved.

### **4.0 THE PROPOSAL**

- 4.1 Full planning permission is sought for alterations to the existing barn to include solar panels and windows, vehicular access with associated hardstanding and parking area, a patio area and internal works to provide ancillary accommodation for workers in association with the farm. The installation of an underground sewage treatment plant is also proposed.
- 4.2 The proposal would involve the installation of solar panels on the eastern roof slope to provide power to the office and welfare room. Patio doors are proposed on the eastern elevation to the north end of the building and the provision of a small patio area of approximately 36m<sup>2</sup> would be provided adjacent to the barn on this northeastern corner. An access track is proposed to run from the gated access to the southeast corner of the site around the western side of the existing barn to a turning head and 5 parking spaces to the north of the barn.
- 4.3 The works proposed internally would include the provision of a staff room with a kitchenette and shower changing area and WC at ground floor level and with an office and store at a mezzanine level.
- 4.4 The site currently has a lawful use for the growing of Christmas trees which would fall under an agricultural/forestry use. The proposal is to provide welfare accommodation for the staff employed on the site. Currently the site supports 4 full time staff who manage the business and maintain the crop of trees. The office space is required for 2 of these staff for administrative purposes associated with the business. This includes typical functions such as stock taking, accepting deliveries to the site, and managing deliveries of trees to customers off site, human resource functions, marketing and other backroom functions. The staff managing the crop would be irrigating potted and planted trees, mowing of grass and fertilizing the crop as well as trimming the trees to maintain the Christmas tree shape. During October – December the staff numbers will increase to 12 for the purpose of prepping trees, trees measured and tagged and trees sorted for distribution. The applicant has confirmed that the site would only be for the growing, storage and packing of Christmas trees, and no retail element would be carried out on the site.
- 4.5 The following documents have been submitted in support of this application. Relevant extracts from these documents will be referred to in section 7 of this report: Design and Access statement and additional Design and Access Statement.

### **5.0 CONSULTATION RESPONSES**

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

External Consultation	Comments Received
County Highways Authority (CHA)	No objection subject to a condition securing cycle parking.  (See Annex A for a copy of their response).
SCC Countryside Access	Following the submission of additional information their objection was withdrawn.
Surrey Wildlife Trust	Consider would be beneficial for Preliminary Ecological Appraisal, however the LPA could request a Construction Environmental Management Plan and ecological enhancements
Thames Water	No comment.
Bisley Parish Council	<p>Objections are raised regarding:</p> <ul style="list-style-type: none"> <li>• <i>Access and highways safety:</i> Lack of information on frequency, size and timings of vehicles visiting the site. Concerns over the access road to the site. Lack of information on ownership of the access track as this is under private ownership by another party. [Officer comments: The traffic impacts in relation to the use of the land are not material and have been established. However, the applicant has confirmed that the trees will be taken off site, by a 4x4 with trailer and not sold on the site. County Highways has raised no objection to the proposal and as such it is considered that the proposal would be acceptable in terms of the traffic impact].</li> <li>• <i>Privacy:</i> vehicle accessing the site need to pass within feet of Bullhousen Farmhouse and Serenity House. [Officer comments: This is an existing farm track and the proposal does not alter this situation. ]</li> <li>• <i>Nature conservation:</i> The application form states no protected species or habitat are adjacent. Considers this is incorrect. [Officer comments: It is noted that the site is in close proximity to the existing trees however these are not harmed as part of the proposal.]</li> <li>• <i>Vehicle parking:</i> Application states no parking; however, they are included in both the site plan and overall</li> </ul>

	<p>description of the proposal. [Officer comments: question 10 of the application forms states there will be 4 parking spaces, however it is noted that 5 spaces are proposed.]</p> <ul style="list-style-type: none"> <li>• <i>Trees:</i> Mature trees are nearby, a Tree Survey should be submitted. [Officer comments: Arboricultural Officer has raised no objection subject to conditions]</li> <li>• <i>Waste &amp; recycling/impact on infrastructure and community services:</i> The plan requests a sewage treatment system; however, it states that other waste will be collected in bins located in the barn and then transferred to a waste collection point adjacent to the entrance of the site just off Shaftesbury Road. There is no waste collection point at the entrance to Shaftesbury Road. This is a blind spot and therefore, on the grounds of safety, an inappropriate place for bins.</li> <li>• <i>Noise and fumes:</i> Increase noise and have an impact on neighbours [Officer comments: Environmental Services have reviewed the application and raised no objection]</li> <li>• <i>Timings:</i> No reference if the Christmas tree farm is open to the public [Officer comments: The site is not open to public and Christmas trees are sold off site]</li> <li>• <i>Hazardous substances:</i> No signs warning people of hazardous substances on the public footpath. If the site grows so does the risk. [Officer comments: This is not a material planning consideration]</li> <li>• <i>Commercial processes and machinery:</i> Application states that no commercial activities or machine storage will be carried out. The initial planning application granted for this site under 21/0108/GPE was for the storage of machinery. Bisley Trees is a commercial organisation, confirmed by the design statement attached to the application. [Officer comments: The applicant has confirmed that the use is existing and the proposal seeks ancillary works to the existing forestry use on the site.]</li> </ul>
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	<ul style="list-style-type: none"> <li>• The site is visible from public footpath</li> </ul> <p>Size of the development rather excessive [Officer comments: The proposed works are considered to be necessary and ancillary to the existing use on the site]</p> <ul style="list-style-type: none"> <li>• The application form states no new or altered access is required however the current way from the entrance of the plot to the barn is just a field [Officer comments: There is an existing access way to the site which is not altered. The proposal seeks permission for the laying of hardstanding]</li> <li>• Timings there are no proposed opening times on the application, the request for overnight use of the premises is not permitted</li> <li>• The proposal states there is no gain, loss or change to the non-residential floorspace, this is contradicted by the application itself.</li> </ul>
West End Parish Council	<p>Objection:</p> <ul style="list-style-type: none"> <li>• Access route is a narrow track in the green belt and is unsuitable to sustain intensification of use with increased risk to pedestrians</li> <li>• Track not suitable for HGVs [Officer comments: The applicant has confirmed that HGVs will not be used for taking Christmas Trees off site]</li> <li>• Tree line track roots at risk of being damaged by heavy vehicles [Officer comments: This is an existing situation and the Arboricultural Officer states the trees are not formally protected but are of a significant size and age. It should be noted though that access through this section has been ongoing and continuous for years due to agricultural activity. If this is unlikely to change then the use of the track would remain generally the same with only a minor uplift for the business use]</li> <li>• The level of commercial infrastructure is inappropriate in the Green Belt. It has not been demonstrated that the needs could not be serviced from offsite business offices. [Officer comments: The proposal is considered ancillary to</li> </ul>

	<p>the existing use and the applicant has provided information for the need for the office on the site]</p> <ul style="list-style-type: none"> <li>Workers welfare infrastructure should not be permanent nature</li> </ul> <p>Condition needs to be considered to ensure no residential or overnight occupation on site.</p>
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5.2 The following internal consultees were consulted and their comments are summarised in the table below:

Internal Consultation	Comments Received
Arboricultural Officer	No objection subject to condition.
Urban Design and Heritage Consultant	No objection or requirements to make.
Environmental Services	No objection raised or requirements to make.

## 6.0 REPRESENTATION

6.1 A total of 15 individual letters of notification were sent out on 4<sup>th</sup> September and 8<sup>th</sup> September 2023. A site notice was displayed on the 13<sup>th</sup> September 2023 and a press notice published on 14<sup>th</sup> July 2023. To date 26 comments letters of representation have been received from 19 people/addresses.

6.2 The table below summarises the material planning reasons for objection:

Material Reason for Objection	Officer Response
<u>Principle of Development</u>	
The site is within the Green Belt	The building has already been erected under permitted development rights and is for a use which is appropriate within the Green Belt. The proposed alterations to the building would not result in an increase in its footprint, overall height or massing and as such would not result in harm to the openness of the Green Belt. The proposed hardstanding and patio area would also not harm openness. Further the proposed hardstanding would be hardcore gravel in nature which is considered to be less harsh in the landscape.

<u>Land Use</u>	
The growing and selling of Christmas trees is commercial.	The applicant has confirmed that there would be no retail selling of Christmas trees from the site and as such the proposal is not a commercial retail use.
Conflict with the Local Plan	There is no conflict as explained in section 7 of this report.
The justification for the increased floorspace is inadequate.	The applicant has confirmed that the additional mezzanine floor is required for the administration of the farm and business, providing back room functions which are considered to be ancillary functions to the established forestry use.
<u>Character and Design</u>	
Previously a dairy farm a move to forestry based agriculture is out of keeping with the traditional Surrey Heath landscape	The use of the land has been established and does not form development for the purposes of S55(2)(e) of the Town and Country Planning Act 1990.
Overdevelopment	The proposed alterations would not increase the size of the building. The proposed hardstanding is required to provide car parking for the staff and would not constitute overdevelopment of the site.
Development too high.	The proposed alterations would not increase the size of the existing lawful building.
Urbanisation of the site.	Due to the small scale of the proposal it would not result in the urbanisation of the site and is suitable for the authorised use and the rural location.
<u>Heritage</u>	
Impact on the Grade II listed farmhouse due to impact through wear and tear of heavy traffic passing in close proximity.	The alterations and hardstanding would not have a significant impact on the setting of the Listed Building. The traffic associated with the use has already been established and would not result in further wear and tear to the listed building. The Council's Heritage Consultant has raised no objection to the proposal.
<u>Amenity</u>	
Traffic associated with the use would impact on the amenity of neighbouring properties.	The traffic associated with the use is already established and as such it is considered this proposal would not result in further harm to the amenity of the neighbouring residential occupiers.

Loss of privacy, and too close of neighbouring properties and noise nuisance, loss of residential amenity.	The proposal would retain a separation of over 100 metres to the nearest neighbouring occupiers and as such it is considered that there would be no harm to the amenity of these neighbouring occupiers.
<u>Highways and Parking</u>	
Increase the traffic on Shaftesbury Road and Bullhousen Farm	The traffic impacts in relation to the use of the land are not material and have been established. However, the applicant has confirmed that the trees will be taken off site, by a 4x4 with trailer and not sold on the site. County Highways has raised no objection to the proposal and as such it is considered that the proposal would be acceptable in terms of the traffic impact.
Difficult to get in and out of Wynwood due to increase in traffic	As above.
Increase in traffic and heavy vehicles on the access track would be dangerous for walkers.	As above.
No traffic assessment has been submitted.	The use has of the land has already been established and this is for minor works to support the lawful use.
Inadequate Access	The use of the land is established and the access to the site is already existing and the access is considered adequate. SCC Highways has raised no objection to the proposal.
The access track is a public footpath and increases risk to walkers and residents.	The use of the land is established. SCC Countryside Access team have raised no objection to the proposal.
Inadequate Parking Provision	The car parking provision is sufficient for the number of staff on the site and no objection has been raised by SCC Highways on the proposed parking provision.
The bridge over the stream was not engineered for additional traffic.	The applicant has confirmed that the vehicles access the site would not be LGV or HGV's but cars or 4x4 vehicles with tailers. SCC Highways have raised no objection to the proposal.
The proposal would prevent emergency vehicles from accessing HMP Coldingly.	HMP Coldingly is accessed via Shaftesbury Road. SCC Highways has raised no objection on the traffic impacts of the proposed alterations to the building.



<u>Biodiversity</u>	
There are protected species on site.	Whilst no Preliminary Ecological Appraisal has been provided the location of the hardstanding would be over existing grass land and the building has recently been erected, provides open structure that would not be suitable for bat roost. Further due to the open structure all parts of the roof are visible. As such it is considered unreasonable in this instance to require a PEA and the proposal is unlikely to result in harm to biodiversity or protected species. However, it is considered reasonable to attached conditions for Construction Environmental Management Plan and ecological enhancements.
The use of the land for forestry would adversely impact on biodiversity.	The use of the land is established and does not constitute development.
Impact of traffic on SPA and SSSI.	The use of the land has been established and does not constitute development. As such the proposal would not result in additional traffic over and above the established use and its impact on the SPA and SSSI are considered acceptable.
<u>Other Issues</u>	
Is all the accommodation necessary. Justification for increase floor space is inadequate.	The applicant has confirmed that of the 4 full time staff, two would be dealing with administrative elements of the business within the ancillary office space whilst the other two would be tending the crop. During the harvest season during October to December, 12 staff would be required for harvesting, packing and storage of the crop and would require some welfare and amenity space for breaks during the day. The increase in the internal floorspace is considered acceptable.
Trees at risk of root damage and hedges.	The Council's Arboricultural Officer has raised no objection to the proposal subject to a condition securing ground and tree protection.
If there are no hours of operation how would the applicant sell trees.	There is no retail use proposed and so hours of operation are not applicable..
Information missing from plans and not enough information has been provided with the application.	It is considered that sufficient information has been provided to make a satisfactory decision on the proposed alterations and provision of hard standing.

Waste Collection not in place.	The use of the land is already established. Any waste generated by the proposed ancillary uses would require a commercial collection and would not be significant over and above the existing forestry use.
Collection of waste treatment tank.	The sludge from the waste treatment tank would need removing. The applicant has confirmed this would be carried out once a year and would require a vehicle with a tank. Given the nature of the site they would seek the smallest vehicle to do this.

6.3 The table below summarises the non-material planning reasons for objection:

<b>Non-Material Reason for Objection</b>	<b>Officer Response</b>
No right over access to the site which is privately owned.	This is a civil issue and does not constitute a material planning consideration
The intention is to turn the barn into residential property or industrial site.	The conversion of the barn to residential use or a business or industrial site would require planning permission and is not material to the consideration of this application
Is another site selling Christmas trees required.	The site is in a forestry use and no retail sales of Christmas trees would occur from the site. The trees would be taken off site for sale.
The access track would require improvement for the proposed use.	The use of the land has already been established. The proposal does not seek improvement of the track and it is not material to the consideration of this application.
Fly tipping and Dumping of Soil	Fly tipping is a criminal offence and is covered by environmental protection legislation. This is not a material planning consideration.

## 7.0 PLANNING CONSIDERATION

7.1 This application is considered against advice contained with the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development. Regard will be given to Policies CP1, CP2, DM1, DM9, DM11 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). In addition, regard will be given to the adopted Supplementary Planning Documents (SPD) including National Planning Policy Framework.

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

- Need and principle of the development
- Impact on the Green Belt
- Impact on the character and appearance of the area
- Residential amenity
- Highway impacts
- Drainage and flood risk
- Biodiversity
- Trees
- Infrastructure
- Other matters

### **7.3 Need and principle of the development**

- 7.3.1 The application site has a lawful use for agriculture and forestry. The growing of Christmas trees on the land falls under a forestry use and is not development under S55(2) of the Town and Country Planning Act 1990 and therefore is a lawful use of the site. The existing barn on the site, which was constructed under the prior approval application set out in section 3 of this report, is also lawful. The site started growing Christmas trees at the end of 2022 and planted 10,000 trees. The applicant has confirmed that the future plan is to plant 5000 to 7000 trees every year. The barn is used for storage of vehicles and equipment associated with this use as well as materials needed for the processing and potting of the seedlings. Currently the site is not running at full capacity.
- 7.3.2 The internal alterations to the building are considered to be ancillary to the scale of work on the site, once it is running at full capacity. The Design and Access statement sets out the use of site which is outlined in section 4 of this report. The office space is required on-site to control the deliveries in and out of the site, stock control and other functions associated with the forestry business and is required on site. This is similar to other business uses where office space is provided within warehousing to control these functions. Given the need for this function it is therefore not unreasonable to consider that welfare elements of the proposal are required. Therefore, due to the ancillary nature of these changes and that they would be internal to the building they would not, by themselves, constitute development and are considered to be acceptable.
- 7.3.3 The proposal would include the provision of a parking area and access track to the barn from the existing access track which links the Bullhousen Farm to Shaftesbury Road. These engineering operations would provide safe and suitable access to the farm and barn which would prevent the grassed area from becoming muddy and unusable for parking for the staff. The site also proposes a patio area for staff members which provides a designated rest area away from the farming activity. The use of the site is established, and it is reasonably necessary to provide parking spaces for the staff. These engineering operations would be considered necessary for the efficient operation and management of a site where there is a requirement for staff access and welfare for staff members.
- 7.3.4 Due to the size of the wider site, it is considered that these facilities are reasonably required for the workers on the site. As the internal works are considered ancillary to the forestry use on the site the internal works do not constitute a change of use or require planning permission. However, the external works to the building to facilitate these internal works, and the vehicular access with associated hardstanding and parking area do require permission.
- 7.3.5 Policy DM1 of the CSDMP (The Rural Economy) supports the adaptation of existing buildings for economic purposes provided that the existing building is structurally sound and capable of conversion, and provided that any ancillary development does not conflict with countryside and Green Belt objectives. The principle of the development is therefore accepted, subject to the assessment below.

## **7.4 Impact on the Green Belt**

- 7.4.1 Section 13 of the NPPF is relevant. Under paragraph 149 new buildings are regarded as inappropriate in the Green Belt, subject to exceptions. This includes a) buildings for agriculture and forestry. Under paragraph 150 other development is also considered as exceptions to inappropriate development which include the provision of engineering operations which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.4.2 This application does not result in a new building and is for the alteration to an existing lawful building to include rooflights, solar panels and windows. The additions are minor in nature and do not materially alter the height, volume and footprint to the building. It is therefore considered the alterations would not result in harm to the openness of the Green Belt and would not be inappropriate development.
- 7.4.3 It is considered that the provision of the car parking area, access drive and patio, would constitute engineering operations. The totality of this hardstanding would preserve Green Belt openness. This is because relative to the existing situation, visually this hardstanding would not significantly spread development and would have a minor spatial impact. An unmade access drive already exists and has an existing visual impact and this proposal would formalise and improve the surface rather than spreading development. Moreover, this sole access is in close proximity to the existing building and this aids to lessen the perceived impact. The proposal would provide a small area of parking for workers and a suitable turning area for all vehicles. Whilst the patio would spread development to the east, this patio is only 39 m<sup>2</sup> in area and would only extend out by 4m from the building and so relative to the size of the building would not have a discernible impact upon openness. This hardstanding would also not conflict with the purposes of including land within the green Belt because it would be in connection with an appropriate use in the Green Belt.
- 7.4.4 The proposed wastewater treatment plant would take grey water and foul water from the kitchen, showers and toilet. This would be located underground and as such would have no impact on the openness of the Green Belt both from a visual and spatial aspect and would be needed in connection with the ancillary uses associated with the established forestry use. As such it is considered to be an exception to inappropriate development under Paragraph 150 of the NPPF.
- 7.4.5 In summary, the proposal is required for the forestry use and would not represent inappropriate or harmful development within the Green Belt. It would comply with the section 13 of the NPPF and Policy DM1 of the CSDMP.

## **7.5 Impact on the character and appearance of the area and heritage assets**

- 7.5.1 Policy DM9 of the CSDMP promotes high quality design and requires development to respect and enhance the character of the area Policy DM17 seeks to conserve and enhance heritage assets and their setting.
- 7.5.2 The existing building is utilitarian in its design and has an agricultural character. The proposal would include new ribbon windows and clear cladding roof lights are proposed in relation to the new 1st floor office. The application also seeks permission to install roof and wall mounted solar panels to provide electrical power for the facilities. The proposed alterations to the building would not increase the scale or massing of the building, with the windows and roof lights, being flush with the elevations of the building. The number of the proposed solar panels is yet to be determined, however they would be located on the roof slope and would not project significantly from the plan of the roof. It is considered that the final details of the solar panels and their design could be reasonably secured by condition. Due to the isolated location the proposed alterations would not result in a significant change to the character or appearance of the building or surrounding area.

7.5.3 It is noted that concerns have been raised that the proposal would result in harm to the Grade II Listed Building, Bullhousen Farm, due to the additional vehicular movements. The Council's Heritage Officer has reviewed the application and raised no objection to the impact on this building. The site has surrounding suitable vegetation to provide a softer integration in the surrounding landscape. The proposal is therefore considered to preserve the appearance of the surrounding area and would not result in harm to the setting of the listed building.

7.5.4 As such, the proposed development would comply with policies DM9 and DM17 of the CSDMP.

## **7.6 Impact on residential amenity**

7.6.1 Policy DM9 of the CSDMP 2012 states that development should respect the amenities of the adjoining properties.

7.6.2 The existing barn is located on a large plot. Given the distance of over 150m is retained to the neighbouring properties (Bullhousen Farmhouse and Serenity House), and the proposal would not add additional bulk and mass to the building, it is considered that the proposed development would not appear dominant or obtrusive when viewed from nearby neighbouring properties. Furthermore the proposal would not result in loss of light to neighbours.

7.6.3 The neighbours (Bullhousen Farmhouse and Serenity House) are currently adjacent to the agricultural holding which is an existing situation. The Environmental Health Officer has reviewed the application and originally raised concerns due to the level of activity being carried out on site in terms of the noise generation. However, following a clarification statement from the applicant, Environmental Health have removed the objection as it would be unreasonable to attach conditions to this existing lawful use. The ancillary works proposed with this submission would not result in adverse harm above the existing situation and would not generate additional noise harm.

7.6.4 The proposal would therefore satisfy the objectives of Policy DM9 of the CSDMP.

## **7.7 Impact on access, parking and highway safety**

7.7.1 Policy DM11 (Traffic Management and Highway Safety) is relevant.

7.7.2 The Council Highways Authority have reviewed the application and undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision. County acknowledges the concerns raised from residents, particular those with concerns on the access and anticipated increase in traffic that would come with this use of the site. The site is accessed via a narrow single lane private road from Shaftesbury Road, where the visibility is poor. The applicant has confirmed that the vehicle sizes or vehicle movements to and from the site would not increase as a result of the proposal. Further to the confirmation provided that the site is currently used for Christmas tree farm / forestry use, which is the lawful use of the site, and the clarifications provided by the applicant (that staff currently travel to and from the site and that the proposed development will not increase the size or frequency of vehicle movements along the path) County has withdrawn its objection subject to conditions. These conditions are recommended to support sustainable travel.

7.7.3 The sewage tank would need to be emptied once a year and would require a vehicle tanker and could be a 1000- 1100 gallon version which is suitable for all domestic situations. It can operate from 25m from the treatment plant. The typical width of the vehicle would be approximately 2.25m wide. Due to the limited frequency and size of the vehicle no objection is raised on highways safety concerns.

7.7.3 The SCC Countryside Access Team also raised concerns due to the public footpath. However, following clarification that the proposed development will not increase the size or frequency of vehicle movements along the path associated with the existing use and confirmation that this application is limited to the alteration of the building and provision of hard standing rather than any change in use of the land the Countryside Access Team have withdrawn their objection.

7.7.4 In summary given that the proposal would not result in additional traffic or highway impacts over and above the existing situation it would be in accordance with Policy DM11 of the CSDMP.

## **7.8 Other matters**

7.8.1 Surrey Wildlife Trust does not object but advises that an ecological assessment would be beneficial to be submitted. Due to the scale of the works taking place on site this would be considered to be unreasonable requirement as the proposal would result only in the alterations to the building internal and provision of hardstanding. The building would not be suitable for bat roosting due to its age, open structure and the addition of the hard standing would not warrant a preliminary ecological appraisal. However, due to the rural area of the site it is considered reasonable to attached a condition Construction Environmental Management Plan and ecological enhancements.

7.8.2 The Council's Arboricultural Officer has reviewed the application and notes the Parish Council concerns in relation to the adjacent trees. It is noted that the access through this section has been ongoing and continuous for years due to the agricultural activity, therefore it is considered that this unlikely to change and the track would be used in a similar manner. No road surface is proposed along the access track and no objection is raised.

## **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 acceptable in terms of land use and the provision of office accommodation and welfare facilities are considered suitably ancillary to the main forestry use not to constitute development. The proposed alterations to the building and provision of hardstanding would not be inappropriate development within the Green Belt and would be in keeping with the established forestry use and would not result harm to the openness to the Green Belt. The proposal would not result in harm to the character of the area or the setting of neighbouring listed Building and would not result in harm to the amenity of neighbouring residential occupiers. The proposal would not result in an increase in traffic generation and would not result in harm to biodiversity of the site and surrounding area.

9.2 It is therefore recommended that the application is granted planning permission subject to the recommended conditions.

## 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:

Location Plan, 2670.P.2002 Rev 0, 2670.P.2003 Rev 0, 2670.P.1001 Rev 0, 2670.P.1002 Rev 0, 2670.P.1004 Rev 0, 2670.P.10000 Rev 0, 2670.P.10001 Rev 0.

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

3. No soft or hard landscaping works shall take place until full details of both have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out as approved and implemented prior to first occupation. The scheme shall include indication of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development.

Any landscaping which, within 5 years of the completion of the landscaping scheme, dies, becomes diseased, is removed, damaged or becomes defective in anyway shall be replaced in kind.

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

4. Prior to the commencement of the development, final details of the Solar Panel array shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the number of panels and their location on the building and include a section to show the final projection from the roof slope. The proposed development shall be constructed in accordance with the approved details and retained thereafter.

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

5. Prior to the commencement of the development, the final details of the wastewater treatment plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the make and model of the treatment plant, details of the discharge of cleansed water and the servicing details including the type of vehicle to remove sludge from the plant. The development shall be constructed and operated in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the proposal is in accordance with policies DM11 and DM14 of the Core Strategy and Development Management Policies 2012.

6. Prior to the commencement of the development details of cycle parking in a robust, secure enclosure in shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed cycle storage, facilities for the charging of e-bikes are to be provided, consisting of a standard three-point plug socket. The development shall be constructed in accordance with the approved details and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

The above conditions are required in order that the development promotes sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2023 and policies CP11 and DM11 of the Core Strategy and Development Management Policies 2012.

7. The proposed development hereby approved shall not be occupied by more than 4 full time employees, other than during the months of October to December where a total of 12 full time employees associated with the harvesting, packing and delivery of the Christmas trees.

Reason: To ensure that the ancillary use of the site does not intensify to the detriment of the safe and efficient operation of the Public Right of Way and the Public Highway Network in accordance with Policy DM11 of the Core Strategy and Development Management Policies.

8. The proposed development hereby approved shall not have any retail element to the general public.

Reason: To ensure that the ancillary use of the site does not intensify to the detriment of the safe and efficient operation of the Public Right of Way and the Public Highway Network in accordance with Policy DM11 of the Core Strategy and Development Management Policies.

9. Prior to the occupation of the development hereby approved, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of hibernacula such as log piles and provision of artificial roost features, including bird and bat boxes. The development shall be implemented in accordance with the approved details.

Reason: To preserve and enhance biodiversity in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

10. No development shall commence until a Construction Environmental Management Plan has been submitted, to and approved in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To preserve and enhance biodiversity in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies Document 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. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
  
4.
  - There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
  
  - Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Countryside Access Officer. Please give at least 3 weeks notice.
  
  - Contractor's vehicles, plant or deliveries may only access along a right of way if the applicant can prove that they have a vehicular right. Surrey County Councils' Rights of Way Group will expect the applicant to make good any damage caused to the surface of the right of way connected to the development.

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<b>APPLICATION NUMBER</b>	<b>SU/23/0672/FFU</b>
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**DEVELOPMENT AFFECTING ROADS**  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

**Applicant:** Mr Ewan Vosloo

**Location:** Bullhousen Farm , Bisley Green, Bisley, Woking, Surrey, GU24 9EW

**Development:** Alterations to existing barn to include solar panels and windows, vehicular access with associated hardstanding and parking area, patio area and internal works to provide ancillary accommodation for workers in association with the farm. Installation of an underground sewage treatment plant.

<b>Contact Officer</b>	Bruno Schatten	<b>Consultation Date</b>	3 July 2023	<b>Response Date</b>	18 October 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:

**Condition:**

The development hereby approved shall not be first occupied unless and until the proposed development has been provided with cycle parking in a robust, secure enclosure in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority. Within the proposed cycle storage, facilities for the charging of e-bikes are to be provided, consisting of a standard three-point plug socket.

**Reason:**

The above conditions are required in order that the development promotes sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2023.

**Policy:**

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

### **Informative:**

The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

### **Note to Case Officer:**

The County Highway Authority acknowledges the concerns raised regarding vehicular use of the access track / bridleway and the private access road from Shaftesbury Road.

Further to the confirmation provided that the site is currently used for Christmas tree / forestry use, which is the lawful use of the site, and the clarifications provided by the applicant, specifically that:

- all trees grown and harvested are taken off site to be sold
- there will be no sale of Christmas trees on site
- the vehicles currently used are of a size to allow easy access from Shaftesbury Road to the site
- there will be no increase to the size of vehicles used to serve the everyday function of the farm

the County Highway Authority has withdrawn its objection subject to the above conditions, which are recommended to support sustainable travel.

-----Original Message-----

From: John Baker [REDACTED]

Sent: Thursday, September 7, 2023 3:59 PM

To: Development Control [REDACTED]

Subject: RE: Planning Application Consultation 23/0672/FFU

Good afternoon, The applicant has provided clarification that the proposed development will not increase the size or frequency of vehicle movements along the path. We also note the applicants assertion that this application is limited to the use of the buildings rather than any change in use of the land and the track by which it is accessed. Based on this information the Countryside Access Team are able to withdraw their objection. The remaining comments as reproduced below stand, although we note the applicants responses to these.

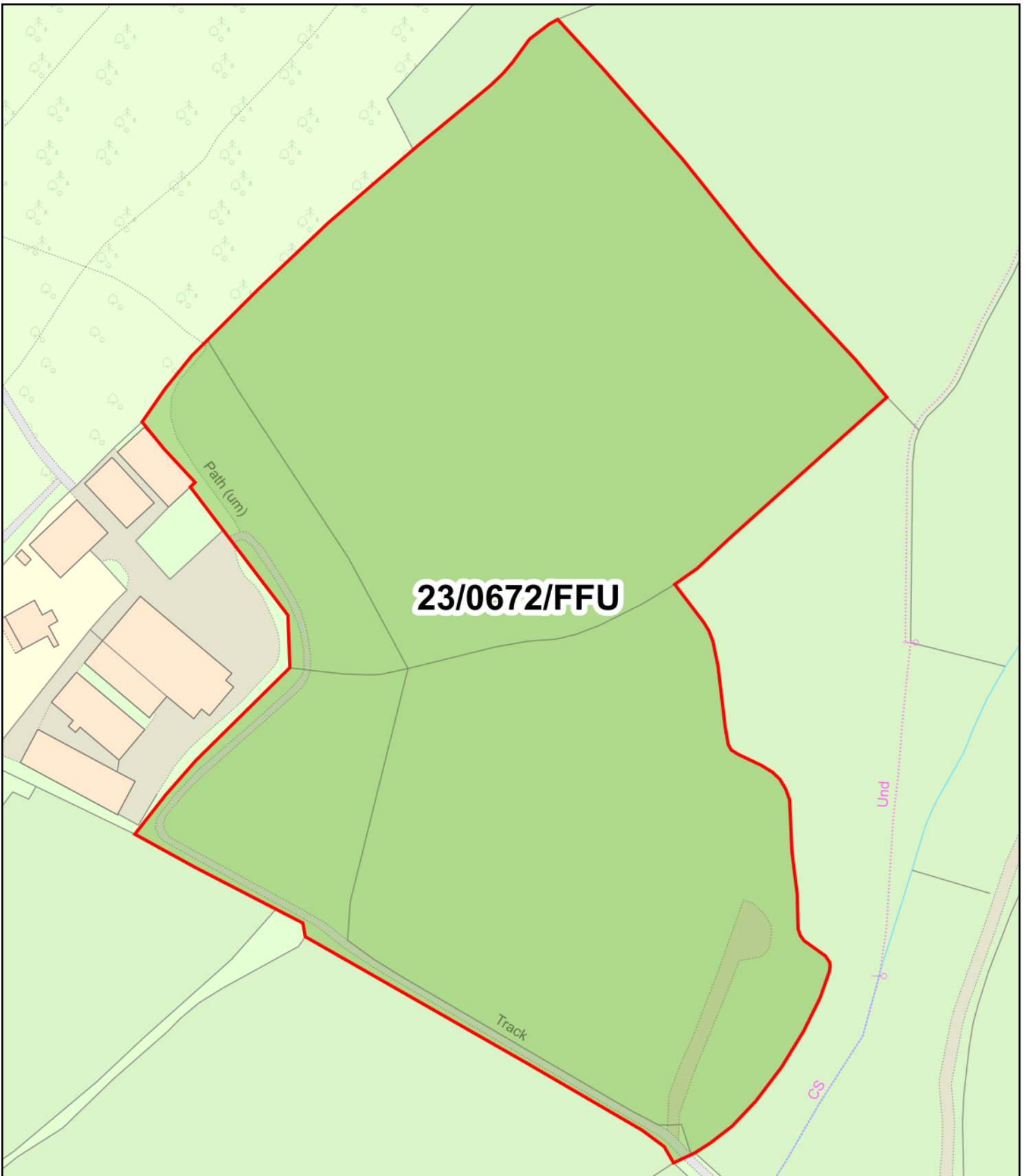
- Safe public access must be maintained at all times
- 
- Should the applicant feel they are unable to ensure public safety while work is underway, a temporary closure may be necessary. . A minimum of 3 weeks' notice must be given and there is a charge. Please contact the Countryside Access Officer if this is required
- Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.
- There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
- Vehicles using the right of way to access their properties must leave and enter the right of way in a forward gear.
- Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Countryside Access Officer. Please give at least 3 weeks notice.
- Contractor's vehicles, plant or deliveries may only access along a right of way if the applicant can prove that they have a vehicular right. Surrey County Councils' Rights of Way Group will expect the applicant to make good any damage caused to the surface of the right of way connected to the development.

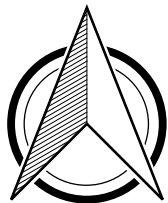
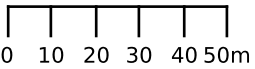

Yours sincerely

John Baker

Countryside Access Officer – West Surrey Countryside Access Team Surrey County Council

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<b>Title</b>	23/0672/FFU		
<b>Application Number</b>	23/0672/FFU		<b>Scale @ A4</b>
<b>Address</b>	Plot 3 Land West Of Bullhousen Farm		<b>Date</b> 08/11/202
<b>Proposal</b>	Alterations to existing barn to include solar panels and windows, vehicular access with associated hardstanding and parking area, patio area and internal works to provide ancillary accommodation for workers in association with the farm. Installation		
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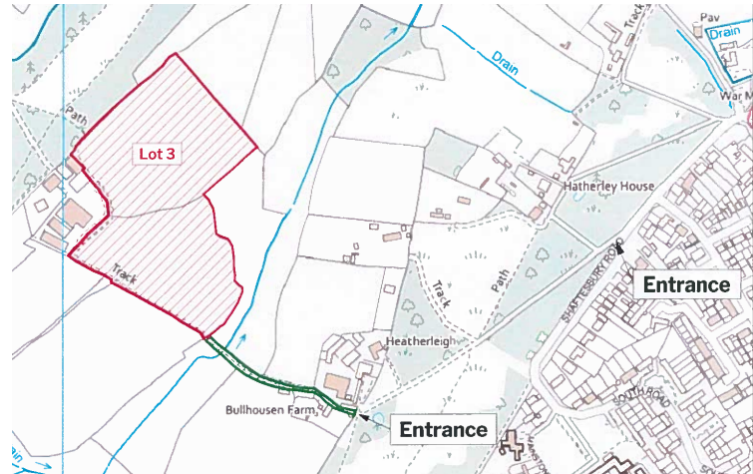


23/0672/FFU - BULLHOUSEN FARM, BISLEY GREEN, BISLEY, WOKING, SURREY

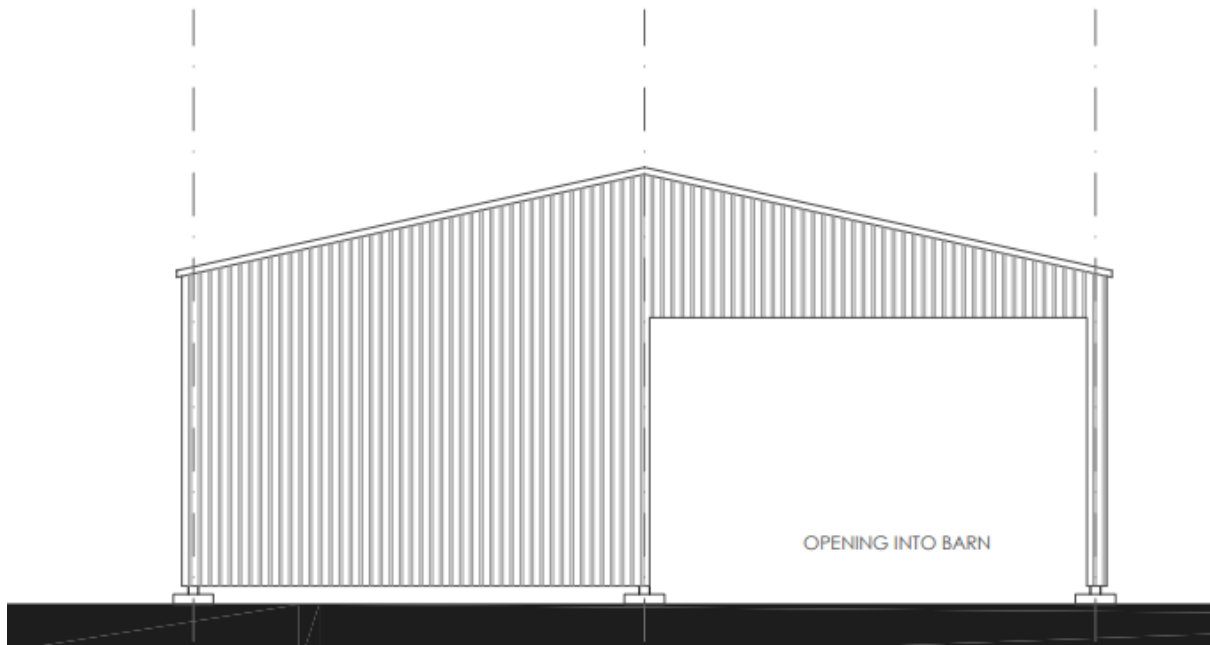
Location Plan



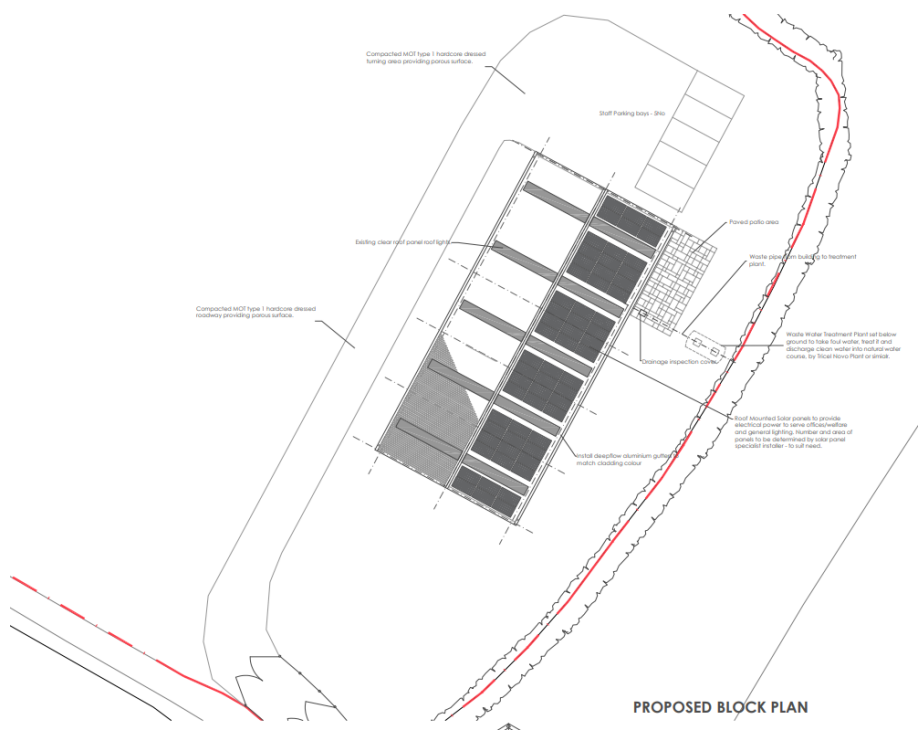
Site context



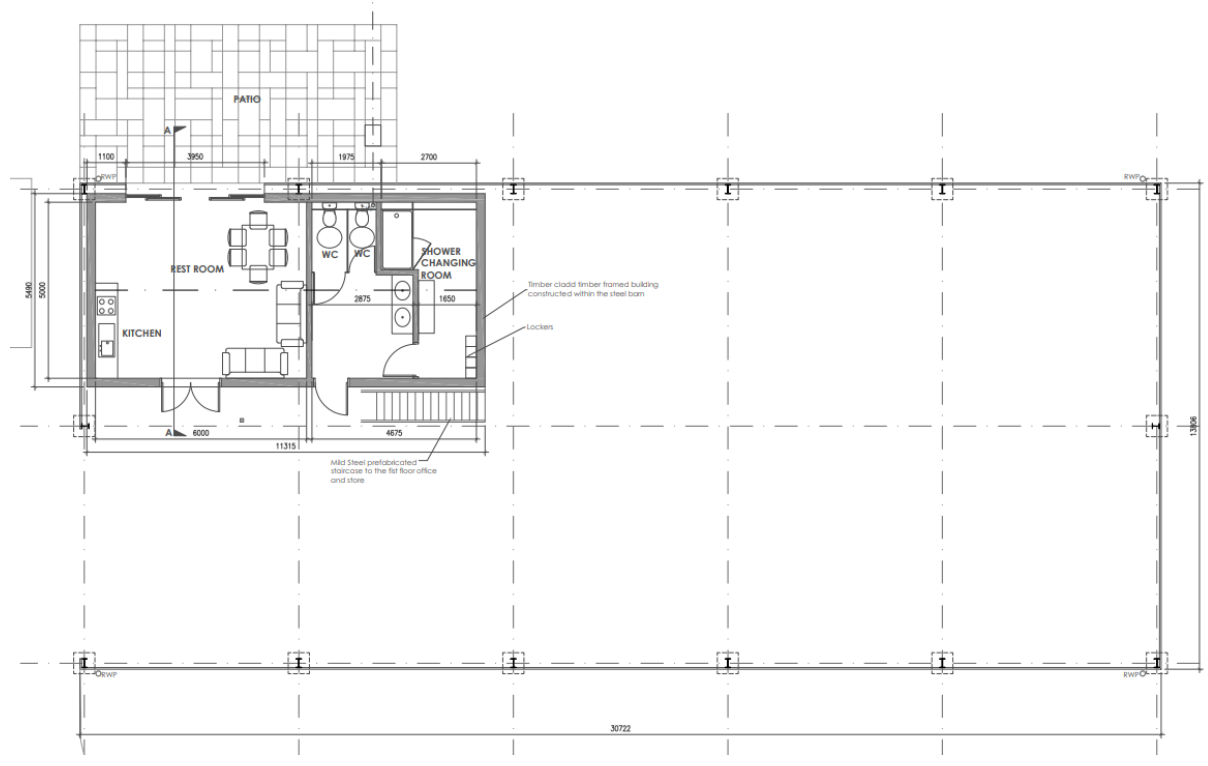
Existing Building

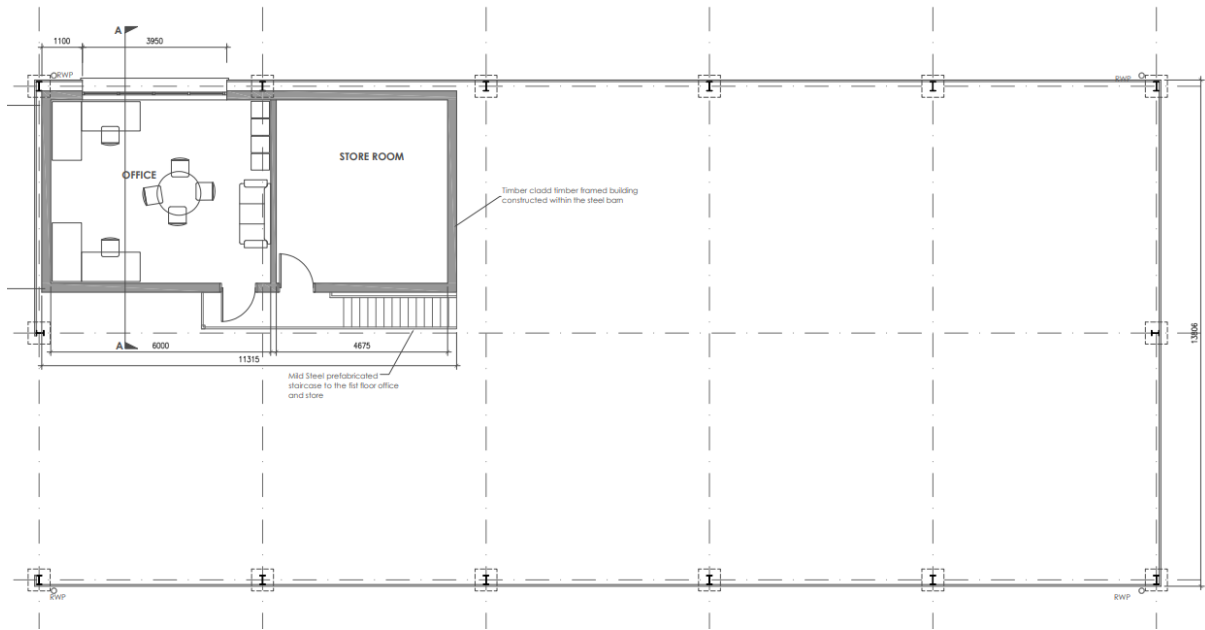


# Proposed Block Plan



# Proposed floor plans





Site photos





<b>LOCATION:</b>	Cedars Garden Nursery , Church Road, Windlesham, Surrey, GU20 6BL
<b>PROPOSAL:</b>	Erection of a dwelling, following demolition of existing glasshouse, office and ancillary buildings associated with the commercial plant nursery.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Mr Tony O'Connor
<b>OFFICER:</b>	Melissa Turney

**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 Wheeler due to concerns that the proposal is inappropriate development in the Green Belt.**

**RECOMMENDATION: GRANT, subject to conditions**

## **1.0 SUMMARY**

- 1.1 This application relates to the erection of a dwelling, following demolition of the existing glasshouse, office and ancillary buildings associated with the commercial plant nursery. The commercial plant nursery is not in operation however, the greenhouse, a polytunnel and a shed remain on the site.
- 1.2 In 2021 an application was refused for the erection of two storey 4-bed detached dwelling and associated access, hardstanding and landscaping, following demolition of existing shed, canopy and greenhouses (ref. 20/1213/FFU). This was refused on Green Belt grounds and Thames Basin Heath Special Protection Area (TBHSPA) grounds. This was subsequently dismissed on appeal in 2022 and is a material planning consideration. A copy of the Inspector's Decision is appended as Annex A.
- 1.3 The principle for this development is acceptable, as the loss of the employment site was accepted under 20/1213/FFU. This previous application also established that the site is previously developed land and, therefore, for Green Belt purposes NPPF paragraph 149(g) applies whereby any redevelopment must not have a greater impact upon the openness of the Green Belt than the existing development. Unlike the previous refusal this proposal, both spatial and visually, would result in a quantum of built form that when compared with the existing development would comply with NPPF 149(g). The proposal is considered not to have a greater impact on the openness of the Green Belt than the existing development. Hence, this proposal would not be inappropriate development in the Green Belt. As the proposal is considered to comply with paragraph 149(g) of the NPPF, there is not a requirement to consider a case for very special circumstances.

- 1.4 The introduction of the residential dwelling would improve and enhance the appearance of the Windlesham Conservation Area and would not result in harm to the setting of the Locally Listed buildings. The application proposal is also considered to be acceptable in terms of its impact on residential amenity, highway safety, ecology and the Thames Basin Heath SPA.
- 1.5 The application is therefore recommended for approval subject to conditions.

## **2.0 SITE DESCRIPTION**

- 2.1 Cedars Garden Nursery comprises 0.4 hectares and is located on the north side of Church Road. The site is located in the Green Belt and the Church Road, Windlesham Conservation Area. The buildings immediately to the west and south-west of the site are Grade II Listed and the land falls within an Area of High Archaeological Potential. The site is on higher ground than the adjoining highway and has a hedge demarking the boundary. The site includes a greenhouse, a polytunnel, a shed and large areas of hardstanding. There is an open-air sales area on the site's western area and another one on the site's central area.

## **3.0 RELEVANT HISTORY**

- 3.1 06/1114 Erection of a new timber shed for office use. Approved, 2007. Implemented.
- 3.2 13/0865 Erection of 1 polytunnel following the demolition of existing greenhouse. Approved, 2014. Implemented.
- 3.3 19/0759/CES Certificate of lawful development to confirm the sale of imported items throughout the application site and that this can continue and that the whole site is previously developed land in a mixed use as a horticultural nursery and retail use. Agreed, 2020.
- 3.4 20/1213/FFU Erection of two storey 4-bed detached dwelling and associated access, hardstanding and landscaping, following demolition of existing shed, canopy and greenhouses. Refused, 3 December 2021 for the following reasons:

### **Reason 1:**

By reason of the quantum of built form, scale and height, and visually the proposal would have a greater impact on the openness of the Green Belt than the existing development. As such, the proposal constitutes inappropriate and harmful development in the Green Belt not meeting any of the exceptions under paragraph 149 (g) of the National Planning Policy Framework. There are no very special circumstances that would amount to outweigh the identified harm. The proposal is therefore contrary to the National Planning Policy Framework.

### **Reason 2:**

Failure to comply with the Thames Basin Heath Special Protection Area mitigation due to no payment or legal agreement towards strategic access management and monitoring (SAMM) measures

The application was subsequently dismissed at appeal on 16 December 2022 on Green Belt grounds. The appeal was dismissed as the proposal was considered inappropriate development within the Green Belt as the dwelling would result in loss of spatial openness due to the two storey nature of the dwelling. A copy of this appeal decision is attached as Annex A. Reference will be made to this decision in section 7 of this report.

#### **4.0 THE PROPOSAL**

- 4.1 Planning permission is sought for erection of a dwelling, following demolition of the existing glasshouse, office and ancillary buildings associated with the commercial plant nursery.
- 4.2 The proposed dwelling would be a bungalow. The dwelling would have a height of 4.4m, an eaves height 2.6m, a maximum width of 18.8m and maximum depth of 19.1m. The dwelling would be finished in light colour render, brick and natural slate tiles.
- 4.3 The proposed internal layout would comprise of 3 bedrooms, bathroom, kitchen/dining/lounge.
- 4.4 The proposal would make use of the existing vehicular access to the site via Church Road. Three off street parking spaces are proposed, as well as an area for cycle store, and a bin store would be provided next to the parking spaces. The proposal would have formal and informal garden area.
- 4.5 This proposal would be similar to the 2021 refusal (20/1213/FFU) in respect of the application seeking permission for a dwelling on the site and retaining the existing access. The main differences between this proposal and the refusal are listed below (see also the table at paragraph 7.3.2 that compares the size of this proposal to the refusal and the existing development):
- The design of the dwelling is a bungalow style – reducing the overall height of the building compared to the refused dwelling (Refused application maximum height 7.5m, current proposal maximum height 4.3m).
  - Altered the location of the dwelling within the plot moved closer to the northern boundary.
  - Reduced the hardstanding from refused proposal (1214m<sub>2</sub>) to current proposal (906m<sub>2</sub>).
- 4.6 The following documents have been submitted in support of this application. Relevant extracts from these documents will be referred to in section 7 of this report: Highways letter, Arboricultural Survey Impact Assessment and Arboricultural Method Statement, Sustainability and Energy Statement, Protected Species Walkover Survey, Design and Access Statement, Heritage Statement, Environmental Desk Study and Archaeological desk-based assessment.

#### **5.0 CONSULTATION RESPONSES**

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

<b>External Consultation</b>	<b>Comments Received</b>
County Highways Authority	No objections are raised regarding highway safety and capacity or on parking grounds. Conditions are recommended for electric charging points and a construction management plan.  (See Annex B for a copy of their response).
Surrey Wildlife Trust	Requested clarification on which tree group is designated for removal, prior to determination. The applicant has confirmed this was a typo within the report and no trees are to be removed. Surrey Wildlife Trust raised no objection subject to conditions.
Lead Local Flood Authority (LLFA)	No drainage information has been provided. However, the LLFA notes that there appears to be an opportunity to accommodate sustainable drainage systems (SuDS) within the site. Therefore a condition is recommended.
Archaeological Officer	No objection subject to a condition securing a written scheme of investigation.
Windlesham Parish Council	Objection: inappropriate development in the Green Belt; and, reservations if the building will preserve the character and appearance of the conservation area.

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

<b>Internal Consultation</b>	<b>Comments Received</b>
Arboricultural Officer	No objection subject to conditions.
Heritage Consultant	No objection following the submission of amended plans which altered the roof light proposed and removed buttress elements from the building.
Environmental Services	No object subject to conditions

## 6.0 REPRESENTATION

6.1 A total of 6 individual letters of notification were sent out on 8 September 2023. A site notice was displayed on the 28 September 2023 and a press notice published on 22 September 2023 (Surrey Advertiser) and 20 September 2023 (Camberley News). To date 1 letter of representation has been received.



6.2 The table below summarises the material planning reasons for objection:

Material Reason for Objection	Officer Response
<u>Character and Design</u>	
Concern that the proposal does not create a precedent for further development within the conservation area that would be outside the volume constraints of the existing historic development.	The proposal is considered to preserve the appearance of the conservation area. The Heritage Officer has been consulted and has raised no objection to the proposal's impact on the conservation area or the setting of nearby Grade II listed buildings and locally listed buildings. Any future development proposals will be considered on their own merits.
Ensure that the existing height and extent of the hedging is retained in order to the hide the new building from the historic setting.	If planning permission is granted a condition securing landscaping scheme is recommended. It would be unreasonable to condition the retention of a hedge for the life time of the development.

## 7.0 PLANNING CONSIDERATION

7.1 This application is considered against advice contained with the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development. Regard will be given to Policies CP1, CP2, CP3, CP6, CP8, CP12, CP14B, DM9, DM11 and DM17 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). In addition, regard will be given to the adopted Supplementary Planning Documents (SPD) including the Residential Design Guide 2017 (RDG), Windlesham Neighbourhood Plan (WNP) 2019, and the Church Road Conservation Area Character Appraisal (CAA).

7.2 The principle of residential development has been established under application 20/1213/FFU, including the loss of the employment site. Therefore, the main issues to be considered within this application are listed below:

- Green Belt appropriateness and harm
- Impact on the character and appearance of the area, including heritage and trees
- Residential amenity
- Highway impacts
- Ecology and Thames Basin Heath SPA
- Other matters (archaeology, flooding and drainage, energy efficiency credentials)

### 7.3 Green Belt appropriateness and harm

7.3.1 Paragraph 149 of the NPPF lists exceptions to inappropriate development in the Green Belt. This includes the first bullet point of exception (g) that permits the complete redevelopment of previously developed land provided it does not have a greater impact on openness than the existing development.

7.3.2 The application site is occupied by a garden nursery and includes a glasshouse, two polytunnels and a shed. There is an open-air sales area on the site's western area and another within the centre of the site. The site has a mixed horticultural nursery and retail use. This was confirmed under application 20/1213/FFU where the Inspector agreed the site is to be considered previously developed land. Consequently, its re-development would benefit from support under paragraph 149 (g) of the NPPF, provided that it would not

have a greater impact on the openness of the Green Belt than the existing development. The following tables indicate these differences in floor space, footprint, volume, height and hardstanding, in comparison with the existing situation and the previous refusal:

	<b>Existing</b>	<b>Previous application</b>	<b>Proposed</b>	<b>Proportional change from existing.</b>
<b>Floorspace (GIA)</b>	128m <sup>2</sup> (large polytunnel) 22m <sup>2</sup> (shop) 104m <sup>2</sup> (glasshouse) 25m <sup>2</sup> (small polytunnel)  Total: 279m <sup>2</sup>	291m <sup>2</sup>	208.6m <sup>2</sup>	25.2% reduction
<b>Footprint (GEA)</b>	279m <sup>2</sup>	165m <sup>2</sup>	243.4m <sup>2</sup>	12.8% reduction
<b>Volume</b>	482m <sup>3</sup> (large polytunnel) 59m <sup>3</sup> (shop) 285 m <sup>3</sup> (glasshouse) 58m <sup>3</sup> (small polytunnel) Total: 884m <sup>3</sup>	867m <sup>3</sup>	873m <sup>3</sup>	1.2% reduction
<b>Hardstanding</b>	1,946m <sup>2</sup>	1,214m <sup>2</sup>	906m <sup>2</sup>	53.4% reduction
<b>Height</b>	3.7m (large polytunnel) 3.1m (shop) 3.9m (glasshouse) 2.1m (small polytunnel)	7.5m	4.3m	16% increase

7.3.3 The above table sets out a comparison between the existing situation on the site, the previous refused application and the current proposal. Compared to the existing situation on site there would be a significant reduction in floorspace (70.4m<sup>2</sup>) footprint (35.6m<sup>2</sup>) and hardstanding (1040m<sup>2</sup>) compared with the existing development. There would be a small reduction in volume (11m<sup>3</sup>) compared to the existing situation. There would be an increase in height by 0.6m taken from the tallest building on site. The dwelling would be located in a similar position to the existing built form on the site. However, when this application is compared to the previously dismissed appeal, the main difference is the proposed dwelling has been altered from a two storey dwelling to a bungalow. However, due to the reduction in height this has increased the footprint of the dwelling, when compared to the refused proposal. However, the current proposal still results in 12.8% reduction in footprint and therefore results in overall reduction of spread of development on the site.

7.3.4 In dismissing the previous two-storey dwelling the Inspector acknowledged the significant reductions in footprint and hardstanding across the site and the small reduction in volume. However, due to the proposal's height, the single mass of the building and the materials used compared to the existing lightweight materials, the Inspector deemed that there would be a loss in spatial openness. Additionally, due to the building's increased prominence above the established hedges that bound the site, the Inspector concluded that there would be a loss of visual openness (see paragraph 7 of Annex A).

7.3.5 Taking into account the Inspector's concerns, the proposed dwelling has been significantly reduced in height compared to the previously refused scheme (reduced by 3.2 metres). The bungalow would still result in a small increase in height compared to the existing built form, but only by 0.4 metres higher than the glasshouse or 0.6 metres higher than the large polytunnel. Consequently, part of the roof would be visible above the established hedges of

the boundaries, however this cannot be said to result in a prominent building or result in a loss of visual openness.

7.3.6 Whilst the footprint of this proposal has increased compared to the previously refused application, and the bungalow would still be brick built and have a more solid appearance than the lightweight glasshouse and polytunnels materials, these matters would be offset by the overall reductions in existing hardstanding, floorspace, height (compared to the refused application) and the reduction in volume. Moreover, given that the built form would be located in a similar position to the existing structures on site, there would not be a further spread of development onto land that is currently open in nature, nor would there be countryside encroachment. For this reason, there would not be a loss of spatial openness compared to the existing situation.

7.3.7 Taking all of the above into account, the proposal would not have a greater impact upon the openness of the Green Belt than the existing development, either spatially or visually, and so would not be inappropriate development in the Green Belt. As the proposal is considered to comply with paragraph 149(g) of the NPPF, there is not a requirement to consider a case for very special circumstances. Any future further extensions or erection of outbuildings under householder permitted development rights could, however, have a harmful impact on Green Belt openness. In order to retain control of this it is therefore considered reasonable and necessary to attach a condition removing permitted development rights.

#### **7.4 Impact on the character and appearance of the area, including heritage assets and trees**

7.4.1 Policies DM9 (Design Principles) and DM17 (Heritage) of the CSDMP are relevant. The RDG provides supplementary guidance relating to the design of residential developments of which Principles 6.6, 7.1, 7.3 and 7.4 are of most relevance to this proposal. Policy WNP2.1 of the Windlesham Neighbourhood Plan is also relevant as this states that proposals for new housing developments should respond positively and protect the built and natural character features of their setting.

7.4.2 The Church Road Conservation Area Character Appraisal (CAA) states that the purpose of the conservation area is to help retain the existing character and prevent unsympathetic alterations to the area which would harm its setting. It describes the conservation area as predominantly residential in its uses, with some local shops outside the designated area in Updown Hill and Chertsey Road. The overall characteristic of the conservation area is rural, being largely surrounded by fields on three sides and the properties set within an attractive wooded landscape. It is noted that the CAA does not specifically reference the application site.

7.4.3 The application site is located within an area which is rural in character and generally comprises low density residential development set within spacious and irregularly sized plots, some of which are generous in size. The proposal would retain the plot as existing, with a low lying building retaining the spaciousness of the plot. Given the layout, design and mixture uses within the surrounding area, it is considered that using this plot for residential purposes would not give rise to a development out of keeping with its surroundings. There is no prevailing building line along Church Road in this location, with the dwellings' having different setbacks from the road. As such, the proposed dwelling's setback would not be considered to erode the local character. Although its front elevation would be orientated towards the centre of the site (south east elevation), the proposed side elevation facing towards Church Road would have fenestration and projections which would be visually interesting and would positively address the road.

7.4.4 The Council's Heritage Consultant supports the amended proposal. During the course of the application the buttress were removed and the rooflights altered to a conservation style flush with the roof slope. The removal of the 20th century glasshouse would better reveal the historic boundary wall that has historic associations with The Cedars. Overall, the design, proportions, and materials of the proposed dwelling would be of a more modern style, however, due to the low profile of the dwelling this would be similar in scale to the outbuildings at Cedars Coach House to the west. The low profile would also preserve the sense of openness of the site and would not harm the setting of the Listed Buildings or Conservation Area. The introduction of the proposed dwelling in terms of the character and appearance of the conservation area in general, which comprises informal groups of predominantly good quality buildings set within an open, rural landscape is considered appropriate. The proposal is therefore considered to preserve the appearance of the Conservation Area and would not result in harm to the setting of the Locally Listed Buildings.

7.4.5 The Arboricultural Officer has been consulted on the proposal and raises no objection to the proposal, subject to a planning condition requiring the tree protection measures to be put in place prior to commencement of works and the submission of a landscape scheme. This would assist the proposal in integrating to the soft, green character of the road.

7.4.6 No objections were raised to the previous refusal on character, heritage and tree grounds. Similarly, this proposal would not result in adverse harm and would be in accordance with Policies DM9 and DM17 of the CSDMP, the RDG and the WNP.

## **7.5 Impact on residential amenity**

7.5.1 Policy DM9 (iii) of the CSDMP 2012 is relevant and principles 7.6, 8.1, 8.3 and 8.4 of the RDG also apply.

7.5.2 Cedars Coach House, adjacent to the site's western boundary, is a commercial building. The proposed dwelling would retain a separation distance of approximately 15m to the common boundary with Cedar Court also to the west. The neighbouring dwelling at Cedar Court is sited at approximately 50m from the common boundary with the application site. Immediately to the north of the application site is a tennis court, whereas to the east there is a field containing an agricultural storage building. In light of this context, it is considered that the proposal would not give rise to an adverse impact on the amenity of neighbouring properties in terms of the overlooking, overbearing or loss of light.

7.5.3 In considering the proposed residential amenities of the future occupiers of the new dwelling, the internal floor space would comply with the floor space standards recommended in the Nationally Described Space Standards. The new dwelling would retain a large rear garden. The formal garden shown on proposed site plan would be approximately 1,545m<sup>2</sup> and would be well in excess of the private amenity space recommended under principle 8.4 of the RDG (i.e. 55 m<sup>2</sup> for a south facing garden).

7.5.4 There was no objection to the previous refusal for a two-storey dwelling on residential amenity grounds. Given that this proposal is for a bungalow it would have even less of an impact. As such, the proposal is considered not to adversely affect the residential amenities of the neighbouring properties and would provide a good level of amenity for future occupiers in accordance with Policy DM9 of the CSDMP and the RDG.

## **7.6 Highways impacts**

7.6.1 Policy DM11 of the CSDMP is relevant. Policy WNP4.2 of the Windlesham Neighbourhood Plan states that new residential development should provide, where space permits, on plot parking for 3 no vehicles for a 3+bed dwelling. Policy WNP4.1 sets out the size of the parking spaces at 2.9m by 5.5m.

7.6.2 The proposed dwelling would make use of the existing vehicular access off Church Road and be provided with 3 parking spaces. The proposed dwelling would have 3 bedrooms and the parking provision would therefore be in accordance with the requirements of the WNP. It is noted that the proposed parking spaces would fall short of the size recommended by the WNP and would be 2.5m x 5m. Typically, a car parking space is 2.8 m by 4.8 m and for this reason and , given the amount of hardstanding proposed on site, it is not considered that this proposal would conflict with the intent of the WNP.

7.6.3 County Highways Authority have assessed the application on safety, capacity and policy grounds, recommends a number of conditions including parking spaces, electric charging points and cycle storage to be imposed in the event planning permission is granted.

7.6.4 No objection was raised to the previous proposal on highway grounds and this proposal complies with DM11 and the WNP, subject to conditions.

## **7.7 Impacts on ecology and the Thames Basin Heath SPA**

7.7.1 Policy CP14 of the CSDMP is relevant. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2019) is also relevant.

7.7.2 Surrey Wildlife Trust (SWT) requested confirmation on which tree group is designated for removal, prior to determination. The applicant has confirmed that no trees are to be removed as part of the proposal and the submitted tree report has been amended to confirm this. It is considered that the protected species have been given due regard subject to conditions for badger survey and Construction Environmental Management Plan (CEMP). SWT raises no objection.

7.7.3 The proposed development lies within the 5km buffer of the SPA. There is currently sufficient SANG available and this development would be CIL liable, so a contribution would be payable on commencement of development. Following an Executive resolution which came into effect on 1 August 2019, due to the currently limited capacity available for public SANGs in parts of the Borough, applications for development which reduce SANG capacity, as in the case of this application will be valid for one year (rather than three years).

7.7.4 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment of £875.81 which has been paid by the applicant.

7.7.5 As such the proposal complies with Policy CP14 of the CSDMP.

## **7.8 Other Matters**

7.8.1 The Archaeological Officer has been consulted on the archaeological desk-based assessment report (MOLA, August 2023) submitted in support of this application. The Officer advises that the report provides a reasonable assessment of the archaeological implications of this proposal for a new dwelling. There would be archaeological implications from this proposal, however these can be mitigated by a programme of archaeological work secured by an appropriately worded condition.

7.8.2 The application site is situated within Flood Zone 1 where residential use is considered to be appropriate. The Lead Local Flood Authority have reviewed the application and consider there appears to be opportunity to accommodate sustainable drainage systems (SuDS) within the site. As such it is considered that these details can be secured via a condition and the proposal complies with DM10 of the CSDMP.

- 7.8.3 Policy CP2 states sustainable design for new developments within the Borough. As part of the application an energy statement has been submitted. The proposal would include passive solar gain due to the design and location of the habitable rooms and the insulation. An air source heat pump is proposed and a centralised mechanical extract system with heating controls and lighting. Due to the installation of an air source heat pump solar panels are not proposed. Preference will be given to the use of local materials & suppliers where viable to reduce the transport distances and to support the local economy. These details can be secure via a condition to secure these details to ensure the requirements of Policy CP2 and DM7 of the CSDMP are met.
- 7.8.4 The application was submitted with an Environmental Desk Study and Preliminary Risk Assessment. This assessment has been reviewed by the Environmental Health Officer. The report identified potential linkages between contamination source and receptors, and recommended further site investigation. Therefore a condition is recommend should planning permission be granted to secure further site investigation.

## **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 proposal is considered to be an exception under paragraph 149 (g) of the NPPF and therefore would not be inappropriate development within the Green Belt. The proposal would not cause any harm in respect of character, heritage assets, residential amenity, highways, parking, or to trees and ecology, flooding, or the Thames Basin Heaths SPA, subject to the proposed conditions. Conditions removing permitted development rights are considered necessary to ensure that the proposal does not have a greater impact on openness than the existing development. Therefore, the proposal would comply with Policies CP1, CP2, CP3, CP6, CP11, CP14, DM7, DM9, DM10, DM11 and DM17 of the CSDMP, RDG SPD and WNP.

## **10.0 RECOMMENDATION**

GRANT subject to the following conditions:

1. The development hereby permitted shall be begun within one year 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:

OV/DB/TOC/01A Received 18.10.2023  
OV/DB/TOC/02A Received 18.10.2023  
OV/DB/TOC/03A Received 18.10.2023  
OV/DB/TOC/04A Received 18.10.2023  
Location Plan Received 06.09.2023  
CWLD-TOC-CGN-LA-2332-01 Received 06.09.2023

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. No external facing materials shall be used on or in the development hereby approved until samples and details of them have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason: To ensure the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with the requirements of the National Planning Policy Framework and Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure 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 and Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The development hereby approved shall not be first occupied unless and until the proposed dwelling is provided with parking for a minimum of two bicycles in a robust, secure enclosure in accordance with the approved plans and thereafter the said approved facility shall be provided, retained and maintained to the satisfaction of the Local Planning Authority. Within the proposed cycle storage, facilities for the charging of e-bikes are to be provided, consisting of a standard three-point plug socket.

Reason: To ensure 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 and Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. No development shall commence until a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric and Roman remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with NPPF.

8. (1) The development hereby approved shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include :
- (a) a site investigation report to address the potential significant risks as described in Desk Study
  - (b) if required, a 'remediation action plan' based upon (b);
  - (c) a 'discovery strategy' dealing with unforeseen contamination discovered during construction;
  - (d) a 'validation strategy' identifying measures to validate the works undertaken as a result of (b) and (c);
- (2) Prior to occupation, a verification report appended with substantiating evidence to demonstrate the agreed remediation has been carried out in accordance with part (1) (d) above.
- (3) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

9. No development shall commence until a Construction Environmental Management Plan, to include details of:
- Site working hours (including delivery, loading & unloading)
  - Details of proposed means of dust suppression and emission control
  - Details of proposed means of noise mitigation (including working hours)
  - Lighting impact mitigation
  - Material and waste management
  - Procedure for implementing the Construction Environmental Management Plan

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties in accordance with policies DM9 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. The development hereby permitted shall not commence until full details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.

The required drainage details shall include:

a) Detailed design drawings indicating the location of all new or affected drainage systems. Drawings to include annotations for all drainage assets, pipe diameters, surface and invert levels. Representative cross-sections required to show profile along access road and across porous construction areas.



b) Details of how drainage systems will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

c) Details of the drainage management responsibilities and maintenance regimes for all drainage systems. Details to outline responsibility for ongoing costs associated with pumped drainage systems (electricity supply, preventative maintenance and mechanical/electrical servicing). Location details of pump controls required. Pump system to maintain an external visual indicator of pump or power failure. All future responsibilities to be clearly detailed for any associated surface water assets and drainage systems, including the retention of any porous surfaces or sub-base construction.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site and to accord with Policy DM10 of the Core Strategy and Development Management Policies 2012 and the NPPF.

11. Notwithstanding the provisions of Class A, Class B and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no further extensions, roof alterations, outbuildings shall be erected or undertaken without the prior approval in writing of the Local Planning Authority.

Any development under the Classes stated above undertaken or implemented between the date of this decision and the commencement of the development hereby approved shall be demolished and all material debris resulting permanently removed from the land within one month of the development hereby approved coming into first use.

Reason: In order not to prejudice the openness of the Green Belt and to be in accordance with the National Planning Policy Framework.

12. The proposed development shall be carried out in accordance with Sustainability and Energy Statement (Maven Sustainability dated 21st September 2023).

Reason: To ensure that the final design of the proposed construction would support sustainability to comply with Policy CP2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

### **Informative(s)**

1. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

2. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
3. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022.
5. 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.
6. 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.
7. The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge.

Failure to pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this decision may result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.



## Appeal Decision

Site visit made on 27 July 2022

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16 December 2022**

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**Appeal Ref: APP/D3640/W/22/3296088**

**Cedars Garden Nursery, Church Road, Windlesham GU20 6BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr O'Connor against the decision of Surrey Heath Borough Council.
  - The application Ref 20/1213/FFU, dated 23 December 2020, was refused by notice dated 3 December 2021.
  - The development proposed is the demolition of the shed, canopy and greenhouses and the erection of a detached dwelling and associated access, hardstanding and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The second reason for refusal cited the appellant's failure to make a payment or provide a completed legal agreement for Strategic Access Management and Monitoring (SAMM) mitigation in connection with the Thames Basin Heaths Special Protection Area (SPA). The appellant has completed a Unilateral Undertaking and the Council has confirmed that this addresses the second reason for refusal. This is a matter that I will return to in the Other Matters section.

### Main Issues

3. I consider the main issues are:
  - whether the proposal is inappropriate development in the Green Belt; and,
  - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### *Whether inappropriate development*

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5. The National Planning Policy Framework (the Framework) at paragraph 149 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant has set out that the development can be considered under the exception at paragraph 149 g) relating to the partial or complete redevelopment of previously developed land.
6. It is common ground between the main parties that the appeal site is previously developed land. In order to meet the exception at paragraph 149 g), it is necessary for the proposed scheme to not have a greater impact on the openness of the Green Belt than the existing development. In this respect, I have been provided with a comparison between the existing and proposed developments. I note the significant reduction in the footprint of development as well as in hardstanding areas across the site that would result from the proposal. The scheme would also result in a small reduction in the volume of development on the appeal site.
7. Despite this, the development, albeit the upper floor being partly contained within the roofspace, would be noticeably taller, extending to nearly twice the height of part of the existing built form and there would also be an increase in floorspace. I recognise that the proposal would be less spread out than the existing buildings and structures and in terms of the extent of hardstanding on the site which could be used for parking. However, the single mass and the taller, predominantly two storey height of the proposed dwelling, would make it more visible from surrounding views. The current buildings and structures are at lower level and many such as the glass house and polytunnels are formed mainly in transparent or other lightweight materials. The proposal would however be a more solid, predominantly brick built structure. As well as the loss in spatial openness, the prominent dwelling, which would be seen above the established hedges that form the boundary around much of the site, would result in the loss of visual openness.
8. Reference has been made to the use of the whole of the appeal site as an external sales area for retail sales associated with the nursery use. Whilst this could extend over a large area of land, I do not consider the effect of an open-air sales area would be as harmful to visual openness as the dwelling proposed, given the proposal's greater height and more solid form.
9. As such, and whilst acknowledging the site's status as previously developed land, the proposal would have a greater impact on the openness of the Green Belt than the existing site. Therefore, it would not meet the exception set out at paragraph 149 g) of the Framework.
10. Consequently, in not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. The decision notice in relation to the first reason for refusal does not reference any development plan policies.

#### *Other Considerations*

11. The Council has stated that it can demonstrate a five-year supply of housing and this has subsequently not been disputed by the appellant. The provision of

a new energy efficient dwelling in an accessible location does however weigh in favour of the appeal. The development would better reveal a boundary wall that has been identified as a non-designated heritage asset and provide an opportunity to restore and enhance biodiversity and the landscape on the site. The development would also make a positive contribution to the economy during the construction phase, as well as expenditure by future residents on local services and facilities which would help sustain the vitality of rural communities. Given the proposal is for one net additional dwelling, such economic, social and other benefits, including biodiversity enhancements would attract limited positive weight.

12. The proposed development would result in the removal of the retail nursery, resulting in a less intensive use and reduced traffic movements. I have not been provided with further details on the extent of such traffic reduction, and as such, I am only able to afford this matter limited positive weight.
13. The proposal would lead to a significant reduction in the footprint of development and hardstanding. This would reduce the spread of building and structures on the appeal site but as I have set out earlier in the decision, the development would have a greater impact on the openness of the Green Belt given its height and form and these referenced reductions would not be a benefit of the proposed scheme.
14. Given the lawful use of the appeal site, I accept that the retail sale of goods could take place across the site and there is the possibility of the site being sold to a larger garden centre, although there is no evidence before me on the likelihood of this taking place should the appeal be dismissed. In any event, the range of goods for sale could be extensive, but the type of goods identified, such as gardening and horticultural products would likely be stored at ground level. This would not be as or more harmful than the predominantly two storey form of the appeal scheme, which would, due to its height and form, have a greater impact on the Green Belt. I therefore attach limited weight to this consideration.
15. Reference has been made by the appellant to a planning permission at the nearby Windlesham Stables which also related to a proposed two storey dwelling. Some details of this approval have been provided and whilst there are some similarities with the scheme before me, it is also evident that the circumstances of Windlesham Stables differed as it proposed a reduction in footprint, volume as well as the floorspace. An existing barn and stable block were also higher than any existing building or structure on the appeal site. As such, this case is not therefore directly comparable to the appeal scheme and I attach limited weight to it and can confirm that I have dealt with this appeal on its own merits.
16. The proposal would not give rise to any adverse impacts on living conditions, highway safety or with regards to trees. It would be acceptable in relation to its effect on the character and appearance of the area, whilst preserving the character and appearance of the Conservation Area and the setting of nearby listed buildings. It would cause no unacceptable effects on archaeology and the loss of employment would not be harmful. I also note there has not been objections from certain consultees. These are however neutral matters that do not weigh in favour of the proposal, as is the lack of conflict with a number of development plan policies.

## **Other Matters**

17. The development would result in a net additional dwelling with a consequent increase in population within the zone of influence of the Thames Basin Heaths SPA. The SPA consists of a network of heathland sites that provide a habitat for internationally important bird species, namely, the nightjar, woodlark and dartford warbler. These species nest at low level and are easily disturbed by human activity such as recreational walking and predation by domestic cats. The SPA is likely to be adversely affected from additional recreational activities associated with a net increase in the population living within the zone of influence of the protected area.
18. There is agreement between the main parties that the mitigation measures should include contributions towards provision of SAMM. However, as I am dismissing the appeal for other reasons, further consideration of this, including the need for me to undertake an appropriate assessment and consider any planning obligation advanced to provide mitigation in this respect, is not required.

## **Conclusion**

19. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
20. I have attached limited weight in favour of the scheme to the provision of a net additional dwelling on this site, to the economic and social benefits, as well as enhancements to biodiversity, landscape and to a non-designated heritage asset. I also attach positive weight, albeit limited for the reasons set out, to the removal of the retail nursery. The various other considerations raised, are neutral matters.
21. With this in mind, the substantial weight I have given to the Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
22. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

*F Rafiq*

INSPECTOR

<b>APPLICATION NUMBER</b>	<b>SU/23/0936/F FU</b>
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**DEVELOPMENT AFFECTING ROADS**  
**TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992**

**Applicant:** Mr Tony O'Connor

**Location:** Cedars Garden Nursery , Church Road, Windlesham, Surrey, GU20 6BL

**Development:** Erection of a dwelling, following demolition of existing glasshouse, office and ancillary buildings associated with the commercial plant nursery

<b>Contact Officer</b>	Bruno Schatten	<b>Consultation Date</b>	8 September 2023	<b>Response Date</b>	20 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 occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
- 2) The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 3) The development hereby approved shall not be first occupied unless and until the proposed dwelling is provided with parking for a minimum of two bicycles in a robust, secure enclosure in accordance with the approved plans and thereafter the said approved facility shall be provided, retained and maintained to the satisfaction of the Local Planning Authority. Within the proposed cycle storage, facilities for the charging of e-bikes are to be provided, consisting of a standard three-point plug socket.

**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 2023.

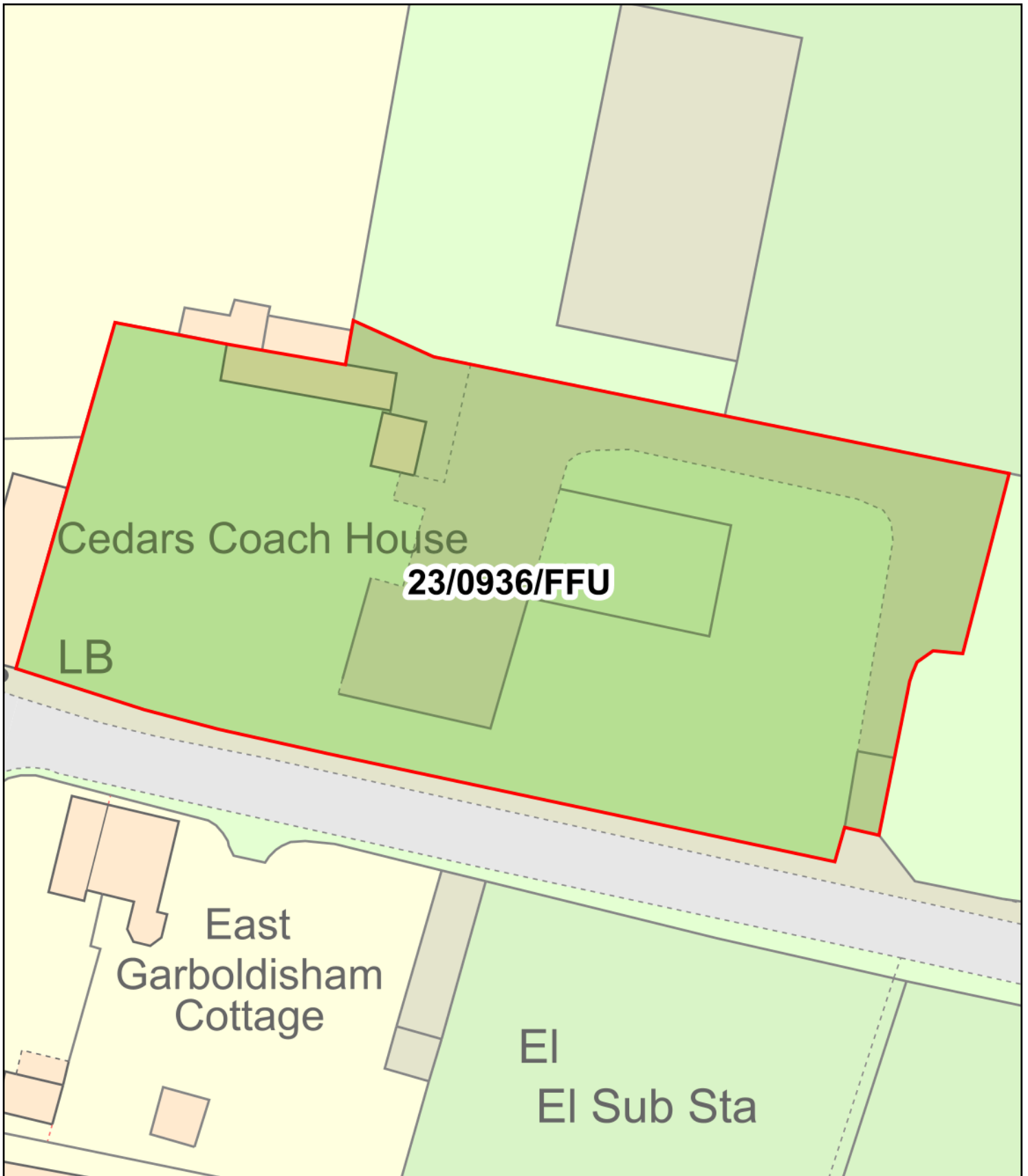
**Policy:**

Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

**Highway Informatives:**

- 1) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 2) The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
- 3) The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
- 4) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022.





<b>Title</b>	23/0936/FFU		
<b>Application Number</b>	23/0936/FFU		<b>Scale @ A4</b>
<b>Address</b>	Cedars Garden Nursery Church Road		<b>Date</b> 08/11/202
<b>Proposal</b>	Erection of a dwelling, following demolition of existing glasshouse, office and ancillary buildings associated with the commercial plant nursery		
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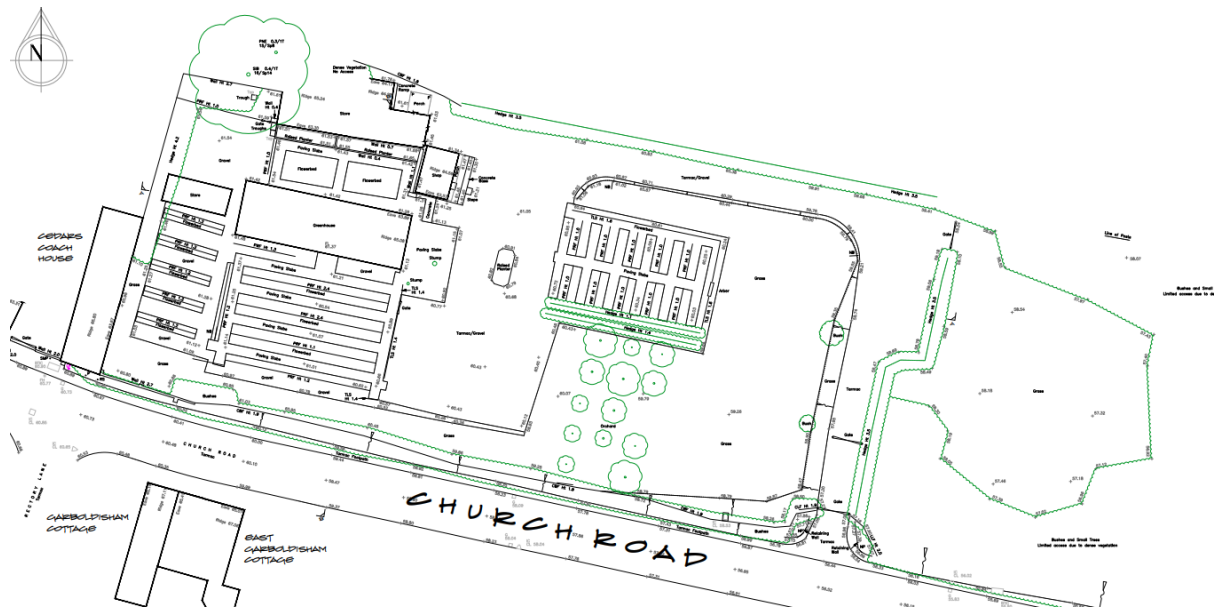
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# 23/0936/FFU - CEDARS GARDEN NURSERY, CHURCH ROAD, WINDLESHAM, SURREY

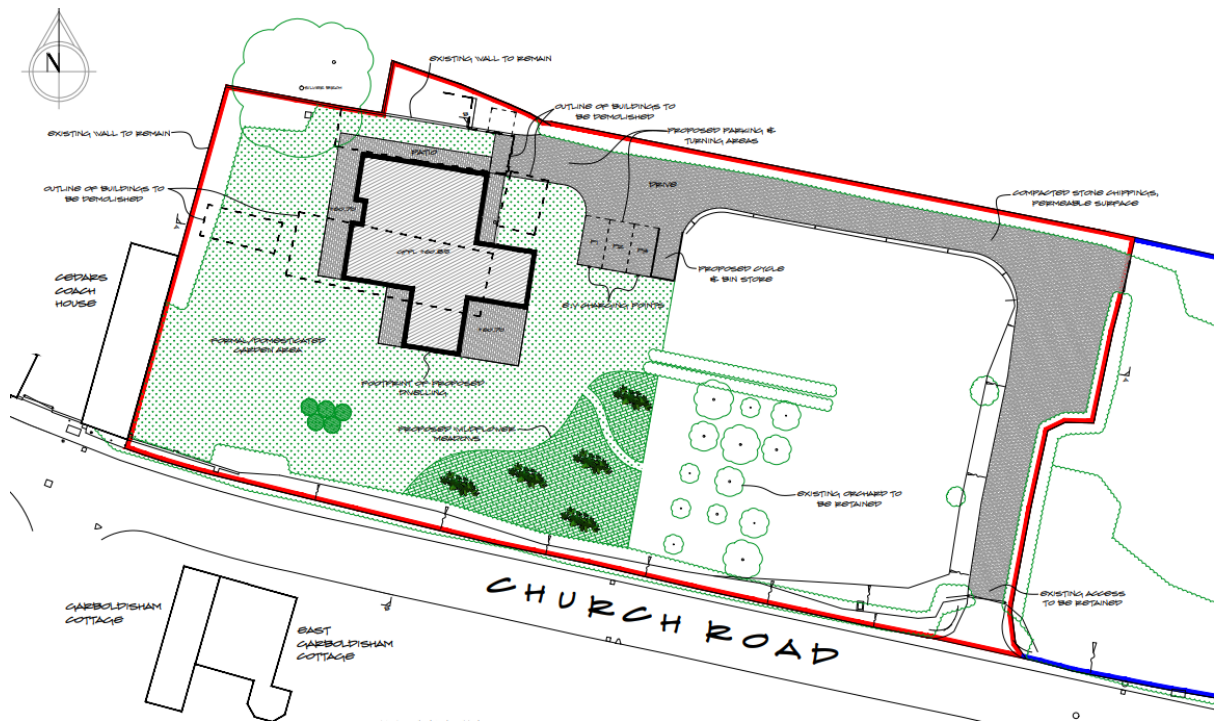
## Location Plan



## Existing site layout



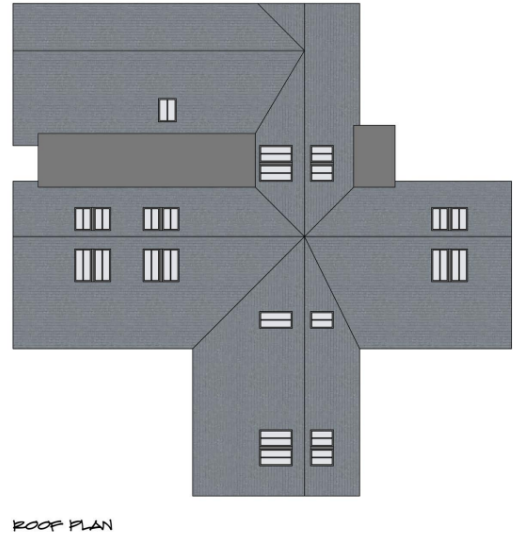
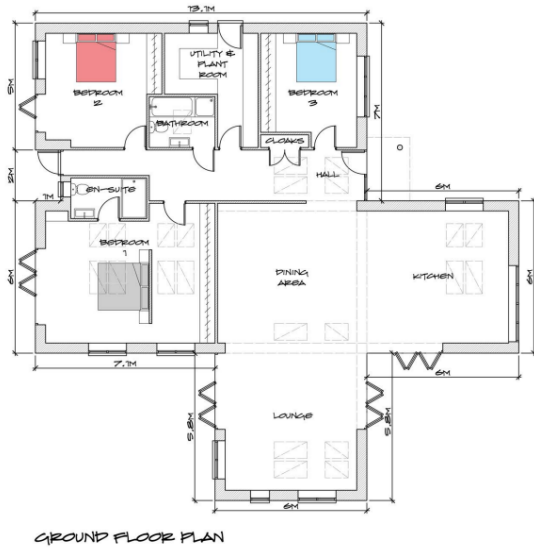
## Proposed site layout



## Proposed elevations



### Proposed floor plan and roof plan



### Photos of the site

#### Existing Access



Existing built form on the site







View form the highway





23/1019/FFU

**Reg. Date**

5 October 2023

St Pauls

**LOCATION:** 9 Ashwell Avenue, Camberley, Surrey, GU15 2AR

**PROPOSAL:** Garage conversion into habitable accommodation, along with fenestration alterations.

**TYPE:** Full Planning Application

**APPLICANT:** Mr Sashi Mylvaganam

**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 because the applicant is a Councillor.**

**RECOMMENDATION: GRANT, subject to conditions**

**1.0 SUMMARY**

- 1.1 The proposed development is for the conversion of the integral double garage to an enlarged study, with fenestration alterations. The proposal is acceptable in principle, as the application site is located within the settlement boundary.
- 1.2 The change in the appearance of the front elevation as a result of the garage conversion would be acceptable and at least two spaces would be retained on site to provide adequate off-street parking.
- 1.3 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. The existing dwelling comprises an integral double garage with part of the garage already converted to a study, albeit the garages doors remain.
- 2.2 The site is located to the south of the highway. It is within the Contemporary Paved Estate Housing Character Area. The whole of the site is within an area tree preservation order (reference: TPO/7/69). There are mature trees sited to the side and rear of the application site, as well as in the rear gardens of the neighbouring properties. The surrounding area is predominantly residential.
- 2.3 There are significant alterations to the land levels, with the application site being sited approximately 3 metres lower than 7 Ashwell Avenue, the neighbouring dwelling to the east, and approximately 2 metres higher than the neighbour to the western side, 11 Ashwell Avenue.

### 3.0 RELEVANT HISTORY

- 3.1 72/0268 Demolition of Newlands and Ridge House and the erection of 31 dwellings with double garages  
Approved 25.07.1972
- 3.2 77/0550 Erection of a single storey bedroom, toilet and garage extension, together with internal alterations.  
Approved 25.08.1977
- 3.3 80/1003 Erection of a single storey extension to form a new storage/boiler room. Erection of porch at front and new roof to existing garage  
Approved 23.10.1980
- 3.4 98/0817 Erection of a single storey rear extension and construction of a pitch roof over existing garage incorporating a front dormer window to enable the roof space to be used as habitable accommodation.  
Approved 07.10.1998
- 3.5 23/0810/CES Certificate of lawfulness for the proposed erection of a single storey rear extension and garage conversion into habitable accommodation, plus fenestration alterations.  
Not agreed 27.09.2023 due to a restrictive conditions attached to a previous approved development.

Condition 5 of permission 80/1003 (in addition to condition 5 of permission 77/0550 – see above) states that ‘the garage hereby permitted shall be retained for such purposes only and shall not be converted to any other use without the prior consent, in writing, of the Planning Authority.’ The reason given for this condition was to ensure that adequate garage/parking arrangements were retained within the site in accordance with the Planning Authority’s standards.

### 4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for conversion of the integral garage to form habitable accommodation, along with fenestration alterations.
- 4.2 One of the bays of the double garage has already been converted to a study (under planning permission reference 77/0550). This proposed development would provide an extended study, with an en-suite bathroom. The proposed works would also include replacing the two garage doors with windows and one pedestrian door. The front of the property would retain off-street parking for at least two cars.
- 4.3 This application has been altered from the initial submission, with the erection of a single storey rear extension to provide a sun room being removed from the description of proposed works.

### 5.0 CONSULTATION RESPONSES

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

External Consultation	Comments Received
County Highways Authority	No objections raised.

5.2 The following internal consultee was consulted and their comments are summarised in the table below:

Internal Consultation	Comments Received
Arboricultural Officer	<p>No objections are raised regarding the impact on the health of protected trees, subject to a condition which secures the submission of an Arboricultural Impact Assessment (AIA) and a Tree Protection Plan (TPP).</p> <p>These details are no longer required as the single storey rear extension no longer forms part of this development.</p>

## 6.0 REPRESENTATION

6.1 Ten individual letters of notification were sent out on 5<sup>th</sup> October 2023. Following amendments to the proposed development, a further letter of notification was sent to all neighbouring dwellings on the 6<sup>th</sup> November 2023. These expire on the 16<sup>th</sup> November and any further representations received will be included within the update report.

6.2 To date one letter of representation has been received raising no objection, and one objection has been received. The objection letter solely related to the impacts caused by the rear extension. As the extension has now been removed from the proposed development, these reasons for objection are not summarised in this report.

## 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, and impact on trees
- Residential amenity
- Highway impacts

### 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 and also protects trees. This is supported by Para. 130 of the NPPF, Principles 10.1 and 10.2 of the RDG and Guiding Principles CP1(a), CP1(f) and CP2 of the WUAC.

7.3.2 The proposal alterations to the fenestration on the front elevation, due to the use of matching materials, would be sympathetic to the host dwelling. The proposed alteration to the existing, integral garage would be visible from the public realm. It is noted that the host dwelling has been extended previously. However, as the garage conversion would not increase the external size of the dwelling, it would not result in a dominating alteration to the host dwelling nor the street scene.

7.3.3 The entirety of the site is covered by a tree preservation order (reference: TPO/6/66). These trees are mature and visible from the public realm. They make a significant, positive contribution to character of the surrounding area. As the proposed garage conversion would not alter the footprint of the existing dwelling and is not located in close proximity to protected trees, there would be no impact on these protected trees.

7.3.4 Therefore the proposed development would comply with Policy DM9 of the CSDMP, the RDG and the WUAC.

#### **7.4 Impact on residential amenities**

7.4.1 Policy DM9 of the CSDMP is relevant. Principle 10.1 of the RDG is also relevant.

7.4.2 The alterations to the front fenestration would include additional windows. These would be at ground floor level only. In addition, these windows would be sited in excess of 24 metres from the built form of the dwellings opposite, with the public highway acting as an intervening feature as well. Therefore, the existing pattern of overlooking to the front would not be significantly altered by this development.

7.4.3 Given that the proposed garage conversion would not alter the external size of the existing dwelling there would be no changes from the existing situation for neighbours in terms of light or overbearing impacts.

7.4.4 The proposal would comply with policy DM9 of the CSDMP and the RDG.

#### **7.5 Highway impacts**

7.5.1 It is noted that the proposed development would result in the loss of a garage as a parking space. It is also acknowledged that there were restrictive conditions attached to previous permissions in the 1970s and 1980s in order to ensure that sufficient parking was provided on-site and for the development to accord with the standards that applied at that time. The application currently proposed would need to comply with the current standards, as provided by the Surrey County Council's Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development. This document states that a dwelling with three or more bedrooms, in a suburban environment, should provide at least two spaces on-site. There is existing hardstanding to the front of the site to provide sufficient space for the required two parking spaces on-site. As such, the development would be acceptable in terms of its impact on highway safety.

7.5.2 In addition to the application site being able to accommodate sufficient parking on-site, the guidance provided in Surrey County Council states that a garage, to be considered a usable parking space, should have a width of 3 metres and a depth of 6 metres. The existing garage has an access width of 2.2 metres, an internal width of 2.7 metres and an internal depth of 4.8 metres. As such, in accordance with the current standards, the existing garage would no longer be considered suitable for the parking of a vehicle.

7.5.3 The Country Highway Authority was consulted during the course of this application. The proposal was assessed in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway

7.5.4 The proposed development would therefore have no adverse impact upon the highway and would comply with Policy DM11 of the CSDMP.

### **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. The dwelling would retain adequate off-street parking and there would be no impact on the highway. The proposed development would comply with the NPPF, Policies DM9 and DM11 of the CSDMP, principle 10.1 of the RDG and the Guiding Principles CP1(a), CP1(f) and CP2 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, Existing and Proposed Block Plans, Drawing reference: 3078-010 Rev B, Received: 06.11.2023

Proposed Floor Plans, Drawing reference: 3078-200 Rev C, Received: 06.11.2023

Proposed Elevations, Drawing reference: 3078-201 Rev C, Received: 06.11.2023

Existing and Proposed Roof Plans, Drawing reference: 3078-203 Rev A, Received: 06.11.2023

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.

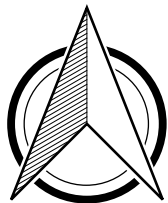
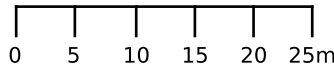

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

### **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. 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.
4. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any

works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>

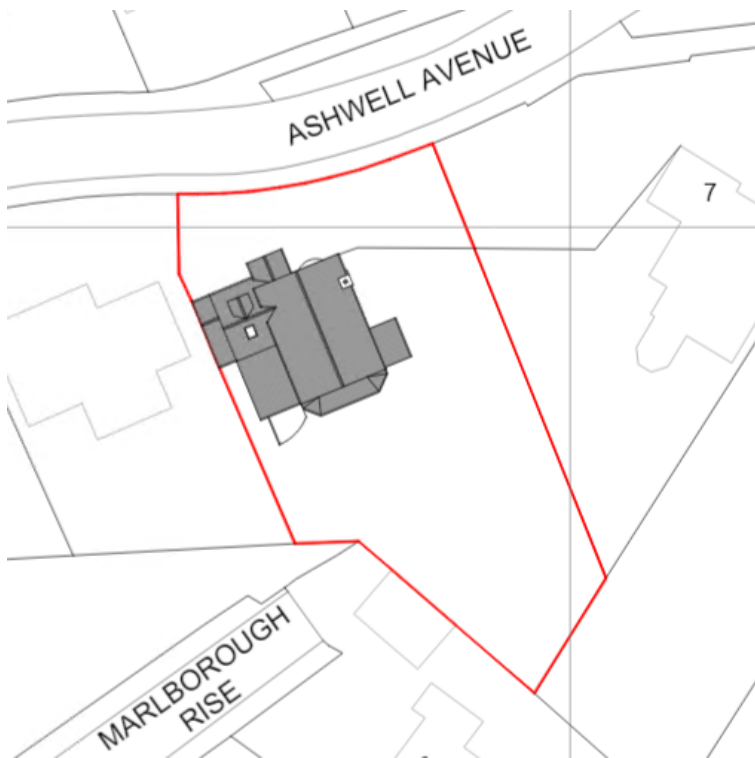


<b>Title</b>	23/1019/FFU		
<b>Application Number</b>	23/1019/FFU		<b>Scale @ A4</b>
<b>Address</b>	9 Ashwell Avenue Camberley		<b>Date</b> 08/11/202
<b>Proposal</b>	Garage conversion into habitable accommodation, along with fenestration alterations.		
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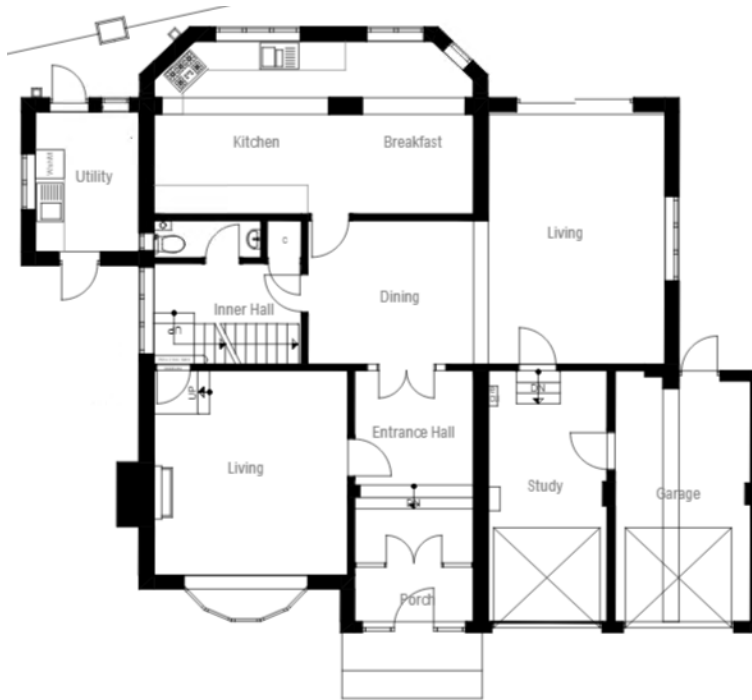
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Image of the front of application site



Site Location Plan



Existing Floor Plan



Proposed Floor Plan



Existing Front Elevation  
Scale 1:50

Existing Front Elevation



Proposed Front Elevation  
Scale 1:50

Proposed Front Elevation

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