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Wednesday 13 March 2024

To: The Members of the **Planning Applications Committee**
(Councillors: Cliff Betton (Chair), Victoria Wheeler (Vice Chair), Mary Glauert, Shaun Garrett, Liz Noble, David O'Mahoney, Murray Rowlands, Kevin Thompson, 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 a substitute to attend. Members should also inform their group leader of the arrangements made.

Preferred substitutes: Councillors Jonny Cope, Nirmal Kang, Mark Gordon, Ying Perrett, Jonathan Quin, Pat Tedder and David Whitcroft

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, 21 March 2024 at 6.30 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes of the Previous Meeting	3 - 10

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

Applications Committee held on 22 February 2024.

3 Declarations of Interest

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

Human Rights Statement

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

Planning Applications

4	Application Number: 21/0875/FFU - Land East of Four Oaks Nursery, Highams Lane, Chobham, Woking, Surrey, GU24 8TD	11 - 68
5	Application Number: 23/1202/RRM - Princess Royal Barracks, Brunswick Road, Deepcut, Surrey, GU16 6RN	69 - 104
6	Application Number: 24/0039/NMA - Princess Royal Barracks, Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN	105 - 116
7	Application Number: 22/1123/RRM - Princess Royal Barracks, Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN	117 - 172
8	Application Number: 23/1239/FFU - Longacres Nursery, London Road, Bagshot, Surrey, GU19 5JB	173 - 188

*** 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 22 February 2024

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

+ Cllr Mary Glauert	- Cllr Kevin Thompson
+ Cllr Shaun Garrett	+ Cllr Helen Whitcroft
+ Cllr Liz Noble	+ Cllr Valerie White
+ Cllr David O'Mahoney	+ Cllr Richard Wilson
+ Cllr Murray Rowlands	

+ Present

- Apologies for absence presented

Substitutes:

Councillor David Whitcroft

Members in Attendance:

Cllr Jonny Cope,
Cllr Nirmal Kang,
Cllr Sarbie Kang
Cllr Emma-Jane McGrath
Cllr Pat Tedder.

Officers Present:

Gavin Chinniah - Head of Planning
Jonathan Partington - Development Manager
William Hinde - Principal Solicitor
Duncan Carty - Principal Planning Officer
Navil Rahman - Principal Planning Officer
Julia Taylor - Planning Officer
Eddie Scott - Senior Democratic Services Officer
Jenny Murton - Senior Democratic Services Officer

40/P Minutes of the Previous Meeting

RESOLVED that the minutes of the meeting of the Planning Applications Committee held on 25 January 2024 were approved as being a correct record and signed by the Chair.

41/P Application Number: 23/0486 - The Ferns, Woodlands Lane, Windlesham, Surrey, GU20 6AS*

This planning application related to demolition of existing dwelling and erection of seven dwellings with associated landscaping and parking.

The application had been reported to the Planning Applications Committee after being called in by Councillor Victoria Wheeler, owing to concerns the proposal did not adhere to the Windlesham Neighbourhood Plan, the loss of trees, the ecological impact of the development and the overdevelopment of the site.

There was an amendment to condition 5 in the Planning Updates report to include requirement for hedge planting to the boundary of the site.

In accordance with the Council's public speaking scheme, Ann Fenton on behalf of the Windlesham Heathpark Wood Group and Tony Murphy spoke in Objection to the application and Katie Walker (Agent) spoke For the application.

The Committee questioned the Agent on the density of surrounding properties in Woodlands Lane and requested the sizes of the proposed parking spaces, garages and garage entrances to be confirmed. The Head of Planning confirmed that the application proposed 22 dwellings per hectare.

Sustainable aspects were also discussed including the distance from the proposed application's location to the nearest bus stop, and its proximity to the centre of Windlesham and other local amenities.

It was also confirmed by the Agent that none of the proposed dwellings would be classified as affordable housing but this was in line with relevant regulations.

The Committee queried why application 15/0590, the erection of up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and the use of land to provide a SANG, that was allowed on appeal back in July 2017 had still not been built. The Head of Planning confirmed that a subsequent application was approved in 2022 and the delay was due to ongoing legal negotiations

The Committee questioned if this application (23/0486/FFU) formed part of mitigation for the Heathpark Wood site and the case officer confirmed it did not. The case officer also clarified that the application's land did not need to be registered on the Council's brownfield register to be considered a brownfield site.

The Committee wanted clarification that details regarding density and garage and parking space sizes adhered to the Windlesham Neighbourhood Plan. Members asked that if it could not be determined that it did indeed meet the requirements in the adopted Windlesham Neighbourhood Plan, could the application be deferred.

The Committee questioned the figures for net new dwellings in the Windlesham Neighbourhood Plan and who was responsible for updating this Plan. The case officer confirmed that according to the Council's Local Plan, 47 net new units had been adopted in Windlesham compared to 386 net new units in West End. Surrey Heath's housing need had also increased since the adoption of the local plan by 68%.

The Committee questioned the Biodiversity Net Gain information and obligations, and it was highlighted by officers that BNG was not relevant for this application as the legislation only impacts developments of this size submitted after 2 April 2024.

The officer recommendation to grant the application subject to conditions and a legal agreement was unanimously not supported by the committee.

An alternative recommendation proposed by Councillor Victoria Wheeler, seconded by Councillor Richard Wilson, to refuse the application due to several reasons was put to the vote and carried.

RESOLVED that application 23/0486/FFU be refused due to the following reasons:

- **The application failed to meet the minimum size standards for car garages, detailed in policies 4.1 and 4.2 in the adopted Windlesham Neighbourhood Plan.**
- **The application failed to adhere to policy 2.1 of the Windlesham Neighbourhood Plan due to its failure to maintain the established density within Windlesham village.**
- **The Urban Design consultant's objections to the proposed layout as a result of lack of place making and extent of landscaping (this can be found at 7.4.10 in the officer's report).**

NOTE 1

In line with Part 4, Section D, Paragraph 18 of the constitution, the voting in relation to the application was as follows:

Voting For the amended motion to refuse the application:

Councillors, Shaun Garrett, Mary Glauert, Liz Noble, David O'Mahoney, Helen Whitcroft, Victoria Wheeler, Valerie White and Richard Wilson.

Voting Against the amended motion to refuse the application:

Councillor David Whitcroft.

Abstaining:

Councillor Cliff Betton.

NOTE 2

Councillors Victoria Wheeler and Richard Wilson noted for the record they had spoken to residents regarding this application who had been opposed to it.

42/P Application Number: 23/1224 - Threapwood, 36 The Maultway, Camberley, Surrey, GU15 1PS*

This planning application related to the redevelopment of site to provide a housing development (Class C3) comprising a mix of houses and flats (24 residential units), with associated landscaping, car and cycle parking.

This application had been reported to the Planning Applications Committee because it is a major development (a development of 10 dwellings or over).

In accordance with the Council's public speaking scheme, Maxine Camar and James Lee spoke in Objection of the application.

The Committee asked for clarification of the location of properties 12 and 13 Curtis Close in relation to the proposed application.

The Committee commented on the number of reasons to refuse the application, in particular the recommendation to refuse from Surrey County Council's Highways Authority.

The Committee questioned the topography of the proposed application's site and asked the case officer for more detail.

The Committee asked if there was a sustainable drainage systems (SuDS) plan regarding the application and it was confirmed by the case officer and Head of Planning that insufficient information had been submitted by way of a drainage scheme to demonstrate that the proposed development would not result in adverse harm to the drainage and flood risk of the surrounding area (this forms part of objection 9 in the officer's report on page 62).

Councillor Cope in his role as Ward Councillor spoke in Objection of the application and questioned whether there was an impact to the properties on Oaken Copse, owing to the separation distance and the topography. The case officer confirmed there should not be an impact to the properties on Oaken Corpse.

The Committee queried if a public footpath would be lost if this application was approved and the Principal Solicitor confirmed it was not a public footpath.

The officer recommendation to refuse the application was proposed by Councillor Shaun Garrett, seconded by Councillor Valerie White, put to the vote and carried.

RESOLVED that application 23/1224/FFU be refused.

NOTE 1

In line with Part 4, Section D, Paragraph 18 of the constitution, the voting in relation to the application was as follows:

Voting in favour of the motion to refuse the application was unanimous from all the Committee Members present.

43/P Application: 23/1100 - Watchmoor Park, Watchmoor Road, Camberley, Surrey

This planning application related to a hybrid planning application comprising: full planning application for the erection of one industrial and logistics unit within Use Classes E(g)(iii), B2, and B8 together with access, parking and landscaping and Outline application (all matters reserved) for the erection of up to 19,000 sqm of flexible industrial and logistics floor space within Use Classes E(g)(iii), B2, and B8 following demolition of existing buildings on land at Watchmoor Park.

The Committee was satisfied with the application and officer's report and believed it was an effective way forward regarding the creation of jobs and use of the site.

Members queried if a prospective buyer had been identified for the site and it was confirmed that a specific buyer had not been secured.

The case officer confirmed that this application would create 511 full-time equivalent jobs and an additional 137 jobs during the construction phase.

The officer recommendation to approve the application subject to conditions and a legal agreement was proposed by Councillor Mary Glauert, seconded by Councillor Murray Rowlands, put to the vote and carried.

RESOLVED that application 23/1100/FFU be granted, subject to conditions and a legal agreement.

NOTE 1

It was noted for the record that Councillors Cliff Betton, Shaun Garrett, Mary Glauert, Liz Noble, David O'Mahoney, Murray Rowlands, David Whitcroft, Helen Whitcroft, Valerie White and Richard Wilson had all received correspondence from the Agent for the application (23/1100/FFU), but had all come to the meeting with an open mind.

NOTE 2

Councillor Murray Rowlands declared he had been on an unofficial visit to the site.

NOTE 3

Councillor Cliff Betton declared for the record that his business is located in Watchmoor Park, but was not connected to this application.

NOTE 4

In line with Part 4, Section D, Paragraph 18 of the constitution, the voting in relation to the application was as follows:

All Committee Members present voted in favour of the officer recommendation to grant the application, subject to conditions and a legal agreement.

44/P Application Number: 23/1147 - Farnborough Airport consultation

The meeting was adjourned for a comfort break from 8:37pm to 8:41pm.

Rushmoor Borough Council is the determining authority and Surrey Heath is only a consultee. This application was being reported to the Planning Applications Committee because the proposal is a major development (i.e. is a variation of condition proposal for a development of over 1,000 sq.m.).

This consultation is by Rushmoor Borough Council (RBC) for a proposal at Farnborough Airport. This relates to a variation of condition application proposing to increasing the maximum number of flights (including weekend flights), the size

of the threshold for larger aircraft, and revised Public Safety Zone Maps. The proposals are to provide increased capacity for the airport for up to 2040. Rushmoor is expected to report the application (their reference 23/00794/REVPP) to their planning committee in March 2024.

There was an update in the Planning Updates report and the amended reason for objection was:

1. It had not been demonstrated that the proposal would not have an adverse impact on residential amenity from increased aircraft noise patterns from increased aircraft movements under, and close to, the flightpath over this Borough, **particularly noting the increases for non-weekday movements**. The assumptions of future aircraft specifications to reduce impacts on noise have not been adequately substantiated or could be adequately controlled failing to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework and guidance within the Noise Policy Statement for England 2010.
2. It had not been demonstrated that the proposal would not have an adverse impact on air pollution on the Motorway M3 Air Quality Management Area (AQMA) from increased traffic movements on the Motorway generated by the proposal failing to comply with the National Planning Policy Framework.

The Committee discussed the impact of aircraft noise on areas of the borough and referenced Heathrow and Fairoaks airports in comparison.

In discussing Fairoaks Airport, Councillors queried if operations could be tempted to move to Farnborough Airport if it was permitted to allow more flights.

The Committee discussed Mytchett ward, which is Surrey Heath's closest ward geographically to Farnborough Airport, and how residents were affected by the flight path and Farnborough Airport's current operations. It was highlighted that Surrey Heath would not benefit from a Sound Insulation Grant Scheme.

The Committee questioned how the number of additional flights would be recorded and the effects that an increase in flights could have on Surrey Heath resident's quality of life.

The Committee queried where additional flights would be parked and how much additional hard standing would be required.

The officer recommendation to raise an objection, including the amended reasons for objection as stated in the Planning Updates report, was proposed by Councillor White, seconded by Councillor Noble, put to the vote and carried.

RESOLVED that an objection is raised by the council, and would include the amended reasons for objection, as stated in the Planning Updates report dated 22 February 2024.

NOTE 1

Councillor White declared for the record that her husband is a pilot although it was not known how often he used Farnborough Airport.

Councillor Richard Wilson stated for the record that he was a Member of the British Airline Pilots Association.

NOTE 2

In line with Part 4, Section D, Paragraph 18 of the constitution, the voting in relation to the application was as follows:

All Committee Members present voted in favour of the officer recommendation that an objection is raised by the council, and it would include the updated reasons as stated in the Planning Updates report discussed.

45/P Application Number: 23/1178 - Land r/o 19 The Crofters, Deepcut, Camberley, Surrey

This planning application related to proposed change of land use of former road to residential garden land (C3) and the erection of a close-boarded fence.

This application would normally be determined under the Council's Scheme of Delegation but was being reported to the Planning Applications Committee because the applicant had been employed by the Council as a Planning Officer, within the previous four years.

There were several updates in the Planning Updates report suggested by the Council's Scientific Officer. These included:

- Prior to commencement, the applicant shall submit an intrusive site investigation report by a competent person(s) to confirm whether the area is suitable for residential use. If contamination is found, a remediation plan based upon the findings of the site investigation shall be submitted to and approved in writing by the LPA. The land shall be remediated in accordance with the approved plan.
- If necessary, prior to the use of the land, a validation report with substantiating evidence demonstrating that the agreed remediation has been carried out, shall be submitted to and approved in writing by the LPA.
- The applicant may wish to install suitable acoustic fences at extended boundary, to reduce the noise level in garden areas to below the upper value of 55 dB or more desirable 50 LAeq, as recommended in BS8233 for external residential amenity areas.

The Committee commended the application on the benefit it would be to the site's appearance and the case officer confirmed that other neighbours on the street had carried out similar work.

The case officer had been at the council six months so had no prior working relationship with the applicant.

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

RESOLVED that application 23/1178/FFU be granted, subject to conditions.

NOTE 1

All Committee Members present voted in favour of the officer recommendation to grant the application, subject to conditions.

Chair

21/0875/FFU

Reg. Date 26 July 2022

Windlesham & Chobham

LOCATION:	Land East Of Four Oaks Nursery, Highams Lane, Chobham, Woking, Surrey, GU24 8TD,
PROPOSAL:	Change of use of land to a Gypsy/Traveller site (two pitches) comprising the siting of 2 mobile homes, 2 touring caravans and erection of x2 ancillary utility rooms and installation of hard landscaping.
TYPE:	Full Planning Application
APPLICANT:	H. & M Woolford & Creese
OFFICER:	Navil Rahman

This application is being reported to the Planning Applications Committee under Part 3 – Section B, Paragraph 1.5 of the Constitution due to a recent appeal decision which was allowed at Oaks Farm, Philpot Lane within the Green Belt which is a material consideration in relation to the acceptability of this current planning application and a pending Enforcement Notice on the site. Therefore, given the circumstances outlined above, it is considered that the application should be determined by Planning Applications Committee.

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

1.0 SUMMARY

- 1.1 The application relates to the change of use of land to a gypsy and traveller site, serving two pitches comprising two mobile homes, two touring caravans and the construction of two utility room buildings together with associated landscaping including the installation of hardstanding.
- 1.2 At present, two unauthorised caravan pitches exist upon the site, the case is therefore linked to an ongoing enforcement case. The existing caravans have been sited upon the land without permission since 2020 and are located within the 400m buffer zone of the Thames Basin Heath Special Protection Area (SPA).
- 1.3 This application proposes to relocate the pitches to the west of their existing siting outside the exclusion zone to the SPA. The application site is located to the rear (east) of the existing Four Oaks Nursery site off Highams Lane. The site is bounded to the south by the M3 motorway.
- 1.4 The proposed development represents inappropriate development within the Green Belt, resulting in harm to the openness of the Green Belt as well as to the character and appearance of this countryside location. The proposal is unsustainably located in transport terms. The proposal would not result in any harm to neighbouring amenity, the ecology of the surrounding area including the Thames Basin Heath SPA, nor unduly increase flood risk in the area. Despite the site's proximity to the motorway, subject to conditions there would be no adverse noise and air quality issues.
- 1.5 Weighing in favour of the proposal are the combination of the unmet need for alternative sites, future supply, lack of alternative available sites as well as the personal circumstances of the occupiers. These factors outweigh the harm to the Green Belt and the other identified harm. Furthermore, the conclusion is consistent with the recent

allowed appeal decision at Oaks Farm Philpot Lane, GU24 8HE. This appeal decision is a material consideration and should be considered when weighing up the acceptability of this development (see Annex A of this report). In this instance significant regard together with the unmet need should be given in support of this application.

- 1.6 It is therefore recommended that permanent planning permission is granted, subject to conditions and a legal agreement.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to an open irregular shaped parcel of land situated outside of the settlement boundaries, north of the M3, and east of Highams Lane where it is accessed from. The site and the surrounding land lie in the designated Green Belt. The area south west of the site is Four Oaks Nursery, a former operational horticultural nursery, where the large greenhouses abut the blue line boundary of the application site. The wider surrounding area comprises of greenfield open fields, with detached dwellings sporadically found except for the Gordon Murray Automotive Headquarters.

- 2.2 Highams Lane is a 40mph road with no continuous footpath and only partially served by lighting. When exiting the site, heading north, the site does not benefit from any footpath or lighting. Moving south, an unmade footpath is found 0.3miles down the lane, with it being made with lighting around the junction of Valley End Road. Highams Lane benefits from an infant school (Valley End Infant School), and a Baptist Church whilst Coworth Flexlands Prep School and Nursery is 0.4miles north of the site on Chertsey Road. The nearest convenience stores are Hillview Convenience 2 Chertsey Road GU20 6ET 1.2 miles away, 32 Updown Hill, Windlesham GU20 6DX 1.3 miles away and Season Farm Shop London Road GU20 6LL 2.1 miles away.

- 2.3 The land contained in the red line boundary has an overall area approximately 0.84 hectares in size and comprises of a hardstanding to the north eastern aspect of the plot, where a now vacant sand school building and stable is located. Unauthorised touring caravans and tent like structures currently occupy the site on this area of extended hardstanding in use by the applicants. This is subject to an enforcement notice (pending determination of this application).

- 2.4 The northern part of the site, which relates to the access road falls within the 400m buffer zone of the Thames Basin Heath Special Protection Area (SPA) where there is a presumption against new residential units. The site is situated in Flood Zone 1 (low risk) and there are no other designations on or adjacent to the site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4.0 PROPOSAL

- 4.1 Planning permission is sought for the laying of 2,041 sq.m. of hardstanding facilitating the siting of two mobile homes, two touring caravans together with two utility buildings (for washing facilities) together with associated landscaping in conjunction with the change of use of the land for two gypsy and traveller pitches. Planning permission is sought on a permanent basis.

- 4.2 The proposed mobile homes would be situated approximately 30m from the buffer zone with the M3. The size of the proposed mobile homes would be in line with the Caravan Act (as amended) being of a maximum depth 20m, maximum width of 6.8m and internal floor to ceiling space no greater than 3.05m.

5.0

- 5.1 Each of the utility buildings would be 2m in depth by 3m in width with a maximum height of 2.6m sloping down to 2.3m. Post and rail fencing would be installed to the perimeter of the hardstanding standing at 1.1m in height with a 1m high hedging planted behind the fencing.
- 5.2 The proposal would also result in the removal of the existing sand school, relocation of the stables building and partial removal of hardstanding. The sand school and hardstanding would be replaced by 1,027sqm of soft landscaping. The area of hardstanding to be removed is currently occupied by the touring caravans and tent like structures which are subject to an enforcement notice. The proposal would therefore address the issues of the enforcement notice.
- 5.3 There would be two households residing on the site. 'Family 1' comprises of five members, two adults and their three young children. 'Family 2' comprises of four members, two adults and their two adult children.
- 5.4 Personal data relating to the applicant and family members is protected under the terms of the UK General Data Protection Regulations (GDPR) and Data Protection Act 2018 and therefore has not been included within the public papers.
- 5.5 The application has been supported by the following documents:
- Planning Statement
 - Arboricultural Impact Assessment
 - Noise Report

6.0 CONSULTATION RESPONSES

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

External Consultation	Comments received
SCC Highways	<p>Raise no objection. Comment they do not consider the site an ideal location in respect of sustainable transport. suggest if proposal is refused sustainability grounds are included.</p> <p>See Annex B for a copy of their comments.</p> <p>Officer Response:</p> <p>The Council acknowledges that the residents would be reliant on private vehicle use to access day-to-day facilities. However, given the absence of any alternative sites, the applicants would be subject to roadside existence which would be considered more unsustainable in respect of local facilities and amenities as well as vehicle usage. The proposal relates to only two pitches and therefore would not represent many trips. The proposal raises no highway safety concerns and would therefore represent limited overall harm.</p>

Natural England	<p>No objections subject to proposal according with SPA mitigation strategy. Residential development must remain outside of the 400m exclusion zone.</p> <p>Officer response: The siting of the static and touring caravans, and dayrooms are situated outside of the 400m buffer zone. Only the existing access road into the site falls within the buffer zone, to which Natural England have raised no objection to.</p>
Chobham Parish Council	<p>Raise objection:</p> <ul style="list-style-type: none"> - Inappropriate development within the Green Belt - Personal circumstances and unmet need do not clearly outweigh the harm to the Green Belt - Proposed area of development outside of previously developed land area and would result in greater spread of development. - Fails to accord with Council's spatial strategy. - Fails to accord with principles of sustainability. Unsustainable location and fails to enhance quality of rural environment. - Risk of adverse impact to SPA. - Existing hardstanding is unlawful, and its removal would not compensate for effects of the development. - Risk of northern part of the site being used as residential curtilage where no net new residential development is permitted (SPA). - Failure to accord with Policy DM6 as it is not within the settlement area, and not on previously developed land. Is poorly located in sustainability terms, and no very special circumstances have been demonstrated. - Not an allocated gypsy and traveller (G&T) site. - Emerging local plan requires G&T sites to have at least three pitches. - Does not accord with Policy DM9 in terms of linkages, connections, and character. - Back land form of development unsuitable for emergency vehicles and refuse collection. - Unsuitable location in respect of noise and air quality with mobile homes more vulnerable particularly for children. - Loss of equestrian land should be resisted as it plays a positive role in the character and identity of Chobham. <p>If planning permission is granted the following conditions should be considered:</p>

	<ul style="list-style-type: none"> - Restriction of Permitted Development rights - Occupation limited to those meeting the definition. - No other activities to be authorised on the site. - Environmental health officers recommendations followed. - Consider personal permission. - Landscaping works to be applied. - Temporary permission to be considered. <p>Officer response:</p> <p>The proposal has demonstrated very special circumstances (see section 7.4 of the report) which weigh in favour of the proposal for the grant of planning permission. No objections have been raised by Natural England in respect of the Thames Basin Heath SPA nor from the Council's Environmental Health officers in respect of noise and air quality subject to conditions. Whilst it is recognised that the development would result in some harm to the character of the area, as well as being unsustainable in transport terms, balanced against the unmet need for gypsy and traveller sites, and absence of alternative sites together with the personal circumstances of the families it is considered that permanent permission should be granted. Furthermore, the recent appeal decision is a material consideration when weighing up the acceptability of the proposed development. Therefore, on this basis, planning permission should be granted.</p>
Windlesham Parish Council	<p>Raise objection. The application has not demonstrated any very special circumstances for development on the Green Belt. Noise concerns also raised, and any recommendations set out by the Environmental Health officer shall be undertaken prior to occupation.</p> <p>Officer response:</p> <p>See above officer response to Chobham Parish Council comments.</p>

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

Internal Consultation	Comments received
Environmental Health	<p>No objections raised.</p> <p>Recommend condition to ensure noise mitigation measures are installed to the</p>

	caravans. Recommend condition for air quality assessment to demonstrate development would accord with national air quality objectives.
Arboricultural Officer	Raise no objections.

7.0 REPRESENTATION

7.1 A total of three letters of neighbouring notification were sent on the 29 July 2022 to neighbouring residents, together with a site notice displayed at the site on the 29 July 2022. A total of five letters of representation were received as part of the public notification exercise, two raising objection and three in support. The comments are summarised and responded to below.

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

Material Reason for Objection	Officer Response
<u>Principle of Development</u>	
No very special circumstances demonstrated to outweigh the harm to the Green Belt.	Very special circumstances have been submitted and are considered in section 7.4 of the report where the personal circumstances together with the unmet need and lack of future supply weighing in favour of the proposal. Furthermore, the recent appeal decision is a material consideration in the determination of this planning application.
Lack of consultation carried out.	Statutory consultation requirements have been carried out in line with the Council's Statement of Community Involvement.
Application lacks detail in respect of drainage details, and mitigation measures in respect of harm to biodiversity.	The application relates to a minor development, and given development is limited to hardstanding, and the erection of two small buildings, it is considered detailed drainage design can be submitted at condition stage. A Construction Environmental Management Plan is recommended to ensure that any construction works do not impact local ecology.

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

Non-material Reason for Objection	Officer Response
Consider the presence of Gypsies and Travellers on the site will increase crime in the area.	There is no evidence to substantiate this claim. Due regard must be had to the Equalities Act 2010 and Public Sector Equality Duty.

7.4 The table below summarises the non-material planning reasons for support.

Reason for support	Officer Response
Use of this land creates a safer presence for other users.	This would need to be balanced against the impact of any activity on the site.
Applicants cause no nuisance.	This is noted.

8.0 PLANNING CONSIDERATIONS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The application site is located within the Green Belt, as set out in the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP). The proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP7, CP11, CP14, DM6, DM9, and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP); Circular 01/2006 Planning for Gypsy and Traveller Sites; Planning Policy for Traveller Sites 2023 (PPTS); and the Surrey Heath Gypsy and Traveller Accommodation Assessment 2018 (GTAA). In addition, advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPD) is relevant.

8.2 The main issues to be considered within this application are:

- Green Belt appropriateness and harm.
- Very Special Circumstances.
- Impact on character and appearance of the surrounding area.
- Impact on residential amenity.
- Highway impacts and sustainable transport.
- Impact on Thames Basin Heath SPA.
- Other Matters

7.3 Green Belt appropriateness and harm

7.3.1 Section 13 of the NPPF is relevant. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances and paragraph 153 states that substantial weight should be given to any harm to the Green Belt. Paragraph 16 of the PPTS also states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

7.3.2 Paragraph 155 of the NPPF applies to this proposal because it sets out that certain other forms of development including b) engineering operations and e) material changes of use of land are not inappropriate where they preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt. This proposal relates to the material change of use of land including the site of the utility buildings, and the installation of hardstanding which would be considered an engineering operation.

7.3.3 The site as existing is a greenfield site, absent from any form of development. The material change of use would result in the siting of a total of two touring and two static caravans on site, two utility buildings together with associated residential paraphernalia including but not limited to, parked vehicles, external lighting, satellite aerials, utility requirements in the form of gas tanks, piping and wiring for the mobile homes as well as general residential activity. The introduction of these various structures would result in a reduction to the openness of the land from a spatial perspective.

7.3.4 The hardstanding would cause a degree of spatial harm by spreading development south. The proposed landscaping proposals which include the removal of areas of hardstanding and the sand school, in addition to hedge and tree planting would help to offset this harm to openness. However, the hardstanding would be an urbanising form of development on this existing greenfield land. By encroaching south into the countryside, it would also be contrary to one of the purposes of the Green Belt.

- 7.3.5 The land would not be directly visible from any public vantage points, owing to its proximity from Highams Lane and the absence of public rights of way close to the site. Views to the site would be limited to users of the adjacent sites, which currently consists of the open fields directly west and Four Oaks Nursery to the south west. North of the site is a large open field which is bounded by mature trees where it abuts the blue line boundary of the application site, whilst directly south is the M3. The proposal would result in limited visual harm to the openness of the Green Belt.
- 7.3.6 The development would, therefore, in both spatial and visual terms erode the openness of the Green Belt to this undeveloped site and is inappropriate development. Contrary to the applicant's assertion, there is no evidence to suggest that this site is previously developed land. Even if it were then the applicant would still need to demonstrate no further harm to openness and the proposal would still be inappropriate development.
- 7.3.7 For the reasons above, the proposal represents inappropriate development within the Green Belt, and Very Special Circumstances would therefore be required to outweigh this substantial harm.

7.4 Very Special Circumstances

- 7.4.1 Paragraph 153 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In addition to the significant Green Belt, as identified in section 7.3 above, there would be other harm as explained in sections 7.5, 7.6 and 7.7 of this report. This includes harm to the character and appearance of the surrounding area. The site would also be unsustainably located in transport terms.
- 7.4.2 Paragraph 24 of the PPTS indicates that local planning authorities should consider the following issues amongst relevant matters when considering planning applications for traveller sites:
- (a) The existing level of provision and need for sites.
 - (b) The availability (or lack) of alternative accommodation for the applicants.
 - (c) Other personal circumstances of the applicant.
 - (d) That the locally specified criteria used to guide allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
 - (e) That they should determine applications from sites from any travellers and not just those with a local connection.
- 7.4.3 Paragraph 27 of PPTS sets out that if a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for but clarifies that an exception to this is where the proposal is on land designated as Green Belt. Paragraph 16 of the PPTS sets out that within the Green Belt, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm to establish very special circumstances.

Need for and provision of Gypsy and traveller sites.

- 7.4.4 There is a national need for more gypsy and traveller sites. Paragraph 63 of NPPF outlines that the housing need for different groups in the community should be reflected in planning policies. PPTS (Paragraph 10) indicates that in developing their Local Plan, authorities are expected to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.

- 7.4.5 Paragraph 1.14 of the Council's GTAA has an identified need for 32 Gypsies and Travellers meeting the planning definition set out in the PPTS, and 14 Travelling Show people plots over the period 2020 – 2040, with most of that need falling within the first five years of the plan period. Against the identified need, the Council is anticipating a shortfall of 26 gypsy and traveller pitches and 14 Travelling Showpeople plots. In addition, there is a need for one pitch for Gypsies and Travellers of unknown status and 32 Gypsies and Travellers not meeting the planning definition and one pitch for Gypsies and Travellers whose status is unknown. The Council is currently in the process of preparing a new Local Plan for the Borough to cover the period up to 2038. In line with the guidance contained within PPTS, the Council should endeavour to allocate sufficient sites to meet as a minimum the needs identified in the first 5 years of the plan following adoption.
- 7.4.6 To date, two permanent pitches have been delivered against the Council's identified needs, giving rise to a shortfall of 30 pitches against the identified need for those meeting the planning definition, and a shortfall of 63 pitches overall. This is considered to represent a very significant level of unmet need.
- 7.4.7 The Council has undertaken an extensive portfolio of work to identify sites suitable to address the Council's unmet need, including (but not limited to) undertaking a detailed review of Council and other public owned land. In line with guidance contained within PPTS, the Council should endeavour to allocate sufficient sites to meet as a minimum the needs identified in the first 5 years of the plan following adoption. However, the identification of sites has been particularly challenging given the environmental constraints faced by the Borough and the availability of suitable land.
- 7.4.8 Three potential Gypsy and Traveller sites were identified across the Regulation 18 Draft Local Plan: Preferred Options (2019-2038) consultation and subsequent Regulation 18 Draft Local Plan Additional Site Allocations for Gypsies and Travellers and Travelling Showpeople consultation, providing for a maximum of 25 pitches in total. This paper sets out that some of the identified needs may also be met through windfall sites. Notwithstanding this, emerging evidence undertaken since the consultations indicates that two of the three sites, comprising c.20 pitches in total may not be deliverable. As a result, at this time it is unlikely that the Council will be in a position to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites within its Local Plan, with a significant shortfall against its identified needs for those meeting the planning definition in the region of 25 pitches, and 58 pitches overall.
- 7.4.9 In view of the challenges faced by the Council, the Council has engaged with its neighbouring authorities under the Duty to Co-operate however to date, no authorities have suggested that they would be able to assist in taking any unmet needs from Surrey Heath, with several other authorities facing similar constraints to delivery.
- 7.4.10 It is therefore acknowledged that the Council currently has a very high level of unmet need, does not have a 5-year supply of sites and is unable to suggest any alternative pitches for the applicants. The combination of these factors is considered to weigh significantly in favour of the proposal.

Personal circumstances.

- 7.4.11 Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for their private and family, their home and correspondence. Article 3(1) of the United Nations Convention requires that the best interests of the children shall be a primary consideration (however not the primary consideration) and no other consideration can be regarded as inherently more important.

- 7.4.12 The PPTS defines gypsies and travellers as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently. The applicants forming the two households meet this definition.
- 7.4.13 The families have resided to the northern part of the site, without permission, since 2020. The children of family 1 are enrolled in local schools, and similarly in respect of their GP and dentist. It is widely recognised that there would be significant benefit to the educational needs of children as well as access to medical care from a settled base. This would weigh in favour of the proposal and in the best interests of the children.
- 7.4.14 In respect of the employment of the residents, it has not been shown that the applicants could not attain employment opportunity elsewhere or that the applicants have any economic benefit to staying in this location i.e. having a settled business base etc.
- 7.4.15 Notwithstanding this, the best interests of the children are a primary consideration as is the medical welfare of the family and the adverse impact of not granting permission would be great. The personal circumstances demonstrated in this case weigh significantly in favour of the proposal.

Appeal decision

- 7.4.16 Appeal ref.APP/D3640/W/23/3326420: (Accommodation, Oaks Farm Philpot Lane, GU24 8HE) which was allowed on a temporary 5-year basis November 2023 is also a material consideration, which needs to be considered when weighing up the VSC for the proposed development.
- 7.4.17 The appeal site also lies within the Green Belt, whilst the family also consists of young children who would have been subject to roadside existence if the appeal had been dismissed. Similar to this application, the proposal was considered inappropriate within the Green Belt, harmful (albeit limited) to the character and appearance of the area, whilst being located in an unsustainable location.
- 7.4.18 The Planning Inspector acknowledged that Surrey Heath was unable to demonstrate a 5-year supply of gypsy and traveller sites, having a shortfall of 59 pitches at the time of writing (see paragraph 44). It was also acknowledged that there was a likelihood for windfall sites to come forward to help meet the need in the short term (see paragraph 46). The unmet need, lack of alternative sites, together with the 'lack of certainty' over future provision was attributed significant weight in support (see paragraph 47 and 61).
- 7.4.19 Given the significant proportion of land outside of the settlement boundaries (76%) lied within the Green Belt there was a significant likelihood that development within the Green Belt would need to come forward to meet the Council's unmet need (see paragraph 62). It was also acknowledged that there was a likelihood for windfall sites to come forward to help meet the need in the short term (see paragraph 46).
- 7.4.20 The personal circumstances of the family given the alternative of roadside existence was also attributed significant weight in support (see paragraph 53) whilst the dismissal of the appeal would result in considerable harm to the best interests of the children (see paragraph 63). Whilst temporary personal permission was granted, this was owing to the flood risk harm (Flood Zone 2 and 3) associated with the proposal, which had failed to demonstrate safe access and exit from the site in a flood event. This application differs as it falls within an area with a low probability of flooding (Flood Zone 1) and raises no flood risk concerns.
- 7.4.21 Having assessed the findings of the Oaks Farm decision there are clear parallels to this application. Given the weighting of matters by Inspector Davies in Oaks Farm,

officers are of the view that significant material weight should be given to support the approval of this current planning application.

7.5 Impact on the character and appearance of the surrounding area and trees

- 7.5.1 Policy DM9 of the CSDMP promotes high quality design. Paragraph 26 of the PPTS states that weight should be attached to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
- 7.5.2 The site as existing is a greenfield site containing unauthorised caravan pitches, hardstanding and other related paraphernalia including a disused sand school. The site is subject to current enforcement action; however, progress of the related appeal has been postponed pending determination of this application.
- 7.5.3 The material change of use proposed by this application would result in the creation of two gypsy and traveller site pitches. Each pitch would be served by a mobile home, a touring caravan and a utility building on a hardstanding area created to accommodate them. This would effectively result in the caravans and related paraphernalia moving from their current position on the site (which is within the 400m exclusion zone of the TBHSPA) to the south west.
- 7.5.4 The hardstanding would cause a degree of spatial harm by spreading development south. The proposed landscaping proposals which include the removal of areas of hardstanding and the sand school, in addition to hedge and tree planting would help to offset this harm to openness. However, the hardstanding would be an urbanising form of development on this existing greenfield land. By encroaching south into the countryside, it would also be contrary to one of the purposes of the Green Belt.
- 7.5.5 The site would not be directly visible from any public vantage points, owing to its location south of Highams Lane, the intervening Four Oaks Nursery development and the absence of public rights of way close to the site. Views to the site would be limited to users of the adjacent sites, which currently consists of the open fields directly west and Four Oaks Nursery to the south west. North of the site is a large open field which is bounded by mature trees where it abuts the blue line boundary of the application site, whilst directly south is the M3.
- 7.5.6 Officers therefore conclude the proposal would result in limited visual harm to the openness of the Green Belt and to the character and appearance of the site and its environs.
- 7.5.7 The proposal would introduce development to an otherwise open, verdant area of land where the absence of development is characteristic of the rural environment in which it is situated.
- 7.5.8 The site currently contains a sand school, area of hardstanding and stable building which aerial photography shows has existed on the site from at least the year 2000 (although it is recognised that further hardstanding has been installed on site in recent years). The proposal would seek to remove the sand school and areas of hardstanding (totalling 1,027sqm) and replace this with grassland, whilst 1m high hedging would be installed to the perimeter of the hardstanding and along the SPA 400m buffer together with tree planting.
- 7.5.9 The proposed use of hedging and planting would represent a benefit over the existing situation as would the removal of 1,027 sq.m. of hardstanding/sand. However, this benefit would not overcome the harmfulness of the installation of 2,041 sq.m. of hardstanding (net 1,014 sq.m) together with the siting of the caravans, the utility

buildings, and the necessary residential paraphernalia. The combination of these additions would represent a change to the existing natural environment. The degree of harm to the character of the area would however be limited, owing to the position of the site away from any public vantage points and neighbouring sites limiting views of the proposal.

- 7.5.10 As such, the proposal would result in some harm to the natural character and appearance of the surrounding area, contrary to the objectives of Policy CP2 and DM9 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012.

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 and uses.

- 7.6.2 The application site is isolated from neighbouring residential development with Lake House, the property to the north west of the site situated approximately 155m (as the crow flies) away from the site. The change of use of the land would introduce a change to the level of activity on the site, however given the proposal relates to two pitches, it is considered that there would be no significant noise and activity disturbance, nor any harm to the air quality to warrant an objection.

- 7.6.3 The proposal would be situated close to the M3 motorway and therefore future residents would be subject to the associated noise and air pollution impact. The Council's Environmental Health officers have reviewed the application raising no objection subject to noise mitigation condition to ensure the internal living environment is of an acceptable quality as well as an air quality assessment to be submitted prior to commencement to ensure the development meets relevant air quality guidance.

- 7.6.4 As such, the proposal would satisfy the objectives of Policy DM9 of the CSDMP.

7.7 Highway impacts and sustainable transport

- 7.7.1 Policy CP11 and DM11 of the CSDMP are relevant. Policy DM6 of the CSDMP advises that gypsy and traveller sites should be accessible to public transport, cycling and pedestrian networks and facilities for the day to day needs of the occupants including education, healthcare, and shopping. This policy also indicates that very special circumstances, which clearly outweigh the identified harm, would need to be applied to such accommodation in the Green Belt. Paragraph 13 of the PPTS makes clear that local planning authorities should ensure that traveller sites are sustainable economically, socially, and environmentally. This includes reducing the need for travel.

- 7.7.2 The site benefits from an established access point from Highams Lane, and the area of hardstanding provides sufficient space for parking and manoeuvring of vehicles which would be considered acceptable. The County Highways Authority has therefore raised no objection on highway safety grounds.

- 7.7.3 The application site lies outside of the settlement boundaries and sits approximately 218m from Highams Lane (when following the proposed access to the site). Highams Lane is a 40mph road with no continuous footpath, with no safe or convenient areas of refuge and only partially served by lighting. There are no public transport connections in reasonable walking distance with the nearest stop a 25-minute walk away. The applicant's would therefore be heavily reliant on the need for private vehicle use for access to day-to-day amenities and services.

- 7.7.4 In this this respect, the site is poorly located in respect of local shops, services, and transport links, making it a less than sustainable location for new development, although it is recognised that access to local shops and services is not an

unreasonable distance away, rather it is the lack of highway infrastructure to access these amenities.

- 7.7.5 The proposal would encourage unsustainable patterns of travel and reliance on private vehicles to access the goods and services necessary for day-to-day life. The development would therefore be contrary to Policy DM6 and CP11 of the CSDMP and paragraph 13 of the PPTS. However, this needs to be considered against other material considerations in support of this planning application as highlighted in the report.

7.8 Impact on Thames Basin Heath SPA

- 7.8.1 Policy CP14 of the CSDMP sets out that all new (net) residential development within five kilometres of the SPA is considered to give rise to the possibility of likely significant effect. Proposals will be required to provide appropriate measures in accordance with the AAP. This includes contributions towards SAMM measures. The proposal is not liable for CIL and therefore SANG contribution would also be required.
- 7.8.2 Unlike the existing unlawful siting of caravans, the proposed development would be located outside of the 400m buffer zone of the Thames Basin Heath SPA, and no objections have been raised by Natural England in respect of the siting of the development subject to mitigation measures being secured in accordance with the AAP.
- 7.8.3 The applicant has confirmed that the SAMM and SANG contribution would be secured through a legal agreement prior to the determination of this application. Subject to the signing of the legal agreement the proposal satisfies the objectives of Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the NPPF and advice in the AAP.
- 7.8.4 As such, based on the above, the proposal is considered acceptable in respect of Policy CP14 of the CSDMP.

7.9 Other Matters

- 7.9.1 Policy DM10 of the CSDMP indicates that development will be expected to reduce the volume and rate of surface water run-off. The site is in a low-risk area of flooding (Zone 1) and therefore does not require the submission of a Flood Risk Assessment. The proposal would result in the replacement of natural land with hardstanding. To ensure that the proposal would not increase flood risk, a condition requiring the implementation of SuDS (and hardstanding to be made permeable) shall be attached in the event of a grant of permission.
- 7.9.2 The proposed siting of the caravans, buildings and hardstanding is outside of any designated ecological areas. Whilst close to the 400m buffer zone of the Thames Basin Heath SPA, the proposed scale of the works would be considered modest given it would largely relate to the installation of hardstanding. Notwithstanding, it would be prudent for a construction environmental management plan condition to be applied to ensure any impact to local ecology is mitigated where necessary. The proposal would therefore accord with Policy CP14 of the CSDMP.

7.10 Planning balance

- 7.10.1 The proposed development is inappropriate development within the Green Belt which will cause harm to the openness of the Green Belt. In accordance with the provisions of the NPPF, this is afforded significant and substantial weight on the balance to be struck.
- 7.10.2 The development will lead to a loss of openness notwithstanding that views of the development will be limited. The development will have an urbanising effect on this

countryside site, albeit the harm will be limited to views from surrounding sites. Significant weight is given to this harm.

- 7.10.3 The site is remote from access to services and facilities necessary for day to day living without reliance on private motor vehicles. This is attributed medium weight in the balance as the site is not isolated or a significant distance from services and facilities.
- 7.10.4 Very significant weight is attributed to the fact that the Council is unable to demonstrate either a 5-year supply of available pitches, or any alternative sites in the foreseeable future. Very significant weight is given on balance as despite the extensive work undertaken to date in terms of the emerging local plan, the Council is unable to identify that it will meet its future needs. Together, very substantial weight is given to the lack of existing supply and the lack of potential future supply of available pitches to meet the demonstrated need.
- 7.10.5 Given the lack of availability of alternative pitches, should planning permission be refused, the families would be likely to resort to roadside living. This would undoubtedly lead to significant disruption to the children's educational needs. The rights of the children in this case attribute very significant weight in the balance to be struck. In addition, the residents have medical needs which would be significantly impacted if they had to resort to roadside living. This is also attributed significant weight.
- 7.10.6 Therefore, whilst the proposed development would conflict with policy it is considered in this case that the significant unmet need for gypsy and traveller pitches within the borough along with the personal circumstances of the applicants is sufficient to outweigh objections to the development. This is consistent with the recent allowed appeal decision at Oaks Farm where there are clear parallels to this application.
- 7.10.7 It is considered that the proposal should be granted planning permission.

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.
- 8.2 With regard to future occupier Gypsy/Traveller status, particular consideration should be given to provision 3b of the Public Sector Equality Duty which specifies that: .."having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular to the need to...take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it."
- 8.3 The need in question is for Gypsy and Traveller pitches, which has been established as being unmet in the Borough. The granting of planning permission for this development would therefore make a significant contribution to meeting the need for gypsy/traveller pitches in the Borough and would significantly contribute to parts (b) and (c) of the PSED by providing an increased number of pitches specifically for Gypsies and Travellers which has the potential to integrate with the settled community and foster good community relations.
- 8.4 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 would represent inappropriate and harmful development within the Green Belt causing further harm to the openness of the Green Belt. The proposal would also

result in limited harm to the character and appearance of the surrounding area. Residents would be dependent on private vehicle use. However, very special circumstances by way of unmet need, lack of supply, lack of alternative sites and the best interests of the children and health of the family weigh significantly in favour of the proposal and permanent planning permission is therefore recommended. This is consistent with the recent allowed appeal decision at Oaks Farm where there are clear parallels to this application and significant weight on the same basis needs to be applied to this application.

10.0 RECOMMENDATION

GRANT subject to the following conditions and legal agreement:

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:

Plan drawings:

Received 3 August 2021

J003950-DD-04
J003950-DD-02

Received 10 February 2021

J003950-DD-05
J003950-DD-02

Received 26 July 2022

J004047-DD-04
J003950-DD-06 Rev A
J003950-DD-03 Rev C
J003950-DD-01 Rev A

Documents:

Received 15 November 2021

Noise Impact Assessment

Received 10 February 2021

Arboricultural impact assessment
Supporting Statement

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 site shall be occupied by no more than two gypsy pitches, each comprising no more than one mobile home, one tourer caravan and one day room.

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

4. The accommodation hereby approved shall only be occupied by persons meeting the definition of "gypsies and travellers", as defined in Annex 1 of Planning Policy for Traveller Sites 2015 (or any planning policy statement replacing or superseding that statement).

Reason: To ensure the approved gypsy pitches are retained for their designated purpose in perpetuity and to protect the countryside and visual amenity of the area and to accord with Policies CP1, CP2, CP7, DM6 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework, and the Planning Policy for Traveller Sites.

5. Within 3 months of the date of this permission, the proposed hardstanding as shown on drawing no. J003950-DD-03 Rev C received 26 July 2022 shall be installed in accordance with the approved plan.

Within 3 months of the installation of the proposed hardstanding, the existing hardstanding and sand school as shown on drawing no. J003950-DD-02 received 03 August 2021 shall be demolished and removed and the land restored in accordance with the landscaping scheme approved under condition 6.

6. With 3 months of the date of this permission, full details of soft and hard landscaping shall have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be carried out as approved and implemented within 3 months of the date of the approval. 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.

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.

7. With 3 months of the date of this permission, a detailed Construction Environmental Management Plan (CEMP) document has been submitted to and approved in writing by the Local Planning Authority.

- a) Map showing the location of all the ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction
- d) Location and timing of works to avoid harm to biodiversity features
- e) Use of protected fences, exclusion barriers and warning signs.
- f) Details of proposed means of dust suppression and emission control
- g) Details of proposed means of noise mitigation and control
- h) Construction material and waste management
- i) Procedure for implementing the CEMP

Reason: To mitigate the impact of the construction activities on ecology and biodiversity, in accordance with Policies CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

8. Within 3 months of the date of this decision, a scheme for the disposal of foul and surface water drainage from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out as approved and implemented within 3 months of the date of the approval.
9. No external lighting shall be installed at the site.

Reason: To enable the Local Planning Authority to retain control over any external lighting impact, and in the interests of visual amenity of this rural location, ensuring development does not erode the verdant character of surrounding area and to accord with Policies CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. The mobile homes shall comply with BS 8233:14 including the
 1. Walls and roof to be of construction and materials to provide a noise attenuation of 45 and 44 dBRw respectively.
 2. Windows and door glazing to be of specification to provide a minimum of 45dBRw sound reduction.
 3. Windows of habitable rooms to be provided with acoustic trickle vents, or a similar through the wall product, offering a minimum of 44Dn,e,w sound reduction capability when open.

Reason: In the interests of the amenities enjoyed by the occupiers of the dwellings and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. Prior to commencement of the development an air quality assessment shall be submitted and approved by the local planning authority. The assessment should demonstrate that the national air quality objectives would not be exceeded at the proposed development. Where any objective is exceeded, a scheme of mitigation shall be submitted and approved by the local planning authority and retained.

Reason: To safeguard the health of the future occupiers in accordance with paragraph 192 of the NPPF.

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required. A replacement copy can be obtained, however, there is a charge for this service.

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Appeal Decision

Hearing held on 21 November 2023

Site visit made on 22 November 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/D3640/W/23/3326420

Oaks Farm, Philpot Lane, Chobham, Woking, Surrey GU24 8HE

- 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 Charles Smailes against the decision of Surrey Heath Borough Council.
 - The application Ref 22/1031/FFU, dated 9 November 2022, was refused by notice dated 7 February 2023.
 - The development proposed is the change of use of land from agricultural land to Gypsy/Traveller site comprising the siting of one static caravan.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agricultural land to Gypsy/Traveller site comprising the siting of one static caravan at Oaks Farm, Philpot Lane, Chobham, Woking, Surrey GU24 8HE in accordance with the terms of the application, Ref 22/1031/FFU, dated 9 November 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description of the development from the appeal form, as this is the one that is used in the Statement of Common Ground (the SoCG). It more fully and accurately describes the development than that given on the planning application form.
3. During the appeal, on 19 and 20 December 2023, the Government published its revised National Planning Policy Framework (the Framework) and Planning policy for traveller sites (the PPTS). The revisions to the national advice do not have a material bearing on the matters at dispute between the parties in this case. Consequently, I have not found it necessary, in the interests of natural justice, to reopen the Hearing, or to seek further written comments, and neither party would be prejudiced by my consideration of the revised advice in my determination of the appeal.
4. Revised plans were submitted with the appeal, showing a different location for the caravan than was indicated on the application documents. However, the precise siting of the caravan within the appeal site is a matter that could be controlled by a planning condition, so I see no prejudice to any parties in my consideration of the amended scheme. In response to the second reason for refusal, a Flood Risk Assessment (the FRA) was submitted with the appeal. As part of the appeal process, all parties have had the opportunity to make written

comments on the FRA, and to make further submissions at the Hearing. Consequently, my consideration of it would not be prejudicial to the interests of any parties.

5. The application form identifies that the development commenced in August 2022. I saw that the land is already in use for residential purposes, and a static caravan is sited approximately halfway along the southern boundary of the site. It is intended to relocate the caravan to the western part of the site, close to the road frontage, and I have considered the appeal on this basis.
6. It is agreed in the SoCG that the keeping of one horse on the site for personal use would be acceptable, so the part of the first reason for refusal, relating to the keeping of horses, is no longer applicable. I have no reason to take a different view. Accordingly, I have not considered this matter any further.
7. The Council's third reason for refusal related to a lack of mitigation measures to ensure that there would be no harm to the integrity of the Thames Basin Heaths Special Protection Area (the SPA). During the appeal, the appellant submitted a Unilateral Undertaking (the UU) as a deed pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), which secures financial contributions towards measures to mitigate the harm. On the evidence before me, the obligations in the UU are necessary to protect the integrity of the SPA, are directly related to the development, and are fairly and reasonably related in scale and kind to it. Consequently, they meet the tests set out in paragraph 57 of the Framework. The Council has confirmed that the UU overcomes the reason for refusal.

Main Issues

8. In view of the above, the main issues are:
 - a) whether the development is inappropriate development in the Green Belt;
 - b) the effect of the development on openness and the purposes of including land in the Green Belt;
 - c) the effect of the development on the character and appearance of the area;
 - d) whether the site is a suitable location for the development having regard to development plan policy and the accessibility to services and facilities;
 - e) whether the site is a suitable location for the development having regard to flood risk; and,
 - f) 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 very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

9. The site lies within the Green Belt. Paragraph 152 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt, and

should not be approved except in very special circumstances. The PPTS states at paragraph 16 (Policy E) that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. It is not disputed that the proposal is for a Traveller site, so, in terms of the PPTS advice it would be inappropriate development.

10. The appellant contends, however, that the PPTS is guidance, rather than statute, and that there is some tension with the advice in the Framework, which sets out exceptions to inappropriate development. In particular, the appellant refers to paragraph 154 g) of the Framework.
11. A statutory declaration from the previous owner of the site attests to the use of the buildings on the site for non-agricultural storage since 2010. The Council considers that the evidence provided is insufficiently precise and unambiguous to demonstrate a lawful use. However, even if I were to conclude that the land does comprise previously developed land (PDL), the proposal would still be inappropriate development if it had a greater impact on the openness of the Green Belt than the existing development. Consequently, my conclusion on whether the development is inappropriate must include consideration of the effect it has on openness.

Effect on openness and purposes of including land in the Green Belt

12. Paragraph 142 of the Framework says that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
13. The appeal site accommodates a range of buildings, one of which (Building A) would be removed to facilitate the relocation of the caravan. The appellant also proposes the demolition of a former chicken shed (Building B), which lies close to the northern boundary. The combined volume of these two buildings is 233 m³. The caravan shown on the submitted drawings would have a volume of 153 m³. The Council does not dispute these figures, and accepted at the Hearing that, on this basis, there would not be a loss of spatial openness of the Green Belt.
14. However, the caravan shown on the submitted drawings is considerably smaller than the maximum size allowed by the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968. The intended occupants of the site are the appellant, his wife, and their four children aged 10, 8, 6 and 3 months. As the existing caravan has only two bedrooms, it may not suit the family's needs. Whilst the suggested planning condition agreed by the parties would limit the development to one static caravan, this would not prevent the replacement of the existing caravan with a larger one, that would be more suitable for the family's needs. In these circumstances, even with the demolition of Buildings A and B, there would be a loss of spatial openness of the Green Belt.
15. In terms of visual impact, the use of the land would involve the stationing of a static caravan that would be positioned closer to the road frontage than any of the existing buildings. Even limiting my consideration to the caravan shown on the submitted drawings, it would be considerably longer than Building A, and, furthermore, to ensure that occupants would be safe from flooding, it would be raised above the floor level of the present structure. As a consequence, it would be significantly higher than the existing building, so would be more

readily visible above the roadside boundary planting, giving it greater prominence in the rural street scene than the existing structures on the site. It would, therefore, have a harmful impact on the visual openness of the Green Belt when passing the site along Philpot Lane.

16. As well as the static caravan, the proposed use would, in all likelihood, include a touring caravan. It would also result in other residential paraphernalia, such as children's play equipment, washing lines, and parked vehicles, which would not normally be associated with the former agricultural use. As a result, the overall development would appear as an urban encroachment into the countryside, which would be contrary to one of the stated purposes of the Green Belt identified at Paragraph 143 of the Framework.
17. I am mindful that there are already buildings on the site, two of which would be removed as part of the proposal. However, the presence of the static caravan, due to its location and height, would make it a more prominent feature in its rural surroundings than these existing structures. Furthermore, the domestication of the site through the residential paraphernalia associated with the use would draw attention to, and consolidate, the development on the site, increasing the perception that it is an encroachment in the countryside.
18. I therefore conclude that the proposal would conflict with one of the fundamental aims of the Green Belt by harming openness, and it would constitute encroachment into the countryside in conflict with one of its purposes. Therefore, whether based on PPTS Policy E, or paragraph 154 g) of the Framework, I find it would be inappropriate development.
19. The degree of harm, both to openness and through encroachment, would be reduced by the removal of two of the existing buildings on the site. Furthermore, the site itself is enclosed on all sides by mature trees, hedges, and fences, so that the development would not be readily seen from any public viewpoints, other than a short stretch of Philpot Lane. As a result, regardless of whether the development was temporary or permanent, the harm would be limited. Nevertheless, paragraph 153 of the Framework says that substantial weight should be given to any harm to the Green Belt.

Character and appearance of the area

20. The appeal site lies outside the built-up areas of Chobham to the west, and Woking to the south. There is a loose cluster of dwellings to the southwest, at Mimbridge, but for most of its length, Philpot Lane only has sporadic buildings to either side, with expanses of undeveloped agricultural land and woodland in between. The road is tree-lined on both sides, and most of the buildings are set back behind this vegetation. Consequently, the area around the appeal site has a rural character.
21. In keeping with this prevailing character, the road frontage of the site comprises a grass verge with trees and a hedge beyond. However, views of the interior of the site are possible through the access gate and gaps in the vegetation. It accommodates a range of unattractive, utilitarian buildings, some of which are in a poor state of repair. Much of the site is hard surfaced, and, apart from the boundary hedges and trees, there is little vegetation. Consequently, it does not currently make a particularly positive contribution to the countryside character of the area. The low-level domestic paraphernalia

resulting from the proposed use would, therefore, not result in significant harm to the appearance of the site or its surroundings.

22. The static caravan would, however, be located closer to the boundary hedge, and at a higher level than the existing building it would replace. It would, therefore, be more readily visible above and through the vegetation. It would be an incongruous and intrusive addition to the street scene that would be harmful to its rural character. The caravan would be so close to the road frontage that there would be little scope for additional soft landscaping to positively enhance the environment and increase its openness, as advocated by paragraph 26b) of the PPTS.
23. However, the harmful impact would only be apparent from a relatively short stretch of Philpot Lane, to either side of the site. The substantial tree and hedge cover on the other boundaries would ensure that the development would not be readily seen from any longer distance vantage points. I am also mindful of the advice at paragraph 26d) of the PPTS, that sites should not be enclosed to such an extent that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
24. Furthermore, the demolition of Buildings A and B would go some way towards mitigating the overall visual impact of the proposal. The appellant also suggested that a planning condition could be imposed to secure a suitable form of external cladding of the caravan. Had I been minded to grant a permanent permission, such a condition would have further reduced its visual impact, although it would not entirely have overcome the harm.
25. Overall, therefore, the degree of harm to the character and appearance of the area would be limited. Nevertheless, this limited harm places the proposal in conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2011-2028 (the Core Strategy) which, amongst other things, requires development to respect and enhance the local, natural, or historic character of the environment.

Development plan policy and accessibility to services and facilities

26. Policy DM6 of the Core Strategy says that, in assessing applications for Gypsy and Traveller pitches, regard should be had to whether sites are accessible to public transport, cycling or pedestrian networks and facilities capable of meeting day to day needs such as education, healthcare and shopping. The site lies approximately 2km in a direct line from the centre of Chobham, and 1.5km from the edge of the built-up area of Woking. In combination, these settlements provide a wide range of facilities, including education and healthcare. There is a convenience store on the edge of Chobham, approximately 1.9km by road from the site. There is also a bus stop 1.1km away, at the southern end of Philpot Lane, with the No 73 route providing an hourly bus service between Chobham and Woking train station. There is a farm shop selling a limited range of goods opposite this bus stop. All of the facilities for day-to-day life are therefore within a reasonable distance.
27. However, access to all of these facilities, including the bus stop, involves travelling for some distance along Philpot Lane, which has no lighting or footways. The terrain in the locality is nonetheless relatively level. Although the lane does not carry a large volume of traffic, it has a 40-mph limit, and I saw some vehicles passing the site at considerable speed. Pedestrians and cyclists

would have to share the road with this traffic, and, when two vehicles are passing, there is little room for them within the carriageway. The verges to either side are overgrown and often serve as drainage gullies, so they do not provide a safe or convenient refuge. Consequently, Philpot Lane is not a safe or attractive option for walking or cycling to the bus stop, or as part of a longer journey to Chobham or Woking. It would be particularly unsuitable for young children. Furthermore, the distances involved means that cycling is only an option for those with a reasonable level of physical fitness, and it is unlikely to be a favoured option when transporting goods, such as a weekly shop. Although there is scope for some journeys to be made on foot or by bicycle, it is unlikely that these transport modes would account for a significant proportion of trips to and from the site for day-to-day services.

28. The appellant does have access to a pony and trap. However, he acknowledged that this would only be an option in the summer months. Furthermore, the logistical drawbacks of accessing shops and services by this form of transport, and parking outside, means that it is unlikely that journeys by this mode would account for a significant proportion overall.
29. In view of all these considerations, it is reasonable to conclude that the occupants of the site would be highly reliant on the private car to access day to day services and facilities. This would place the proposal in conflict with Policy DM6 of the Core Strategy. The degree of harm resulting from this policy conflict is reduced by the relatively short distances involved, and the scope for some journeys to be made by alternative means. Furthermore, the Council does not dispute that, if the appeal is dismissed, the appellants are likely to be faced with a roadside existence. The provision of a settled base would, in accordance with paragraph 13 of the PPTS, reduce the need for the long-distance travelling that is associated with unauthorised encampment. This would offset much of the harm that would arise from the suboptimal accessibility of the appeal site to services. Overall, therefore, although there is conflict with Policy DM6, the harm resulting from the lack of sustainable transport options is limited.

Flood risk

30. Paragraph 165 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas at highest risk.
31. The FRA identifies that the predominant risk at the site is from flooding from the rivers Bourne and Mill Bourne, which run to the southeast and north of the site, respectively. The FRA also contains details of the Environment Agency's Risk of Flooding from Surface Water (RoFSW) mapping, which indicates that Philpot Lane, adjacent to the site, is at risk from pluvial flooding. In view of these known risks, a sequential test in accordance with Framework paragraphs 167 and 168 is required. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
32. The Environment Agency's Flood Map for Planning Purposes shows that most of the site, including the current location of the caravan, is in Flood Zone 3, but that a triangle of land near the road frontage is in Flood Zone 2. Paragraph 173 of the Framework advises that FRAs should demonstrate that within the site, the most vulnerable development is located in areas of lowest flood risk. The

proposal to site the caravan in this part of the site would accord with this approach. However, the sequential test should also demonstrate that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, so, in this case Flood Zone 1.

33. The sequential test was not undertaken as part of the FRA, and the Council contends that the lack of evidence in this regard means it has not been passed, as the Planning Practice Guidance (the PPG) places the onus on applicants to identify reasonably available sites¹. At the Hearing, the appellant explained that he had searched an area exceeding ten miles in radius. He had enquired of all known contacts in the Gypsy and Traveller community, local Councils, and local land agents without any success. The Council was unable to identify any sites itself, or to advise what more the appellant could do to find a suitable site.
34. It is common ground that there is a need for Gypsy and Traveller sites in the district and that the Council cannot demonstrate a 5-year supply of deliverable sites to meet its locally identified target. Four sites have been identified as part of the consultation process for the draft Surrey Heath Local Plan (2019-2038). Two of these are in Flood Zones 2 and 3. I acknowledge that the Council was only seeking to allocate sites that could accommodate at least two pitches, but, the fact that a focused 'Call for Sites' did not identify sufficient sites to meet the need in areas at lower risk of flooding, demonstrates the difficulty the appellant would have in finding a suitable alternative site. On the evidence before me, I must conclude that there are no other reasonably available sites appropriate for the proposed development, so the sequential test has been passed.
35. Table 2 in the PPG advises that, even where the sequential test has been passed, highly vulnerable development, including caravans, should not be permitted in Flood Zone 3. In this respect, the accuracy of the Environment Agency's Flood Map has been questioned, as it is based on 2007 data. However, the Environment Agency accepted at the Hearing that the Flood Map for Planning was the best available data in published form, and that it was not reasonable, on a development of this scale, to expect full catchment area modelling to be undertaken by an applicant. The Environment Agency also accepted that the submitted plans accurately portrayed the published Flood Zones 2 and 3, and that based on the Flood Map, the proposed relocation of the caravan would place it in Flood Zone 2. Paragraph 169 of the Framework says that if it is not possible for development to be located in areas with a lower risk of flooding, the exception test should be applied for highly vulnerable development in Flood Zone 2.
36. Paragraph 170 of the Framework says that, to pass the exception test, it should be demonstrated that:
 - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

¹ Paragraph: 029 Reference ID: 7-029-20220825

37. The FRA identifies that the 1 in 100 year plus 24% climate change allowance event would result in a flood level at the site of 21.75m AOD. This was not disputed by the Environment Agency at the appeal. The appellant has accepted the evidence in a Technical Review of the FRA, produced by a third party², that a freeboard allowance of 600mm should be incorporated to allow for any inaccuracies in the Environment Agency's flood modelling. It is therefore proposed that the floor level of the caravan should be raised to 22.35m AOD. On this basis, the Council and the Environment Agency agreed at the Hearing, that residents within the caravan would be safe from flooding.
38. The FRA identifies the closest dry evacuation area to be along Philpot Lane, which is in Flood Zone 1, in a south westerly direction. However, it also includes the Environment Agency's RoFSW mapping, which shows that Philpot Lane is at risk of pluvial flooding to a depth of 300 – 900mm across the site frontage in extreme events. Even if this water were standing, or had a very low velocity, this would represent a "Danger for some" or "Danger for most" classification³. It is argued, however, that the RoFSW model does not take account of the network of drainage ditches and culverts adjacent to the highway, and that actual flood depths are likely to be lower. I also saw that the road was not contained by features that would retain water to the deepest levels suggested in the model, and the Environment Agency accepted at the Hearing that such depths were unlikely. Nevertheless, there is photographic evidence to demonstrate that flooding does occur at this point in the road.
39. Figure 2 of the appellant's rebuttal statement⁴ shows a convoluted pedestrian route along Philpot Lane through flood depths of 0.15 – 0.3 metres, and avoiding deeper waters. However, in the event of an evacuation, it is unlikely that occupants would be able to perceive where the shallower waters were, especially in hours of darkness. Figure 3 shows the route running through water with a velocity varying between 0.25m/s and 0.5m/s. However, it runs very close to areas with a velocity of 0.5 – 1 m/s. Even if I were to accept that an escape route through waters at a depth of 0.3 metres and a velocity of 0.5 m/s could be charted, this would still place the development in the "Danger for most" category. Consequently, I cannot safely conclude, on the evidence before me, that the occupants of the caravan would have a safe evacuation route. Therefore, taking account of the vulnerability of its users (four of whom would be children), the development would not be safe for its lifetime, and the proposal fails part b) of the exception test.
40. The raising of the caravan above flood levels would ensure that it would not increase flooding elsewhere through the displacement of flood water. Furthermore, the Environment Agency acknowledged at the Hearing that the removal of Buildings A and B, and their associated hardstandings, would make a modest contribution to reducing flood risk overall.
41. In relation to part a) of the exception test, it is common ground that there is a lack of provision to meet the need for Gypsy and Traveller sites in the district. It is also not disputed that there is a likelihood of the appellant and his family resorting to a roadside existence if the appeal is dismissed. In these

² EnvirEn Flood Risk Assessment (FRA) Technical Review - Philpot Lane, Chobham 16/10/23 - Document Ref: 2300205-FRATR

³ Flood Risk Assessment Guidance for New Development Phase 2 Framework and Guidance for Assessing and Managing Flood Risk for New Development (R&D Technical Report FD2320/TR2)

⁴ Report reference 78892R3_GeoSmart_Flood_Drainage_Rebuttal Report - 2nd November 2023

circumstances, the provision of a site to meet the shortfall in need, together with the reduction in long-distance travel and the risk of environmental damage caused by unauthorised encampments, are significant wider sustainable community benefits. However, paragraph 171 of the Framework makes it clear that both parts of the exception test must be satisfied for the development to be permitted.

42. To conclude on this issue, the occupants would be safe from flooding within the caravan, and the proposal would not increase flood risk elsewhere. However, there is not a safe access and escape route from the site, so the exception test would not be passed. The proposal would, therefore, be in conflict with Policy DM10 of the Core Strategy which says that development in Flood Zone 2 will not be supported unless the sequential and exception tests have been applied and passed. The proposal would also conflict with the sequential risk-based approach to the location of development that is set out in Section 14 of the Framework.

Other considerations

Need for Gypsy and Traveller sites

43. The Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) was produced in 2020, and provides the most up to date published indication of the scale of need for Gypsy and Traveller pitches in the Borough. The GTAA sets out that the Council has an identified need for 32 Gypsy and Traveller pitches and 14 Travelling Showpeople plots over the period 2020 – 2040, with the majority of that need falling within the first five years of the plan period. Planning permission has since been granted for two pitches, and a site for four pitches was identified in the Draft Surrey Heath Local Plan: Preferred Options (2019 – 2038). This document acknowledges that, despite this allocation, there would be a shortfall of 26 Gypsy and Traveller pitches and 14 Travelling Showpeople plots across the Plan period.
44. Furthermore, the need for 32 Gypsy and Traveller pitches set out in the draft Local Plan was based on the definition of Gypsies and Travellers set out in the 2015 version of the PPTS. The GTAA also identified a need for one pitch for Gypsies and Travellers of unknown status and 32 Gypsies and Travellers not meeting the PPTS definition. In the light of the Court of Appeal decision in the Smith case⁵, the Council acknowledged at the Hearing that the overall shortfall is 59 pitches.
45. Following publication of the draft Local Plan, the Council has identified three further sites with potential for allocation⁶. These would provide a maximum of 21 Gypsy and Traveller pitches and nine Travelling Showpeople plots, so would not meet the identified need over the plan period. Furthermore, the Council acknowledged at the Hearing that further work was necessary to clarify whether two of these sites would pass the sequential and exception tests required due to their location in Flood Zones 2 and 3. I understand that the draft Local Plan is due to be examined in about 12 months' time, with a view to adoption in mid-2025. At present, however, insufficient sites have been identified to meet the need.

⁵ Smith v SSLUHC & Ors [2022] EWCA Civ 1391

⁶ Surrey Heath Local Plan: Preferred Options (2019 – 2038) Additional Site Allocations for Gypsy and Traveller and Travelling Showpeople Regulation 18 Consultation

46. The draft Local Plan does include a requirement for strategic sites (more than 100 dwellings) to include the provision of Gypsy and Traveller accommodation. However, in view of the timescale to adoption, and the subsequent delivery of sites of this scale, these pitches are unlikely to be available in the short term. The only other source of provision would be through suitable windfall sites. There is, therefore, an acknowledged shortfall in deliverable Gypsy and Traveller sites. The extent of the Green Belt, and areas at risk of flooding, means that there is significant difficulty in identifying suitable sites for allocation. There is, therefore, considerable uncertainty regarding future provision, and a likelihood that windfall sites will be required in the short term.
47. The Council does not dispute that it is unable to demonstrate a 5-year supply of specific deliverable Gypsy and Traveller sites at present. Together with the unmet need, and the lack of certainty over future provision, this attracts significant weight in support of the proposal.

Personal circumstances

48. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for their private and family life, their home and correspondence. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
49. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (the PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation and to advance equality of opportunity. The Equality Act 2010 recognises that race constitutes a relevant protected characteristic for the purposes of the PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.
50. The site is occupied by the appellant, his wife, and their four children aged 10, 8, 6 and 3 months. It is common ground that the appellant and his wife meet the PPTS definition of Gypsies and Travellers, and that the appellant has lived within three miles of the appeal site all his life. If I were to dismiss the appeal the household would be liable to lose its settled base. The Council also acknowledges that it is unable to identify an alternative site, and that the family is likely to have to resort to living on the roadside.
51. The three older children are settled in school. Whilst their schools are some distance from the appeal site, the appellant indicated at the Hearing that, if allowed to remain on the site, the children may move to a school closer by. In any event, a settled base would allow them to attend school regularly. A roadside existence would, however, be very likely to result in disruption to the children's educational provision. It may be difficult to enrol children in school or to maintain their attendance if they have no fixed address, or are constantly moving from place to place at short notice.

52. Whilst there is no evidence that any of the occupants have particular medical needs, I am mindful that one of them is only 3 months old. A roadside existence would make it very difficult, if not impossible, to access post-natal care for the mother and baby. Furthermore, the availability of a permanent base would be of benefit to the family in maintaining access to healthcare facilities.
53. The benefits of a settled base for the educational needs of the children, and the medical welfare of the family are considerations that carry significant weight in favour of the proposal.

Other Matters

54. Despite the agreed position of the main parties, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, or their settings, or any features of special architectural or historic interest which they possess. Cedar House, a Grade II listed building, is around 60 metres to the southwest of the site on the opposite side of the lane. Its significance lies principally in its architectural quality, the pre-eminence of its architect, Sir Edwin Lutyens, and its rural surroundings.
55. I saw that the building at Cedar House is set back from Philpot Lane behind substantial roadside planting. The foliage continues along the roadside on both sides of the lane as far as the appeal site. Combined with the curvature of the road, this means there is little intervisibility between the two sites. The proposed use would include a static caravan that would be higher than the building it replaces, but the distance between the properties, and the substantial intervening vegetation, means that there would be no impact on the setting of the listed building, so its significance would not be diminished in any way.
56. Although it is common ground between the main parties that there would be no adverse impact on the highway network, the issue of a potential increase in traffic is raised in representations. I saw that Philpot Lane has a carriageway that is wide enough for two cars to pass, and carries a modest amount of traffic. The additional vehicles associated with a static caravan, occupied by a single household, could be accommodated without inconvenience to other highway users, and would have a negligible impact on the overall level of traffic using the road.

Green Belt Balance

57. I have found that the proposal would be inappropriate development in the Green Belt, albeit the harm to openness and through encroachment of development would be limited. Nevertheless, in accordance with paragraph 153 of the Framework, substantial weight should be given to the Green Belt harm.
58. There is limited harm to the character and appearance of the area, resulting in conflict with Policy DM9 of the Core Strategy.
59. Occupants of the site are reliant on the private car to access day to day services and facilities, placing the proposal in conflict with Policy DM6 of the Core Strategy. However, the degree of harm resulting from this policy conflict is limited, due to the relatively short distances involved, the scope for some

- journeys to be made by alternative means, and the avoidance of the long-distance travelling that would be likely to arise from a roadside existence.
60. Whilst occupants would be safe from flooding within the caravan, and the proposal would not increase flood risk elsewhere, there is not a safe access and escape route from the site in an extreme event. The proposal therefore conflicts with Policy DM10 of the Core Strategy and the advice in the Framework, which requires development in Flood Zone 2 to pass the exception test. This weighs heavily against the proposal.
61. However, there are other considerations which support the appeal. I attach significant weight to the need for, and lack of supply, of Gypsy and Traveller sites in the Borough, including the lack of any available, suitable alternative site, and the uncertainty about future planned provision.
62. Furthermore, the Council confirmed at the Hearing that around 76% of the land in the Borough, outside settlement boundaries, lies within the Green Belt. It therefore seems likely to me that there will need to be a reliance to some degree on land in the Green Belt to meet the existing and future need for pitches. Indeed, three of the four sites identified as potential allocations for the draft Local Plan are in the Green Belt. The Council contended that these sites had a different character. However, in the particular circumstances of this case, I have found limited harm to openness or the purposes of including the land in the Green Belt. There is, therefore, no evidence to persuade me that Green Belt harm arising from this site would be greater than from any other site that may be allocated. These considerations weigh positively in favour of the proposal.
63. I also attach significant weight to the personal circumstances of the appellant and his family, who have no other site to turn to, so would be likely to face a roadside existence. The loss of a settled base would be harmful to the educational needs of the children, and the medical welfare of the family, and would not be in the best interests of the children who occupy the site. Paragraph 16 of the PPTS says that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt. However, there would be considerable harm to the best interests of the four children that occupy the site.
64. Nonetheless, the permanent occupation of a site that is liable to flooding, and where the exception test has not been passed, would also not be in the best interests of the children. In this regard, the conflict with development plan policy and Framework advice concerning flood risk weighs heavily against the proposal. In balancing the harm to the Green Belt, and any other harm, I do not consider that the other considerations clearly outweigh the harm that I have identified. Hence, the very special circumstances necessary to justify the development on a permanent basis do not exist.
65. I acknowledge that withholding a permanent permission would interfere with the appellant's rights under Article 8 of the Human Rights Act 1998, as it would deny him and his family the opportunity to establish a home on this site. However, such rights are qualified, and interference may be permissible when the rights of the individual are balanced against those of the community. In this instance such interference would be proportionate, given the public aim of safeguarding the Green Belt and avoiding flood risk.

Temporary permission

66. In the case of the grant of temporary permission, the limited harm to the Green Belt and to the character and appearance of the area would be further reduced by it being for a limited period, albeit the Green Belt harm is still to be given substantial weight. Similarly, the reliance of occupants on private transport would be for a limited period, and the long-distance travel associated with a roadside existence would be avoided.
67. A temporary permission would also reduce the potential harm arising from the flood risk issue, as it would be less likely that an extreme event would occur during the period of occupation. I acknowledge that there is no guarantee that this would be the case, but the reduction in the likelihood of occupants being trapped in the caravan means that the benefits to the best interests of the children through a settled base during this period, would, in this scenario, outweigh the residual flood risk.
68. A temporary permission would also allow for suitable alternative sites to be identified, allocated, and delivered through the draft Local Plan, or for pitches to become available through the delivery of allocated strategic sites. The likely timescales for alternative sites to be allocated and delivered was discussed at the Hearing, and the parties agreed that five years was reasonable, and realistic. On this basis I consider that a personal planning permission, limited to a temporary five-year period would be appropriate. The grant of temporary permission can only be justified by the personal circumstances of the appellant and his family, which includes the best interests of the children.
69. I conclude that, on a temporary and personal basis, the harm to the Green Belt, and other harms, are clearly outweighed by other considerations. The very special circumstances necessary to justify the development have, therefore, been demonstrated. Consequently, the proposal accords with the strategy for the protection of Green Belt land as set out in the Framework. The same balancing exercise also leads me to the conclusion that the unmet need for Gypsy and Traveller sites, the personal circumstances of the appellant, and the best interests of the children, are material considerations that indicate that a temporary permission should be granted, despite the residual conflict with Policies DM6, DM9 and DM10 of the Core Strategy. Furthermore, a temporary personal permission would represent a fair and proportionate balance between the interference with the human rights of the family on the one hand, and the control of development in the public interest on the other.

Conditions

70. The parties submitted a list of conditions that they agreed would be necessary in the event that I granted a temporary permission, and these were discussed at the Hearing. I have considered all the suggested conditions against the advice in the PPG. Where I have agreed that the conditions are necessary, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
71. I have included a condition specifying the relevant plans, as this provides certainty. Conditions confirming that planning permission is granted for a temporary period of five years only; that occupation is restricted to the appellant, his wife, and resident dependants; and requiring remediation of the site following the expiry of the temporary permission or prior to the cessation

of the use, are necessary in the interests of Green Belt protection and reducing flood risk.

72. Also in the interest of reducing flood risk, conditions are necessary to ensure that there is only one static caravan and one touring caravan on the site; that the static caravan is positioned on the part of the site with the lowest risk of flooding; that Buildings A and B are demolished; and that details of flood mitigation measures are incorporated in the development, including agreement of a flood evacuation plan. I am mindful that, in his written submissions, the appellant contended that a condition requiring the removal of Buildings A and B would be unreasonable on a temporary consent. However, at the Hearing, he acknowledged that the removal of Building A would be necessary to facilitate the relocation of the caravan, and it was open to me to impose a condition requiring the removal of Building B if I found it to be necessary to overcome concerns about flood risk and/or Green Belt harm.
73. A condition confirming the loss of the permission unless foul and surface water drainage details are submitted for approval (including a timetable for implementation) is required in the interests of flood risk and environmental protection. The strict timetable for compliance is necessary because temporary permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the drainage arrangements before the development takes place.
74. A condition limiting external lighting is reasonably necessary to limit harm to the character and appearance of the area.
75. The Council agreed at the Hearing that conditions prohibiting commercial uses, the burying of waste, or the use of generators, were not necessary or reasonable for a temporary permission. Furthermore, whilst a condition requiring external cladding of the caravan would reduce the harm to the character and appearance of the area, it would be an unreasonable imposition for a temporary permission.

Conclusion

76. For the reasons given above, I conclude that the appeal should be allowed, and temporary planning permission is granted.

Nick Davies

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Land Registry Title Plan Extract; 227PD-01 - Proposed Elevations/Proposed Floor Plans/Section A-A; GP/02/23 - Existing Block Plan; GP/03/23 - Proposed Block Plan; and GP/04/23 - Proposed Block Plan with Flood Zones.

- 2) The use hereby permitted shall be carried on only by Mr Charles Smailes and Mrs Lennie Smailes and their resident dependants, and shall be for a limited period, being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 3) Within 2 months of the date of this decision, a scheme to restore the land to its condition before the development took place (or such other restoration as agreed in writing by the local planning authority), at the end of the period for which planning permission is granted, or the site is occupied by those permitted to do so, shall be submitted to and approved in writing by the local planning authority. These details shall include an implementation programme. The restoration works shall be carried out in accordance with the approved details.
- 4) Within 3 months of the date of this decision, Buildings A and B shall be demolished and the static caravan shall be relocated to the position shown on approved drawing no. GP/03/23. Thereafter, no more than 1 static caravan and 1 touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 (as amended) and the Caravan Sites Act 1968 (as amended), shall be stationed at the site at any time.
- 5) Unless, within 3 months of the date of this decision, a scheme for the disposal of foul and surface water drainage from the site, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the use of the site shall cease and the static caravan shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site shall cease, and the static caravan shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained.

In the event of a legal challenge to this decision, or an appeal against a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.

- 6) Within 3 months of the date of this decision, the following flood mitigation measures shall be carried out, and thereafter permanently retained:
 - a) the floor level of the static caravan shall be set at 22.35m AOD;
 - b) the static caravan shall be secured to the ground in accordance with details that have first been agreed in writing by the local planning authority;
 - c) the hardstandings for the existing caravan and Building B shall be removed, and the areas returned to grass and wildflower meadow, in accordance with the details shown on approved drawing no. GP/03/23;

- d) a flood evacuation plan shall be submitted to and approved in writing by the local planning authority.
- 7) No external lighting shall be installed at the site without the prior written approval of the local planning authority.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Stephen Cottle – Counsel
Charles Smailes – Appellant
Lennie Smailes
Tony White (White Planning & Enforcement) – Agent
Michael Piotrowski (GeoSmart)

FOR THE LOCAL PLANNING AUTHORITY:

Navil Rahman – Principal Planning Officer, Surrey Heath Borough Council
Ian Williams – Team Leader, Surrey Heath Borough Council
Brian Roberts – Environment Agency
Judith Johnson – Environment Agency

INTERESTED PARTIES:

Peter Kear – Local Resident
Tim Robinson – Local Resident
Zak Simmonds (EnvirEn)
Carole Mancini - Local Resident
Brian Springall - Local Resident
Jane Robinson - Local Resident
Noel Doran - Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Extracts from revised FRA dated 14 June 2023 – Reference 78892R2 submitted by appellant.
2. Photographs showing recent flooding, distances to nearby facilities, and goods on offer at nearest shop submitted by appellant.
3. Note on Wider Sustainability Benefits, Human Rights, Sustainability and Material Considerations submitted by appellant.

DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: H. & M Woolford & Creese

Location: Land East Of Four Oaks Nursery Highams Lane Chobham Woking Surrey GU24 8TD

Development: Change of use of land from equestrian use to mixed use equestrian and Gypsy/Traveller site (two pitches) comprising the siting of 2 mobile homes, 2 touring caravans and erection of x2 ancillary utility rooms and installation of hard landscaping.

Contact Officer	Richard Peplow	Consultation Date	29 July 2022	Response Date	8 September 2022
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THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment 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. The County Highway Authority therefore has no highway requirements.

Note to Planning Officer

Sustainable Transport Advice

The County Highway Authority (CHA) considers that the application site is not an ideal location in sustainable transport terms for residential use, as it is not easily accessible by modes of transport other than the private car. It is not located within a reasonable and safe walking distance from key services and facilities such as jobs, shops, schools, health and leisure facilities. Highams Lane is an unlit rural road with a posted 40 mph speed limit. There are no footways and it is not on a recommended cycle route. There are no public transport facilities within a recommended walking distance of the site.

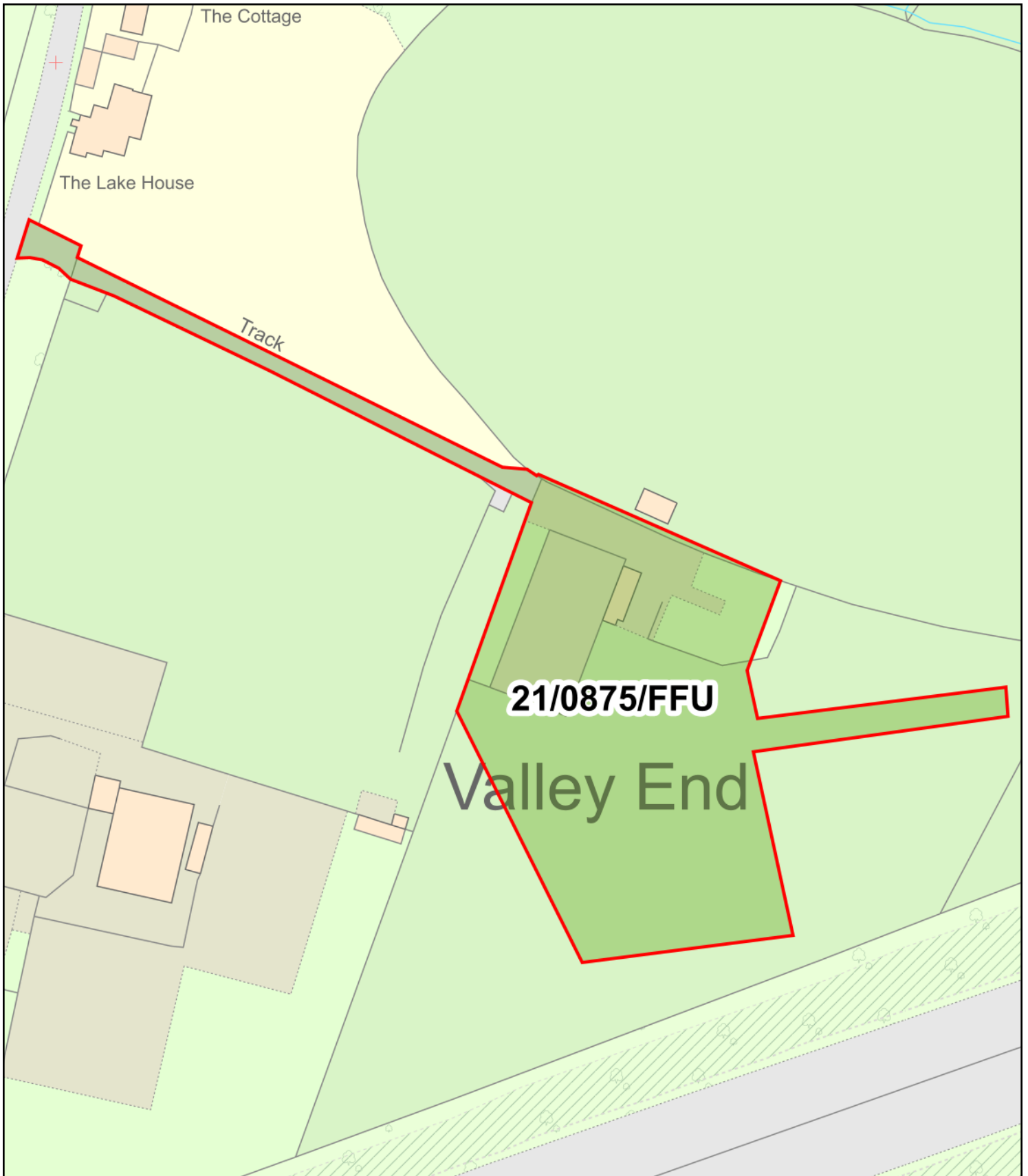
Residents of the proposed development would therefore be dependent on the private car for access to normal day to day services and facilities. Hence the development would be contrary to the sustainable transport objectives of the NPPF and policy CP2 of the Core Strategy. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

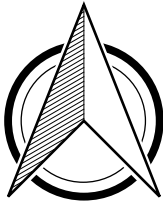
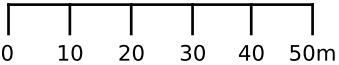

Notwithstanding this advice, the CHA acknowledges that there are three dimensions to sustainable development - economic, social and environmental - hence the sustainability of the site should not be assessed purely in terms of transport mode and distance. It also acknowledges that planning policy does permit the conversion and re-use of buildings in the Green Belt and hence some developments will not be able to meet the requirements of locational and transport policies. Therefore, it is for the Local Planning Authority to weigh up the CHA's sustainable transport advice against the other policies in the NPPF and the Core Strategy, particularly those relating to rural areas, in order to determine whether or not the proposed development would be sustainable in its wider sense. Typically, the CHA would strongly endorse siting development in locations with better provision for sustainable transport modes, however despite the unsustainable location in transport terms, the CHA recognises this is a decision that should include economic and social aspects, and therefore raises these concerns with the LPA in recognition they will give this aspect due attention.

If the LPA is minded to refuse the application, the CHA would recommend the following reason for refusal:

The proposed development is located where there are no pedestrian or cycle links nor access to public transport and is therefore considered unsustainable in transportation terms. Residents would be dependent on the private car for access to normal day to day services and facilities, and the proposed development would therefore be contrary to the sustainable transport objectives of the NPPF 2021, policy CP2 of the Surrey Heath Core Strategy 2012 and objectives within the Surrey Local Transport Plan (LTP3).

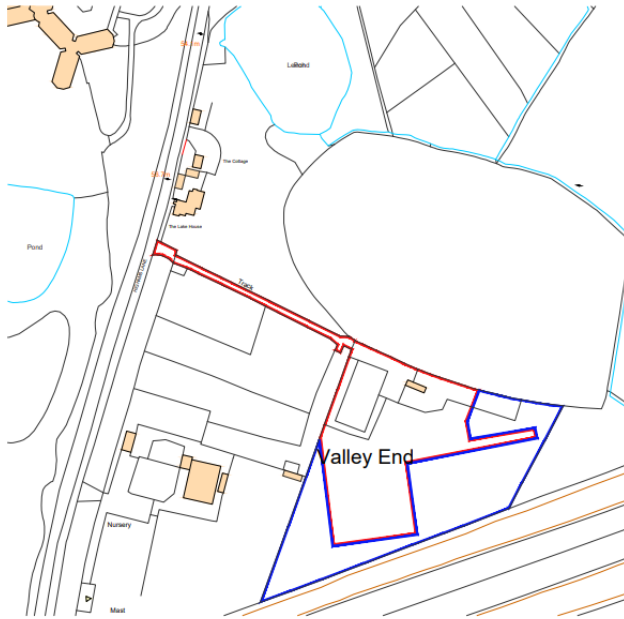
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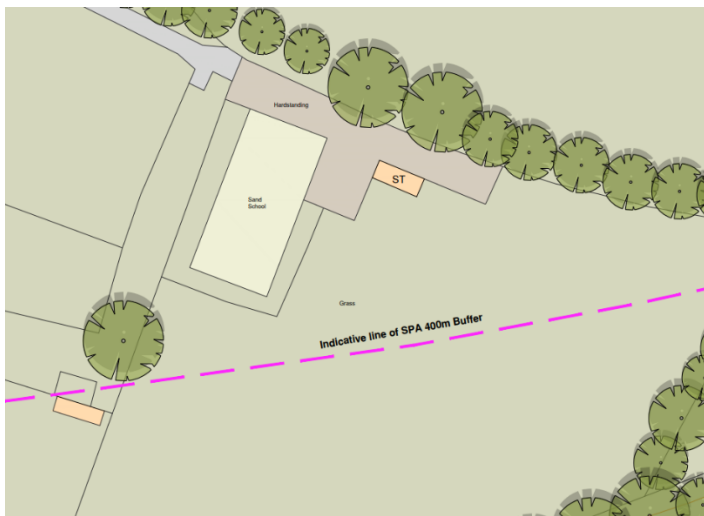
Title	21/0875/FFU		
Application Number	21/0875/FFU		Scale @ A4
Address	Land East Of Four Oaks Nursery Highams Lane		Date
Proposal	Change of use of land to a Gypsy/Traveller site (two pitches) comprising the siting of 2 mobile homes, 2 touring caravans and erection of x2 ancillary utility rooms and installation of hard landscaping.		
© Crown copyright and database right. All rights reserved (AC0000812461) 2024		Page 47	
			

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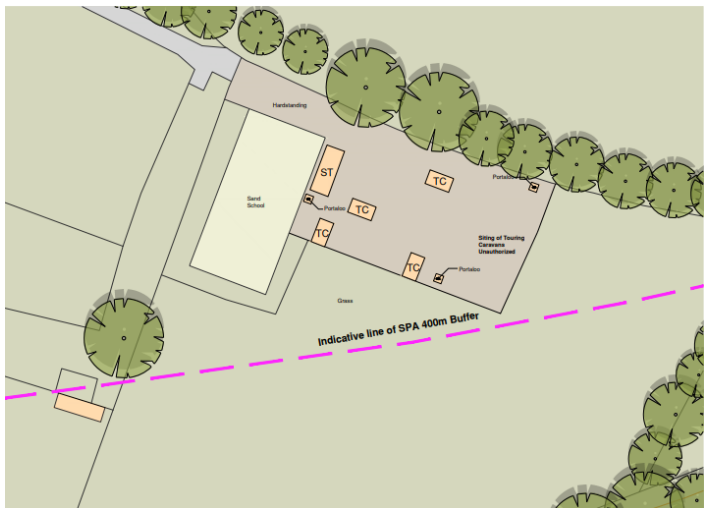
Location Plan (red line boundary showing application site, and blue line boundary showing extent of site ownership)



Pre-existing site plan



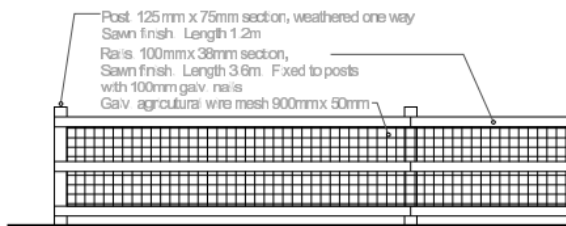
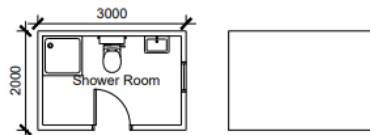
As existing site plan



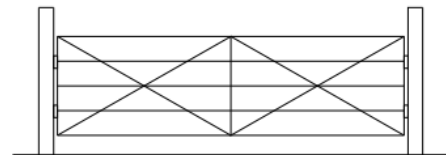
Proposed site plan



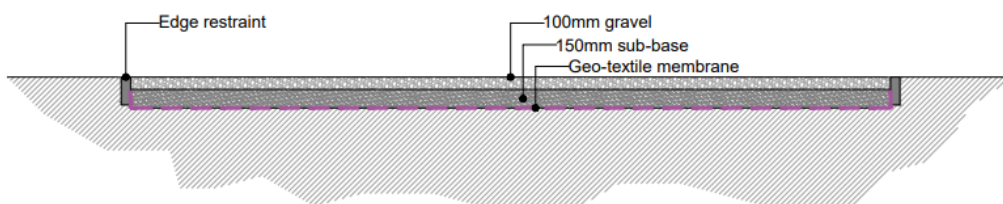
Proposed utility block, fencing and driveway detail.



Post & Rail Fence
Elevation 1:50



Timber Field Gate
Elevation 1:50



Photos

Driveway access to the site



View into the existing area of hardstanding and stable building to the right





Existing touring caravan and stable building





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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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LOCATION:	Princess Royal Barracks , Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN
PROPOSAL:	Reserved matters application pursuant to condition 4 for the change of use of former museum building to provide a foodstore (Class E(a)) and flexible retail/community use (Use Classes E and F2) (Phase 5i), with access, layout, scale, appearance and landscaping being considered and the submission of partial details in relation to phase 5i pursuant to conditions 16 (ecological mitigation and management), 23 (visibility splays), 25 (off-street parking), 29 (tree retention and protection plan), 32 (landscaping), 33 (landscape management plan), 34 (hedges and hedgerow), 40 (surface water drainage), 41 (wetland features) and 43 (foul water drainage) attached to 12/0546 (as amended by 18/0619 and 18/1002).
TYPE:	Reserved Matters
APPLICANT:	Newfoundland Developments Ltd.
OFFICER:	Sarita Bishop

This application is being reported to the Planning Applications committee as informative 22 on the hybrid permission states that all reserved matters applications for Princess Royal Barracks will be referred to the Planning Applications committee for determination.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The proposal is for the provision of a food store and flexible commercial/community space with associated landscaping and car/cycle parking.
- 1.2 One of the objectives of the hybrid permission and the Deepcut supplementary planning document (SPD) was to provide a food store to serve the Mindenhurst development and the wider community. Whilst the hybrid permission and the Deepcut SPD envisaged that the site would be redeveloped with a new building, the re-use and refurbishment of the former museum building is acceptable and secures this important provision for the benefit of the local community. Sustainable travel choices are also promoted through the proposed pedestrian/cycleways and cycle parking facilities to be provided on site.
- 1.3 The application is therefore recommended for approval, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The Princess Royal Barracks site has an overall site area of some 114 hectares. This former military site has permission for a major residential development totalling 1,200 new dwellings, with associated public open space, community facilities, a primary school, retail and commercial uses and access and highway works. The redevelopment is divided into

6 phases, three non residential (1, 3 and 5) and three delivering housing (2, 4 and 6). A number of these phases have been or are being delivered with the remaining phases subject to current or future reserved matters applications.

2.2 This application relates to Phase 5i. The site, of about 0.75 hectares, is located at the junction of Deepcut Bridge Road, Newfoundland Road and Mindenhurst Road. It adjoins a major roundabout with arms to Deepcut Bridge Road (north and south), Mindenhurst Road and Blackdown Road. The application site is irregular in shape and comprises the following:

- A single storey brick built building with a pitched roof located to the north of the site;
- Existing hardstanding and car parking to the west and south of the building;
- An undeveloped green space to the south of the former Headquarters Building;
- Two vehicle access points, one from Mindenhurst Road to the south and the other from Newfoundland Road to the north.
- Trees to the north, south and west boundaries

There is a difference in levels across the site with the most notable change in level being a difference of about 3 metres between the northern (highest) and southern (lowest) boundaries.

2.3 Alma House, a large detached two storey dwelling, with a substantial rear garden, lies to the north of the application site. The former Headquarters Building, which is in the process of being converted to flats, adjoins the site to the east and north. This is a two storey building and is defined as a Building of Merit in the Deepcut SPD. The Camberley Manor care home, a substantial three storey building, is located on Deepcut Bridge Road to the south of the roundabout and Mindenhurst Road. Semi-detached two storey dwellings on Deepcut Bridge Road lie to the west of the roundabout.

3.0 RELEVANT HISTORY

3.1 12/0546 Hybrid planning application for a major residential led development totalling 1200 new dwellings with associated public open space, community facilities, a primary school, retail and commercial uses, access and highways works. Approved 6 April 2014. The Section 106 agreement for this application was signed on 17 April 2014.

The outline element of the application included the approval of means of access and a series of reserved matters applications. This included a food store.

Condition 5 attached to this permission requires the submission of all reserved matters applications within 10 years of the date of the permission (6 April 2014).

The following conditions on the permission, as varied, specifically relate to the food store as follows:

Condition 44

The development hereby approved and subsequent reserved matters applications shall include a retail food store of no more than 2,000sqm with a net tradable area of no more than 1,400spm. The food store shall thereafter be used primarily for the sale of convenience goods within the definition of Use

Class A1 of the Town and Country Planning (Use Classes) Order 1987, as amended, with a minimum of 85% of the net sales area being for the sale of convenience goods.

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

Condition 45

The food store hereby approved shall only be open to the public between the hours of 07:00 and 22:00 Monday to Saturday and between the hours of 08:00 and 21:00 on Sundays and Public Holidays. Servicing and deliveries to the retail unit shall only take place between the hours of 07:00 and 22:00 on Mondays to Saturdays and between 08:00 and 21:00 on Sundays, Bank and Public Holidays.

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

Condition 58

Before the first and each subsequent occupation of the food store, a scheme shall be submitted to and agreed in writing with the Local Planning Authority detailing measures to minimise noise disturbance from the operation of the food store to residential properties. The scheme shall include details for minimising noise from delivery vehicles and for locating noise generating uses, plant or equipment within the envelope of the building where possible. Once agreed the measures included within scheme shall be implemented on the site.

Reason: In the interest of residential amenities and to accord with Policy CP4 and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

Since the approval of this hybrid permission there have been a series of reserved matters applications submitted. Only the key applications relating to the food store are given below.

3.2 17/0774

Section 73 application for a Minor Material Amendment to reserved matters permission 15/1062 (pertaining to the Spine Road, Central SANGS and Village Green), pursuant to condition 4 of hybrid permission 12/0546 (as amended - hybrid application for a major residential led development totalling 1,200 dwellings) to permit changes to conditions 10 and 17 of permission 15/1062 to, in respect of: Condition 10 - Confirm the principle of SUDS to the southern SUDS area; and Condition 17 - Amend, withdraw, substitute, provide new plans to:, Amend the shape and size of the Village Green and pond, Update the SANGS management and maintenance schedule, and update the SANGS management plan , Update highways drawings to allow changes to alignment of the Spine Road,

cycleways, footpaths and provide connection to future retail area, Provide details of, and seek agreement on, the provision of a substation along the Spine Road and, provide SUDS infrastructure plan and minor changes/corrections to the wording of conditions 2,7, 11 and 19. Approved. This permission provided the vehicular access into the application site from Mindenhurst Road.

- 3.3 20/0330/DTC Submission of details, in part, to comply with condition 52 (programme of archaeological evaluation) attached to planning permission 12/0546 dated 4 April 2014 (as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019) in respect of the foodstore (Phase 5i). Approved
- 3.4 23/1079/DTC Submission of details to comply with condition 55 (1) and (2) (contaminated land) attached to planning permission 12/0546 dated 4 April 2014 as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019 in respect of Phase 5i (the food store). Approved.
- 3.5 24/0039/NMA Application for non material amendment to condition 45 attached to hybrid permission 12/0546 dated 04 April 2014 (as amended) to amend the opening hours for the foodstore to 07:00 and 23:00 Monday to Saturday and 07:00 and 23:00 on Sundays and Public Holidays (Phase 5i). This application is elsewhere on this agenda.

4.0 THE PROPOSAL

4.1 This is a reserved matters application pursuant to condition 4 for the change of use of former museum building to provide a foodstore (Class E(a) – display or retail sale of goods, other than hot food) and flexible retail/community use (Use Classes E and F2) (Phase 5i), with access, layout, scale, appearance and landscaping being considered the partial submission of details pursuant to the following conditions:

- 16 (detailed ecological management strategy & management plan);
- 23 (visibility splays)
- 25 (off street parking)
- 29 (tree retention and protection plans);
- 32 (hard and soft landscaping);
- 33 (landscape management plan);
- 34 (hedges and hedgerow);
- 40 (surface water drainage)
- 41 (wetland features); and
- 43 (foul water drainage).

attached to 12/0546 dated 04 April 2014, as amended by 18/0619 and 18/1002.

- 4.2 In the interests of clarity Use Classes E and F2 as set out in the Town and Country Planning (Use Classes) Order 1987 as amended comprise the following:

Use Class E

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

Use Class F2

- F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
- F2(b) Halls or meeting places for the principal use of the local community
- F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
- F2(d) Indoor or outdoor swimming pools or skating rinks.

- 4.3 The proposal seeks permission to convert the majority of the former museum into a food store. This unit would total 416 square metres in area comprising 279 square metres of retail floor area and 137 square metres of back of house space. (For ease of comparison, the retail floor area would be about three quarters the size of the retail floor area of the Sainsburys Local on Heatherside). The new food store would be accessed from the south elevation of the building. Given the changes in site level a new entrance ramp and steps are proposed to provide level access into the food store. New cycle parking would be provided adjacent to the food store entrance. The proposed food store will be operated as an Asda Express store once the development is completed.
- 4.4 The remaining space within the building (268 square metres) would be proposed as a flexible commercial/community space (Use Classes E/F2). It would re-use the former museum entrance located on north elevation of the building. Pedestrian and cycle access would be provided either from a new footpath leading from the proposed footpath /cycleway to the west which links the proposed car park to the south with Newfoundland Road to the north or directly from Newfoundland Road to the north. Additional cycle parking would be provided adjacent to the north elevation of the building to serve to commercial/community space.
- 4.5 To facilitate the conversion of the building, a new open entrance canopy, with a pitched roof, with new entrance/service doors and windows are proposed on the south elevation. The existing opening on the east elevation is proposed to be bricked up. No elevational changes are proposed to the north or west elevations or to the roof. A new store/plant area enclosed by a 2.1 metre high fencing is proposed to be sited on the west side of the building.
- 4.6 Two Category C Silver Birch trees are proposed to be removed as part of this proposal. New and replacement tree planting predominantly to the west and south of the building is

proposed, resulting in an overall net gain of trees on the site. The open area to the east of the internal access road and to the south of the former Headquarters Building is to be retained as open space primarily as habitat.

- 4.7 Vehicular access is proposed from the approved and implemented access from Mindenhurst Road. A three metre wide shared pedestrian/cycleway would be provided immediately to the west of this access and connecting into the wider Mindenhurst shared pedestrian/cycleways to the south. The existing vehicular access from Newfoundland Road is closed to vehicular traffic and modified for use by pedestrians and cyclists only. This would have a typical width of five metres reusing the existing access and hardstanding. The “desire” line footpath located to the north of the building is to be retained as an informal footpath to avoid works within the root protection areas of protected trees.
- 4.8 A total of 24 car parking spaces are proposed to serve the development, 2 of which are designated for disabled drivers. They are to be located to the west of the existing building. Five of the proposed spaces, including one of the disabled spaces will be provided with electric vehicle charging points. Five Sheffield cycle standards (10 cycles) are proposed for both units and will be located adjacent to their entrance doors. They will be covered and lit.
- 4.9 The service area for the food store adjoins the south east corner of the building and is accessed from an eastern spur from the internal access road. A timber fence and new kerbing are proposed on the common boundary with the former Headquarters Building by the proposed service/turning area. Due to the change in site level the service/turning area will have a maximum gradient of 1:20. The gradient will be lower at the eastern end of the turning head where the levels of the turning head and the hardstanding outside the store will meet in order to facilitate the wheeling of deliveries into the store. A 10 metre rigid vehicle is the largest expected delivery vehicle to service an Asda convenience store.
- 4.10 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: a Planning Statement, a Design and Access statement, a Transport Statement, a Tree Survey and Impact Assessment, a Landscape Maintenance and Management Plan, an Ecology Mitigation Strategy and Management Plan, a Preliminary Ecological Appraisal, Energy performance documents and a Drainage Strategy and Management and Maintenance Requirements.

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 Highway Authority (CHA)	No objections are raised regarding highway safety and capacity or on parking grounds. Conditions are recommended to secure the works proposed. (See Annex A for a copy of their response).
Lead Local Flood Authority	No objection
Retail Consultant	Advises that in the absence of an updated household survey the size of convenience store proposed has not been fully justified

	by the applicant, and that it will not address the identified retail need at the site. <i>[Officer comment: it is clear from the marketing exercise that was undertaken for a food store of 2000 square metres that the retail operators are not prepared to provide a store of this size based on the site constraints and viability. Further commentary is given on these matters at paragraphs 7.7.2 - 7.3.7 below.]</i>
Surrey Wildlife Trust (The SWT)	Advises that the Ecological Mitigation Strategy and Management Plan and Landscape Management Plan are appropriate for the purposes of condition 16. It also advises that measures to ensure the protection of the confirmed bat roost within the museum building from loss or disturbance should be included within the Construction Environmental Management Plan required by condition 61.
Thames Water	No objection.
Surrey Police	No views received

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

Internal Consultation	Comments Received
Arboricultural and Landscape Consultant	No objection subject to conditions and further information on the provision of the footpath to the north of the building, the pruning regime and soil/organic materials to be used. (See Annex B for a copy of his response)
Urban Design and Heritage Consultant	No objection subject to conditions on landscaping and boundary treatment.
Planning Policy	No objection
Environmental Health	No objection subject to the imposition of a condition to replicate the provisions of condition 58 of the hybrid permission to the flexible use areas within the proposal.
Drainage Officer	No views received

6.0 REPRESENTATION

6.1 A total of 126 individual letters of notification were sent out on 8 December 2023. The Mytchett, Deepcut and Frimley Green Society and the Deepcut Neighbourhood Forum were also notified of this application. A site notice was also displayed on 8 December 2023. Three representations were received which were generally in support of the proposal but raised the following matters:

Representation made	Officer Response
The store needs to be bigger to serve the local community including the vulnerable and the elderly who can't drive.	The hybrid permission secured the provision of a food store. However, this is dependent on the food retailers being prepared to provide a store which met their business requirements. Please see section 8.3 for further commentary on this issue.
Residents were promised a 2,000 square metre food store and now we are getting something which is not even 25% that size	The terms of the hybrid permission included a restriction on the maximum level of floor space for the food store but no minimum. Please see section 8.3 for further commentary on this issue.
Car parking is not adequate which will result in on street parking in the area	The County Highway Authority has considered the level of car parking proposed and is satisfied that the number of spaces proposed is appropriate for the proposed uses. Please see paragraph 8.7.4 below for further commentary on this issue.
Please confirm the store is to be operated by Asda rather than an independent franchise	Asda is named as the proposed operator of the foodstore.
Are plans available to show where double yellow lines will be applied to Newfoundland Road to ensure that there is no increase in traffic on the no through road and to avoid on street parking by the barrier	There are currently no plans to apply double yellow lines in Newfoundland Road. If on-street or inconsiderate parking becomes an issue, appropriate and proportionate action would be taken to remedy the situation.

6.2 Amended plans and documents were received in February relating to the layout of the site, drainage and landscaping. Occupiers adjoining and in the immediate vicinity of the site (Alma House, 130 and 131-135 Deepcut Bridge Road odds and Aquinna Homes as the developer of the former Headquarters Building) were notified on 23 February have been notified of these amendments with a 7 day response period. 137 Deepcut Bridge Road was inadvertently omitted from the original consultation. Although a site notice was displayed, an individual letter has been sent out expiring on 15 March 2024. No representations have been received at the time of the preparation of this report.

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 CP4 (Deepcut), CP11 (Movement), CP14A (Biodiversity and Nature Conservation), DM9 (Design Principles), DM11 (Traffic Management and Highway Safety) and DM16 (Provision of Open Space and Recreation Facilities) of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). In addition, regard will be given to the terms of the hybrid permission and the adopted Deepcut Supplementary Planning Document (SPD). Surrey County Council's Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development November 2023 is also relevant.

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

- Principle of the development (including re-use of existing building, quantum of proposed retail floor space and uses proposed)
- Proposed layout and design
- Tree retention and landscaping
- Residential amenity
- Highway impacts
- Biodiversity
- Other matters

7.3 Principle of the development including re-use of existing building, quantum of proposed retail floor space and uses proposed

Re-use of existing building

- 7.3.1 The Deepcut SPD and the hybrid permission require the provision of a food store to serve the new development and the wider community. The SPD recognises that day to day facilities including food retailers play an essential part in creating sustainable communities and helping to develop a sense of place. Location and viability are key to the success of these uses. It is recognised that the SPD and the hybrid permission envisaged that the former museum building would be demolished and the site redeveloped. However, the re-use of the existing building is not precluded by either the hybrid permission or the SPD. On this basis there is no objection to the re-use of the building to provide the food store.

Quantum of proposed retail floor space

- 7.3.2 When the hybrid application was being considered, and having regard to the Retail Needs Assessment undertaken in 2010 as part of the evidence base for the CSDMP and the applicant's retail assessment, the food store was indicatively proposed with a floor area of 2,000 square metres with a retail sales area of 1400 square metres. In the officer report considered by Full Council sitting as the Planning Applications committee the commentary explained the need to ensure that the convenience retail offer met residents' day to day shopping needs within the village, whilst not resulting in excessive visits to the store from outside of the local area. It also noted that the applicant's retail assessment that a store of 2,000 square would be appropriate to serve the needs of the new community and that any significant reduction in size would be likely to result in more trips from residents leaving the village for food shopping.
- 7.3.3 In 2020 the site was the subject of a comprehensive marketing exercise for the provision of a 2000 square metres food store. This was undertaken by Avison Young (AY) on behalf of Skanska and included publication in Estates Gazette, details uploaded onto various industry websites and a mail shot to the Shop Agents Society (SAS). Targeted marketing was also done to all the major food retailers.
- 7.3.4 The resultant AY report on this marketing exercise published in April 2021, concluded that there was not a demand for a larger food store, mainly due to the land being too small and the layout/configuration being too challenging. In addition, the volume of built housing, and proposed, did not support some of the larger format occupiers. The report did conclude that the retail demand for this site was for the convenience store format. An operator was chosen and discussions progressed. However, the operator withdrew from the purchase in 2022. It is understood that Asda did not pursue the site as part of the original marketing exercise as at that time its business model concentrated on large format stores. However, following a change in ownership in 2023, Asda is expanding into "convenience stores being located at the heart of communities".
- 7.3.5 The current proposal for the food store with a floor area of 416 square metres comprising 279 square metres of retail sales area and 137 square metres of back of house space, clearly a significant reduction when compared to that considered when the hybrid application was assessed. The Council's Retail Consultant has advised that, in his view, the size of the proposed store has not been fully justified through an updated household survey. Furthermore, whilst there is a large number of smaller convenience retail stores

in the area, the provision of a store of the floor space proposed will not fully reflect the retail need previously identified.

- 7.3.6 It is evident from the above commentary that the proposed store is smaller than that envisaged at the hybrid application stage and it will not fully reflect the retail need previously identified. The Council could seek further information to justify the size of the store proposed. However, it is clear that retail operators are not prepared to support a large food store on this site. It is also noted that shopping patterns have changed since 2014 particularly with the rise of online food shopping for the main food shop with an increase in “top up” shopping for daily essentials like bread and milk. Asda do not consider that a food store larger than the one currently proposed would be viable given the size of the population it is anticipated the store will serve.
- 7.3.7 On balance, it is concluded that the proposed food store reflects current market conditions, having regard to the size of store retail operators would be prepared to provide on this site and noting the increase in online food shopping. It would provide a food store to serve the local community and meet daily shopping needs. Furthermore, given the site’s accessible location, the improved walking and cycling infrastructure being provided as part of the Mindenhurst development and the level of cycle parking being provided within the site, the proposal is considered to contribute towards creating a sustainable community for Deepcut.

Proposed uses

- 7.3.8 With regard to the flexible use of the remainder of the building, the proposed uses would provide opportunities for community activities or complementary uses providing services to the community. As this space would also be under Asda’s control there would also be potential for the expansion of the food store should local demand arise. No objection is raised to the proposal in this regard.
- 7.3.9 In conclusion, the proposal is considered to provide an appropriate level of retail provision and would contribute to the objective of delivering a sustainable community having regard to Policy CP4, the Deepcut SPD and the hybrid planning permission.

7.4 Proposed layout and design

- 7.4.1 Sections 8 and 12 of the NPPF are relevant they promote healthy and safe communities and high quality designed places.
- 7.4.2 The Deepcut SPD sets out the aspirations for a supermarket that meets local needs and creates sustainable shopping patterns. Guidance is provided on the design of the built form and parking areas (compact, green and visually interesting), relationships to neighbouring land uses especially Buildings of Merit and access/traffic impacts on Deepcut Bridge Road.
- 7.4.3 The site is located within the Newfoundland Character Area as defined by the Deepcut SPD. This area is expected to accommodate a mix of uses including retail and residential. The existing museum site and associated car parking area would be the focus for the provision of a supermarket. It explains what would be expected from the design of a new building on this site in terms of roofscapes, articulation, relationships to adjoining buildings including the location of service areas and the provision of car parking. Further guidance is also given on access arrangements and the realignment of the road network.
- 7.4.4 As the existing building is to be re-used, minimal elevational changes are proposed to the building. They are proportionate in scale and design to the existing building and also to the uses proposed within it. The Council’s Urban Design and Heritage Consultant also supports the re-use of the building from an urban design perspective. The proposed plant/refuse store area which would be visible on the west of the building is proposed to be screened by shrub planting. This is an acceptable approach to minimise the visual

impact of the plant/refuse store area required to serve the building and is supported.

- 7.4.5 The main visual and functional changes arising from this development relate to the internal access arrangements, the car parking area, the provision of level access to the food store and the retained open space. The majority of the existing car parking area is to be reconfigured to accommodate the proposed internal access arrangements and parking layout. It is noted that the position of the internal access road has been determined by the location of the approved and implemented vehicular access to serve the site from Mindenhurst Road. Given this, the changes in site level and the need to provide an accessible entrance into the food store, a ramp with railings and retaining walls is proposed to the south of the building. These works would be visible from within and beyond the site. However, given the general open design achieved by the use of railings, and the accessibility benefits which would result, the proposed works would be acceptable in principle.
- 7.4.6 The Council's Urban Design and Heritage Consultant requested further details of the design of the walls and railings which have been received and are considered to be acceptable. To promote social interaction, benches are recommended to the north of the building which may be secured by condition. No objection is therefore raised to the proposal on layout and design terms having regard to Policies CP4 and DM9 of the CSDMP and the Deepcut SPD.

7.5 Tree retention and landscaping

- 7.5.1 Two Category C Silver Birch trees are proposed to be removed to facilitate the provision of the new internal access road. The Council's Arboricultural and Landscape Consultant Officer raises no objection to the removal of these trees. The re-use of the existing access road to provide the new combined footpath/cycleway linking the car park and Newfoundland Road removes the need to remove existing hardstanding from root protection areas of retained trees. Whilst this would result in a footpath/cycleway wider than the typical width of 3 metres for this facility, this approach is supported as a benefit to minimise works in proximity to retained trees. The retention of the informal path to the north of the building is supported subject to the imposition of a condition seeking the submission of details of any hardsurfacing of this footpath to safeguard trees proposed to be retained.
- 7.5.2 In accordance with the terms of condition 29, the applicant has submitted tree information with the first reserved matters application for this phase. The Council's Arboricultural and Landscape Consultant is satisfied with the submitted details for the purposes of condition 29.
- 7.5.3 The application is accompanied by a hard and soft landscaping plan pursuant to condition 32. The submitted scheme includes additional tree planting, new boundary hedges, new shrub planting, an above ground rain garden planter and a wildflower meadow. The area to the east of the internal access road and south of the Headquarters Building is to be retained in a natural state for habitat enhancement. It is noted that if a larger store were to be provided on this site, this area would most likely be required to provide car parking. Its' retention as a green open space is a benefit to the character of the area, the landscape setting of the site and the former Headquarters building and habitat enhancement.
- 7.5.4 The Urban Design and Heritage Consultant recommended that the grass strips adjacent to the access road be replaced by planting, the hedging to follow boundaries, the plant area to be screened by planting and the provision of planting to screen the boundary fence by the service/turning area. Amended plans have been received which largely show these amendments. However, no planting has been proposed to screen the boundary fence for the service/turning area. Given the planting which is to be provided to the south of this area and recognising the operational and practical reasons why such

planting could not be provided no objection is raised to the proposal in this regard.

- 7.5.5 Subject to the extension of the proposed native mixed hedge within the landscaped area to screen the approved close boarded fence along eastern common boundary with the former Headquarters Building which may be secured by condition, the submitted landscaping scheme provides an enhanced landscape setting for this part of the Mindenhurst development and is acceptable for the purposes of condition 32.
- 7.5.6 In accordance with the terms of condition 34, the applicant has submitted details of hedges to be retained. The Council's Arboricultural and Landscape Consultant is satisfied with the details submitted for this condition.
- 7.5.7 The application is also accompanied by Landscape Management Plan for the site for the purposes of condition 33. The Council's Arboricultural and Landscape Consultant is generally satisfied with this plan but has requested further information on the pruning of hedging and soil/organic materials to be used. This is awaited and an update will be given to the meeting. Subject to this, the submitted Landscape Management Plan is acceptable for the purposes of condition 33 having regard to Policies CP4 and DM9 of the CSDMP and the Deepcut SPD.

7.6 Residential amenity

- 7.6.1 Paragraph 135 of the NPPF and Policy DM9 of the CSDMP are relevant.
- 7.6.2 In granting the hybrid permission it was acknowledged that the operation of the food store could potentially have an impact on the amenities of future residents/occupiers adjoining, and in the vicinity of, the proposed food store. This resulted in the imposition of conditions which restricted hours of operation/servicing and also controlled potential noise disturbance arising from the operation of the food store, please refer to the planning history above. It is noted that there is a current application, 24/0039/NMA, to amend the hours of operation but this application falls to be determined based on the hours approved under the hybrid permission.
- 7.6.3 The closest residents to the proposed food store would be the future occupiers of the former Headquarters Building adjoining the site to the east. There is a separation distance of approximately 9 metres between the two buildings. When these sites were in military use the two sites were linked by an internal access road. The boundary treatment approved for the former Headquarters Building included the erection of a 1.8 metre high close boarded timber fence along the length of the common boundary with the current application site. Part of the soft landscaping details approved for the former Headquarters Building included the removal of hardstanding used as part of the internal access road and its replacement with soft landscaping and grass. The implementation of these approved details will preclude access between the two sites. Furthermore, the applicant is also providing a 2.1 metre high timber fence within the application site by the service/turning area.
- 7.6.4 Prior to conversion, the west elevation of the former Headquarters Building had a total of twenty two windows and a door serving offices, stores and toilet/shower accommodation. The residential scheme approved in 2014 retained the existing doors and windows in the west elevation to serve two bedrooms, a kitchen, a kitchen/dining/living room, a bathroom and a store on each floor (Units 1 and 2 at ground floor, Units 11 and 12 above). The scheme approved under reference 22/0277/NMA amended the west elevation to swap a ground floor door and a window in Unit 1 and replaced a window with a door in Unit 2 and provided patios and grassed areas for these units. The approved accommodation included a door serving the kitchen/dining living area for Unit 1, a door and a window serving the kitchen/dining living area for Unit 2, five windows serving three bedrooms and two windows serving a bathroom and an ensuite at ground floor and five windows serving

three bedrooms six windows serving the two kitchen/dining living areas and one serving an ensuite at first floor.

7.6.5 The hybrid permission required the provision of a food store on this site. The food store envisaged on this site at the hybrid stage in a purpose built building arguably would have had a greater impact on future residents/occupiers than the current proposal. The submitted scheme is for a food store to be provided in an existing storey building with a

large open green area retained to the south. Environmental Health has raised no objection to the proposal subject to the provisions of condition 58 applying to the flexible uses proposed. This may be secured by condition.

7.6.6 Having regard to these comments and the residential layout and boundary treatment approved for the former Headquarters Building and as proposed within the site, the likely levels of activity and disturbance associated with the proposal are not considered to result in a materially different impact or loss of amenity to future residents/occupiers adjoining or in the vicinity of the site to that considered at the hybrid stage when considering the indicative strategic masterplan which identified the locations, uses and sizes of the proposed development parcels. However, given the location of the service bay/turning area and restricted nature of the site, it is considered appropriate to impose a condition removing the ability to run home deliveries from this site. A condition is also considered appropriate to require the submission of lighting details as security and other lighting can be a source of disturbance.

7.6.7 In the wider context, it is recognised that whilst the development is being implemented there is the potential for noise, disturbance, inconvenience and disruption to local residents and businesses. The hybrid permission is subject to a number of conditions which seek to mitigate these impacts e.g. hours of working, the submission of construction management plan etc. Subject to compliance with these conditions it is not considered that the proposal would give rise to further impacts not previously considered at the hybrid permission stage

7.6.8 For information, this site has a licence under the Licensing Act 2003 for the provision of late night refreshment between 11pm and midnight and the sale of alcohol between the hours of 6am and midnight. Please note these hours cannot be operated if there are controls in place under other legislation e.g a condition restricting hours on a planning permission. It is also noted that this site would also be subject to the statutory nuisance provisions of the Environmental Protection Act 1990.

7.6.9 Subject to the imposition of the conditions referred to above, no objection is raised to the proposal on residential amenity grounds having regard to Policy DM9 of the CSDMP.

7.7 Highway impacts

7.7.1 Paragraph 114 of the NPPF and Policies DM11 and CP11 of the CSDMP are relevant.

7.7.2 The Deepcut SPD advises that Mindenhurst Road, as a defined secondary road, will provide the key links into residential areas, whilst serving a number of local facilities, in this case, the food store. Whilst this part of the network will need to accommodate relatively high levels of pedestrian, cycle and vehicular movements it is expected to maintain a green, soft character. All cycle routes will be expected to be safe and suitable and easy to use. The vehicle access not implemented to serve the development was approved under the terms of reserved matters application 17/0774. The CHA raises no objection to the scheme in relation to this vehicular access or highway capacity matters.

7.7.3 The SCC Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2023 is also relevant. Based on this guidance and the proposed floor areas and available information, this would represent a maximum requirement of 14 parking spaces for the Class E(a) use; 9 parking spaces for the flexible Class E/F2a use; or 13 parking spaces for the F2(b) use resulting in an overall maximum requirement of 27 spaces.

- 7.7.4 The proposal would provide a total of 24 parking spaces, including two for disabled use. Whilst the car parking provision would be below the maximum stated in the County standard based on a Class E(a)/F2(b) use of the site, the CHA is satisfied with the proposed car parking provision for this site for the purposes of condition 25.
- 7.7.5 Similarly, the SCC guidelines provide maximum provisions for cycle parking. Based on the proposed floor areas and available information, this would generate a maximum requirement of 4 cycle parking spaces for the Class E(a) use; 2 for the flexible Class E/F2(a) use; and, with not specific standard for the Class F2(b) use.
- 7.7.6 The proposal would provide a total of 20 cycle parking spaces including one for disabled use to be located to the front of the food store which is an acceptable level of provision. The CHA requires that cycle parking should be covered and lit with provision made for the charging of E bikes, staff cycle parking and facilities should be provided. These matters may be secured by conditions. Subject to the imposition of these conditions, the submitted details are considered to be acceptable for the purposes of condition 27.
- 7.7.7 The County standard for the provision of electric vehicle (EV) charging is for 50% of available spaces to be fitted with a fast charge socket, i.e. in this case 12 spaces. Building Regulations Part S (requirement S5) requires that buildings undergoing renovation provide one parking space with a charge point and cable routes to 20% of spaces i.e. in this case 5 spaces. The proposal would provide 5 electric vehicle charging points including one located to serve one of the disabled spaces.
- 7.7.8 The applicant has also provided information in relation to the availability of power supply to justify the level of EV charging provision proposed explaining that it is not possible to provide more chargers without compromising the power available to the food store. Notwithstanding this, it is also noted that all the new dwellings within the Mindenhurst development will be provided with EV charging facilities. Furthermore, public charging facilities will also be provided within the car parking areas serving the church hall, the allotments and the Sports Hub and are available at the Frog public house. The CHA raises no objection to this provision. The submitted details are therefore considered to be acceptable for the purposes of condition 26.
- 7.7.9 The CHA has commented on the internal layout and seeks the provision of a pedestrian link between the car park and Mindenhurst Road to the west to provide increased permeability for future users of the site. Whilst a large number of visitors will access the site via Newfoundland Road and Mindenhurst Road, there will also be a high level of visitors from residents of Deepcut Bridge Road, Woodend Road and Blackdown Road. Pedestrians will invariably take the shortest route possible in/out of the site, and should a link not be provided, this would compromise the proposed landscaping and potentially result in a trodden down, muddy area. The provision of a pedestrian access will prevent this. Due to the changes in site level and to minimise the impact on the proposed landscaping of the site, this condition is extended to also include the roundabout on Deepcut Bridge Road. The CHA also requires the closure of vehicular access onto Newfoundland Road and through to the former Headquarters building site and the provision of safe walking routes through the car park. These matters may be secured by conditions.
- 7.7.10 Subject to the imposition of the conditions referred to above, no objection is raised to the proposal on highway grounds having regard to Policies CP4, DM11 and CP11 of the CSDMP and the Deepcut SPD.

7.8 Biodiversity

- 7.8.1 Paragraph 180 of the NPPF and Policy CP14A of the CSDMP are relevant.
- 7.8.2 The submitted Ecological Mitigation Strategy and Management Plan confirms that the

additional surveys set out in the ecology appraisal in relation to habitat, bats, great crested newts and reptiles have largely been undertaken. It is noted that not all reptile/presence/likely absence survey have been completed. However, the submitted mitigation strategy and management plans has assumed presence (although no reptiles have yet to be identified on site). It is also noted that the former museum building is a confirmed bat roost.

- 7.8.3 The SWT advises that measures to ensure its protection from loss or disturbance should therefore be included in the construction environment management plan. This may be secured by condition as a supplement to condition 61 on the hybrid permission. The SWT is satisfied that the Preliminary Ecological Appraisal and the Ecology Mitigation Strategy and Management Plan details the results of up to date habitat and species surveys and include mitigation and management strategies for the proposed retained and created habitats and are acceptable for the purposes of condition 16. Subject to condition the proposal therefore complies with Policy CP14A.

7.9 Other matters

- 7.9.1 With regard to conditions 40, 41 and 42, the application is supported by a Drainage Strategy and Management and Maintenance Requirements and associated details. The proposals will provide a discharge rate of 13.6l/s which shall be achieved with the installation of a hydrobrake unit with associated geocellular attenuation tank. The surface water scheme has been designed to accommodate for the 1:100 year event with a 40% allowance for climate change. Downpipe planters are also incorporated into the scheme. The proposed surface water drainage system will be maintained to ensure the discharge rate can be maintained. Foul water is to discharge into the foul sewer on Mindenhurst Road via the connection provided on site. The Lead Local Flood Authority and Thames Water raise no objection to the proposal on surface or foul water drainage grounds. Any views received from the Council's Drainage Officer will be updated at the meeting.

- 7.9.2 With regard to energy and sustainability the proposal is for the re-use and refurbishment of an existing building. As such the provisions of condition 36 attached to the hybrid permission, which requires all new buildings should be designed to achieve BREEAM "very good", is not relevant to this site. However, the application is supported by detailed energy calculations which demonstrate that the food store is proposed to achieve an EPC rating of A with the flexible space achieving an EPC rating of B. Furthermore, the provision of EV charging points and new cycle parking will promote sustainable modes of travel.

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 secures the important provision of a food store for the benefit of the Mindenhurst development and the wider community and the commercial/community uses would complement this retail use. With the provision of new and enhanced pedestrian/cycleways and cycle parking facilities, sustainable travel choices are also promoted. community. The proposals are also considered to reflect the objectives of the Deepcut SPD and the hybrid permission.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

1. The proposed development shall be undertaken in accordance with the following approved plans and documents:

Drawing numbers

795-SL01 Site location plan

PD-01 rev P2 Existing ground floor and roof plans

PD-02 rev P1 Existing elevations

PD-03 rev P1 Existing site plan

PD-11 rev P4 Proposed ground floor and roof plans

PD-12 rev P5 Proposed elevations

PD-13 rev 4 Proposed site plan

PJC.1280.001 rev F Landscape General Arrangement Plan

PJC.1280.002 rev F Landscape Detailed Planting Plan

PJC.1280.004 rev F Landscaping & Ecological Enhancement Plan

PJC.1280.003 rev A Landscape Detail: Tree Pit Detail

2159-KC-XX-YTREE-TPP01RevB Tree Protection Plan

23-158_SKC01 Drained Areas

23-158_C01 rev G External Levels Drawing

23-158_C02 rev C Drainage Layout

23-158_C03 Hardstanding Details

23_158_C04 Private Drainage Construction Details

23-158_C05 P.C. Ring Catchpit Construction Detail

23-158_C06 Typical Polystorm Attenuation Tank

Documents

Tree Survey and Impact Assessment rev B

PJC.1280.005 Rev C Soft Landscape Specification

PJC.1280.006 Rev A Landscape Maintenance and Management Plan

Mitigation Strategy and Management Plan V1.0

Preliminary Ecological Appraisal V1.0

Drainage Strategy and Management & Maintenance Requirements rev A

BRUKL Report Community Unit

EPC Document - Community Unit

EPC Document - Retail Unit

SBEM Report

EPC Energy Supporting Letter

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

2. Prior to the site becoming operational, details of the siting and appearance of two wooden benches to be located to the north of the building shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented in full prior to the food store opening to the public and thereafter retained and maintained for their designated purpose to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to promote opportunities for social interaction as part of the new sustainable community envisaged by the Deepcut SPD having regard to Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies Document 2012

3. The bricking up of the door in the east elevation of the building and the entrance ramps/steps hereby approved, shall be constructed in bricks to match those of the existing building. The proposed railings shall have a black colour finish.

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

4. Prior to the site becoming operation details of all external lighting shall be submitted to the Local Planning Authority for approval to include a Sensitive Lighting Management Plan for bats. The approved details shall be implemented in full prior to the first occupation of that part of the development to which they relate.

Reason: To safeguard the residential amenities of adjoining occupiers and to ensure that the impact on protected species is minimised in accordance with Policies DM9 and CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2023.

5. As part of the submission to comply with condition 61 of hybrid permission 12/0546 as amended by 18/0619 and 18/1002 which requires the submission of a Construction Environmental Management Plan (CEMP) details of measures to protect the confirmed bat roost from loss or disturbance during the implementation of this reserved matters approval shall also be submitted. Construction of this phase of development shall not be carried out otherwise if accordance with the approved CEMP.

Reason: To ensure that the impact on protected species is minimised in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2023.

6. Prior to the first opening of the food store to the public, the mixed hedge shown on drawing number PJC.1280.002 rev F to the east of the access road adjoining the common boundary with the former Headquarters Building shall be extended for the length of the common boundary fence which forms the eastern site boundary. Any plants which within a period of 5 years from the date of planting, die or are removed or become seriously damaged or diseased shall be replacement in the next planting season with others of similar size and species and agreed with the Local Planning Authority.

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

7. Before the first and each subsequent occupation of that part of the building which is to benefit from the Use Class E/F2 uses hereby approved, as defined by the Town and Country Planning (Use Classes Order 1987 as amended,, a scheme shall be submitted to and agreed in writing with the Local Planning Authority detailing measures to minimise noise disturbance from the operation of the Use Class E/F2 uses to residential properties. The scheme shall include details for minimising noise from delivery vehicles and for locating noise generating uses, plant or equipment within the envelope of the building where possible. Once agreed the measures included within scheme shall be implemented on the site.

Reason: In the interest of residential amenities and to accord with Policy CP4 and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

8. Prior to the proposed food store opening to the public, the proposed timber bollards to prevent vehicle access between Newfoundland Road and the proposed car park shall be installed in accordance with the details shown on drawing number PD-13 rev P4 and thereafter retained and maintained for their designated purpose. There shall be no vehicular access to the site from Newfoundland Road.

Reason: To ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

9. Prior to the proposed food store opening to the public, the proposed 2.1 metre high timber fence and kerbing to prevent vehicle access from the proposed service turning area into the former Headquarters Building site to the east shall be erected/installed in accordance with the details shown on drawing number PD-13 rev P4 and thereafter retained and maintained for their designated purposes. There shall be no vehicular access from the application site into the former Headquarters Building site.

Reason: To ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

10. Prior to the opening of the proposed food store surface painted walking routes shall be provided within the car park to provide safe walking routes from the proposed car parking spaces to the food store entrance ramps and steps. Such routes shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such routes shall be permanently maintained and refreshed when necessary, all to the satisfaction of the Local Planning Authority

Reason: To provide an appropriate pedestrian environment and to ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

11. Prior to the site becoming operational, elevational details of the proposed cycle stores and e-bike charging points shall be submitted to the Local Planning Authority for approval. The stores and charging points shall be made available for use prior to the first use of the building to the public and thereafter retained and maintained for their designated purposes.

Reason: In the interests of the visual amenities of the area and to promote sustainable transport choices having regard to Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012

12. Prior to the proposed food store opening staff cycle parking, (including charging sockets for E-bikes), lockers and changing facilities shall be provided within the building for staff use at all times. Once provided such facilities shall be permanently retained and maintained free of any impediment to their designated use to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable forms of transport in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

13. Prior to the proposed food store opening details of a pedestrian connection route to a minimum width of 2.0m, from the proposed car park to Mindenhurst Road or the roundabout on Deepcut Bridge Road shall be submitted to the Local Planning Authority for approval. Once approved, the footway shall be provided prior to the food store opening to the public and thereafter permanently retained and maintained free of any impediment to its designated use to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development has an appropriate landscape setting and would not prejudice highway safety nor cause inconvenience to other highway users and promoted sustainable forms of transport in accordance with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

14. The means of access to the development hereby approved shall be from Mindenhurst Road only.

Reason: To ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

15. No home delivery service shall operate from this site.

Reason: In the interests of the residential amenities of adjoining occupiers and, having regard to the potential conflict between home deliveries, servicing and users of the car park, in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

16. The flexible uses hereby approved shall only be open to the public between the hours of 07:00 and 22:00 Monday to Saturday and between the hours of 08:00 and 21:00 on Sundays and Public Holidays. Servicing and deliveries to the flexible uses shall only take place between the hours of 07:00 and 22:00 on Mondays to Saturdays and between 08:00 and 21:00 on Sundays, Bank and Public Holidays.

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

17. Unless otherwise approved by this reserved matters approval, no hardsurfacing shall be laid on this site.

Reason: To safeguard retained trees in the interests of the visual amenities of the area and to ensure the development accords with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

18. The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in entire accordance with the agreed Arboricultural Method Statement/impact assessment and tree protection plan, along with the approved plans and particulars and before any equipment, machinery or materials (including demolition and all preparatory work) are brought on to the site, and thereafter maintained until all construction work, equipment, machinery

and surplus materials have been permanently removed from the site. No development, demolition or other operations shall take place except in complete accordance with the approved plans. Any additional protection measures specified shall be undertaken in complete accordance with BS:5837:2012, the tree protection plan (TPP) and arboricultural Documents (AMS/AIA) as submitted.

- A. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. The protective fencing as shown shall be retained intact, for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- B. No fires are to be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- C. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- D. Contemporaneous monitoring of the agreed AMS shall take place throughout the development by an appointed and qualified tree specialist. Full details of the contemporaneous monitoring report shall be submitted too and agreed in writing by the LPA. The reports shall be submitted as per the AMS/AIA schedule throughout the demolition & construction period for the development or during periods of any external works in proximity to the existing trees on site.

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

19. Prior to the commencement of any works (including site clearance, demolition and construction works) at least 5 working days' notice shall be given to the Local Planning Authority to attend a precommencement site meeting to inspect all tree protection measures and to confirm that they have been installed in the correct location and to the specifications as shown in the submitted and approved documents. These details will need to be approved in writing from the Local Planning Authority. Alternatively, photo evidence can be submitted to and approved in writing from the Local Planning Authority which clearly demonstrates that all elements of the tree protection, including ground protection and any other measures specified have been installed in accordance within the approved tree report.

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

20. Notwithstanding the requirements of other conditions and prior to the installation of any services, details of all service runs including an assessment on the impact on trees and habitats with any requisite mitigation shall be submitted to the Local Planning Authority for approval. Once agreed the development will be undertaken in accordance with the approved details including any approved mitigation measures.

Reason: To ensure that an accurate assessment of the impact of the proposed service runs on trees may be fully considered having regard to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012

Informative(s)

1. Details of the highway requirements necessary for inclusion in any application seeking approval of the above matters may be obtained from the Transportation Development Planning team of Surrey County Council.
2. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
3. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service
4. Whilst the cycle store and electric vehicle charging facilities are acceptable in principle, submissions pursuant to conditions 26 and 28 on the hybrid permission 12/0546 as amended will be required to fully comply with these conditions. The applicant is also reminded that of the need to comply with all the relevant conditions on the hybrid permission prior to the commencement of works or the site becoming operational
5. In the interests of highway safety and not to cause inconvenience to other highway users, the applicant is advised to include the following information in its submission pursuant to condition 61 of the hybrid permission 12/0546 as amended.

No HGV movements to or from the site shall take place between the hours of 8.30 and 9.00 am and 2.45pm and 3.15pm

No HGVs associated with the development at the site are to be laid up, waiting on Mindenhurst Road or Deepcut Bridge Road at any time.

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APPLICATION NUMBER	SU/23/1202
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DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: Newfoundland Developments Ltd.

Location: Princess Royal Barracks , Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN

Development: Reserved matters application pursuant to condition 4 for the change of use of former museum building to provide a foodstore (Class E(a)) and flexible retail/community use (Use Classes E and F2) (Phase 5i), with access, layout, scale, appearance and landscaping being considered and the submission of partial details in relation to phase 5i pursuant to conditions 16 (ecological mitigation and management), 23 (visibility splays), 25 (off-street parking), 29 (tree retention and protection plan), 32 (landscaping), 33 (landscape management plan), 34 (hedges and hedgerow), 40 (surface water drainage), 41 (wetland features) and 43 (foul water drainage) attached to 12/0546 (as amended by 18/0619 and 18/1002).

Contact Officer	Matthew Strong	Consultation Date	6 December 2023	Response Date	4 March 2024
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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:

1. Prior to the proposed food store opening to the public, the proposed timber bollards to prevent vehicle access between Newfoundland Road and the proposed car park shall be installed in accordance with the details shown on drawing number PD-13 rev P4 and thereafter retained and maintained for their designated purpose. There shall be no vehicular access to the site from Newfoundland Road.
2. Prior to the proposed food store opening to the public, the proposed 2.1 metre high timber fence and kerbing to prevent vehicle access from the proposed service turning area into the former Headquarters Building site to the east shall be erected/installed in accordance with the details shown on drawing number PD-13 rev P4 and thereafter retained and maintained for their designated purposes. There shall be no vehicular access from the application site into the former Headquarters Building site.
3. Prior to the proposed food store opening surface painted walking routes shall be provided within the car park to provide safe walking routes from the proposed car parking spaces to the store entrance ramps and steps. Such routes shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such routes shall be permanently maintained and refreshed when necessary, all to the satisfaction of the Local Planning Authority.

4. Prior to the site becoming operational, elevational details of the proposed cycle stores and e-bike charging points shall be submitted to the Local Planning Authority for approval. The stores and charging points shall be made available for use prior to the first use of the building to the public and thereafter retained and maintained for their designated purposes.

5. Prior to the proposed food store opening staff cycle parking, (including charging sockets for E-bikes), lockers and changing facilities shall be provided within the building for staff use at all times. Once provided such facilities shall be permanently retained and maintained free of any impediment to their designated use to the satisfaction of the Local Planning Authority.

6. Prior to the proposed food store opening details of a pedestrian connection route to a minimum width of 2.0m, from the proposed car park to Mindenhurst Road shall be submitted to the Local Planning Authority for approval. Once approved, the footway shall be provided prior to the food store opening to the public and thereafter permanently retained and maintained free of any impediment to its designated use to the satisfaction of the Local Planning Authority.

7. The means of access to the development hereby approved shall be from Mindenhurst Road only.

Reasons

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.

Informatives

1. Details of the highway requirements necessary for inclusion in any application seeking approval of the above matters may be obtained from the Transportation Development Planning team of Surrey County Council.

2. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

3. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

4. The the identified car parking spaces have been provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and a further 20% are provided with cabling for the future provision of charging points.

5. The applicant is advised that in preparing and submitting the Construction and Transport Management Plan required by condition 12 above, the CTMP will also need to comply with Condition 61 of the hybrid planning permission, requiring the consideration of additional transport measures.

Note to Planner

Update 4th March 2024: Following the submission of revised drawings, the above response supersedes the CHA's previous reports submitted on 25th January 2024 and 22nd February 2024. Conditions have been amended to specifically refer to an approved drawing. Condition 6 is required to provide increased permeability between the site and the surrounding area. Whilst a

large number of visitors will access the site via Newfoundland Road and Mindenhurst Road, there will also be a high level of visitors from residents of Deepcut Bridge Road, Woodend Road, Blackdown Road etc. Visitors will take the shortest route possible in/out of the site, and should a link not be provided, this would lead to a trodden down, muddy area. The provision of a pedestrian access will prevent this.

Please contact the officer shown in the above table if you require additional justification for the CHA's recommendation on this planning application.

Surrey County Council's 'Transportation Development Control Good Practice Guide' provides information on how the County Council considers highways and transportation matters for development proposals in Surrey.

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TREE COMMENTS:**Application No: 23/1202 Former Army museum****DATE: 03/03/24****Terminology:**

Tree preservation order (TPO), root protection radius (RPR), root protection area (RPA), tree protection fencing (TPF), ground protection (GP), construction exclusion zone (CEZ), arboricultural impact assessment (AIA), tree constraints plan (TCP), arboricultural method statement (AMS), tree protection plan (TPP). British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations (BS5837:2012).

03/03/24 Document ref: PJC.1280.006 Rev B dated 28th Feb**03/03/24 Document ref: PJC.1280.005 Rev - D**

The soft landscape specification as aspect is acceptable following amendments.

However, I retain concerns regarding the desire line at the front of the site which could lead to the creation of a footpath which will impact on the retained trees on site if not installed sympathetically and as such I ask that you remove the PD rights of the proposal which allows the LPA to comment on the creation of the footway.

DATE: 26/02/24 Superseded

Drawing title: Landscape Detail: Tree Pit Detail

Drawing no: PJC.1280.003

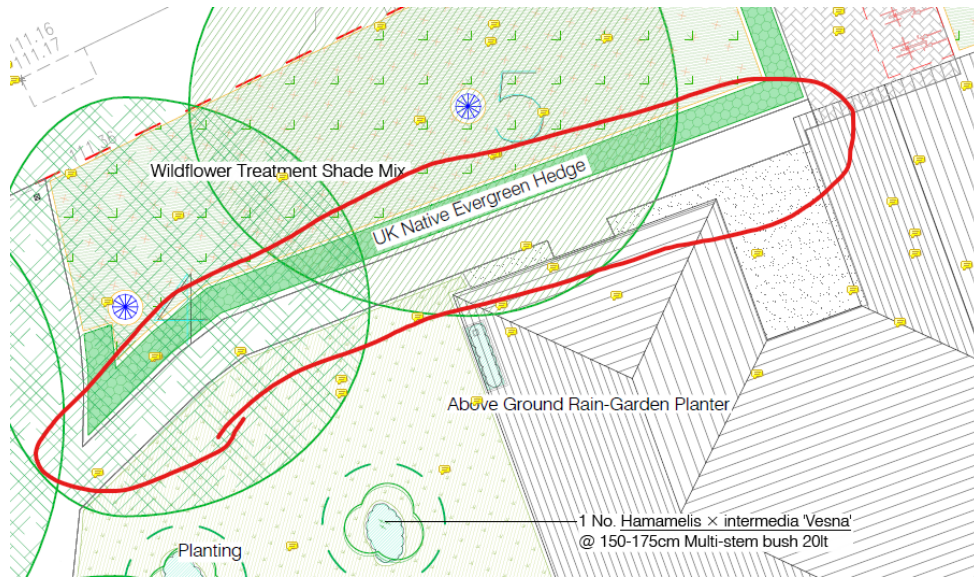
These details are accepted.**Soft landscape specification PJC 1280.005 Rev c**

@2.25 please remove the john innes compost, it isn't required for tree establishment, please use 10% blood/bone meal or chicken droppings within the soil.

PJC Landscape management plan ref: PJC 1280 006

1. @3.26 & 3.27 Pruning: It should only be the removal of dead branches at planting for formative pruning.
2. Please clarify the organic material to be used for planting.
 - See comments above soil ameliorants.

There remains a question over the footway across the frontage of the site and what this is currently constructed off and whether this is a desire line or a purpose built footway, if the applicants please confirm.

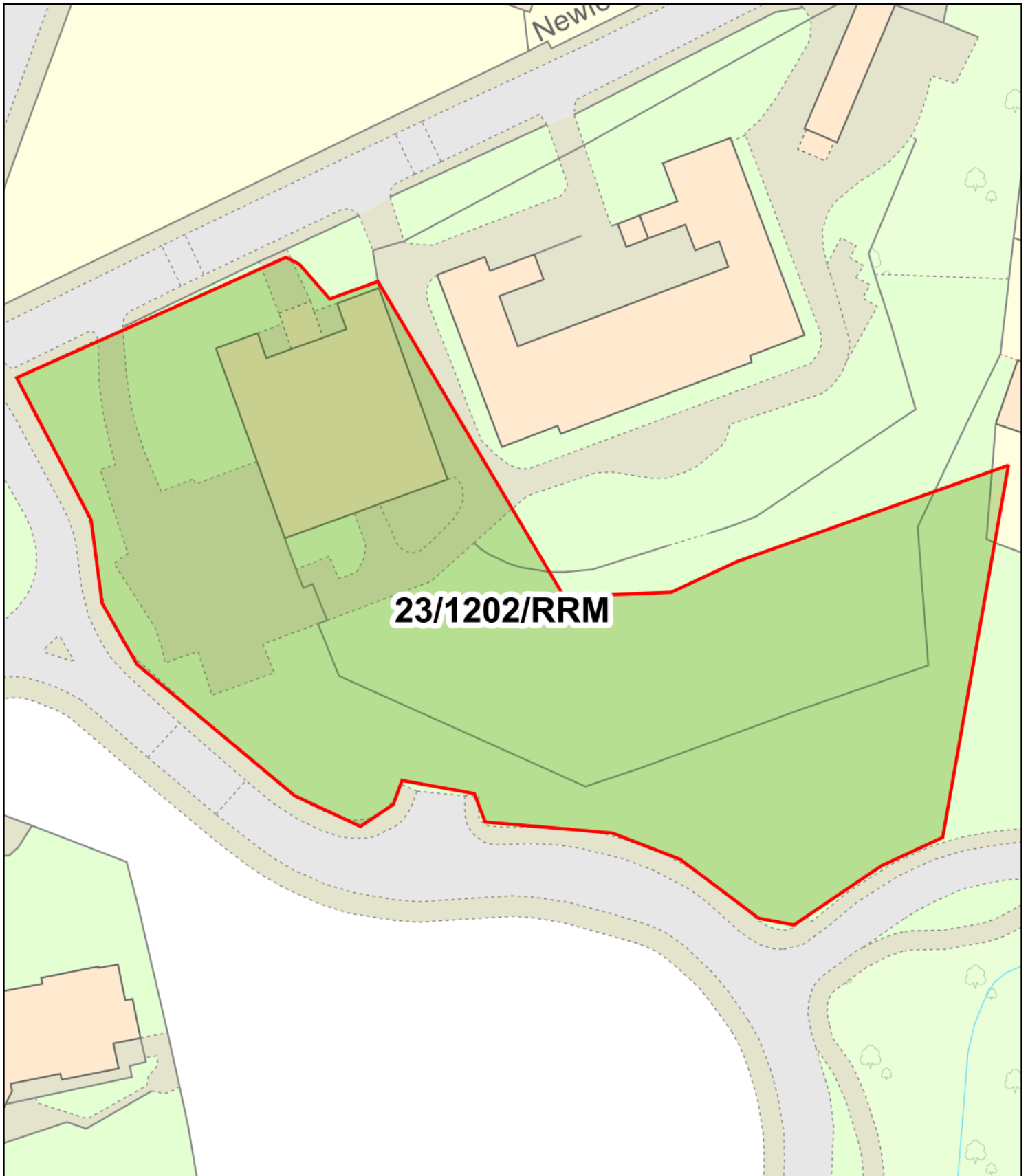


CONDITIONS:

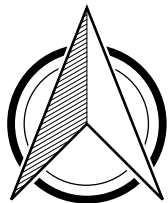
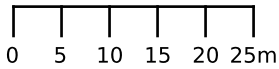

Please use conditions:

TP02, TP05, TL01, TM01, TM03

Anything else please let me know.



23/1202/RRM

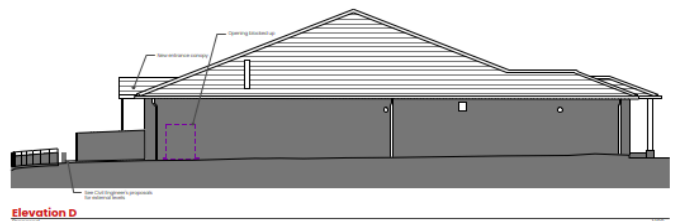
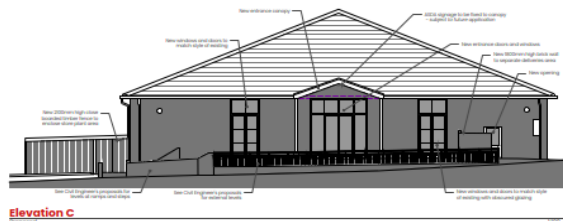
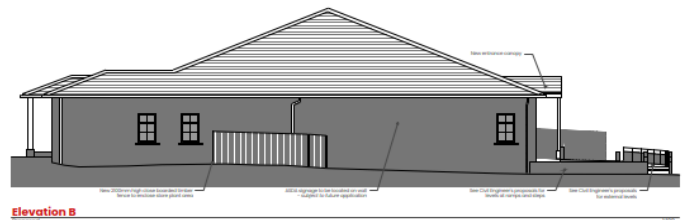
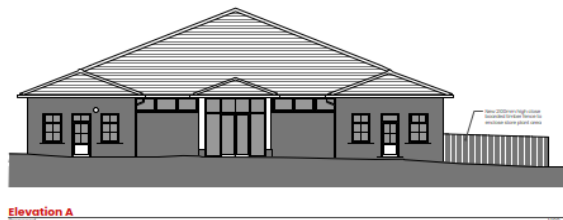
Title	23/1202/RRM		
Application Number	23/1202/RRM		Scale @ A4
Address	Princess Royal Barracks Brunswick Road		Date 01/03/202
Proposal	Reserved matters application pursuant to condition 4 for the change of use of former museum building to provide a foodstore (Class E(a)) and flexible retail/community use (Use Classes E and F2) (Phase 5i), with access, layout, scale, appearance and		
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PROPOSED SITE PLAN



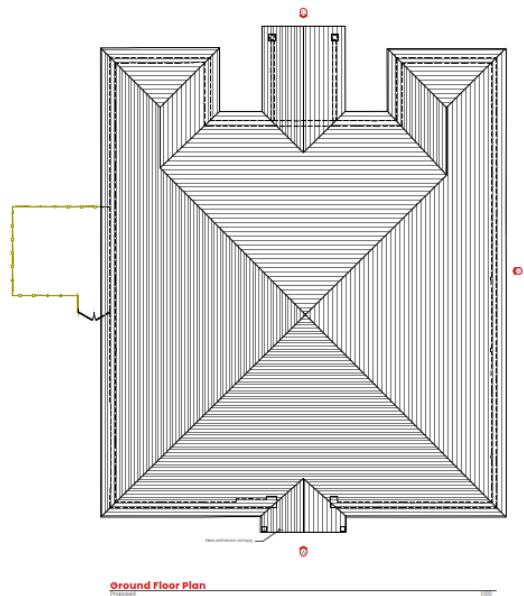
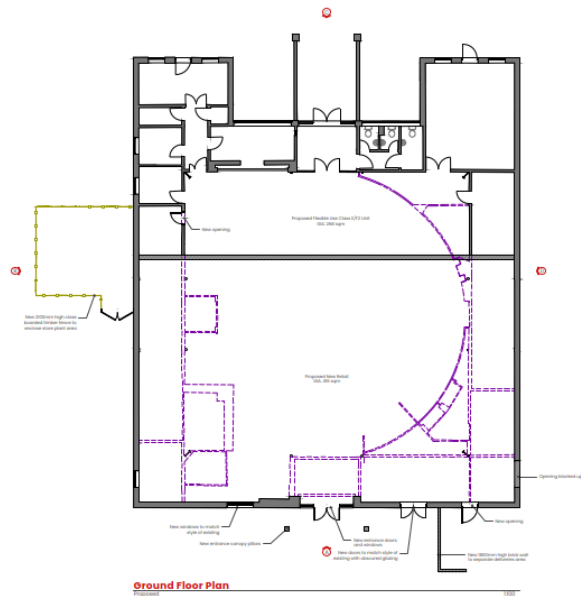
PROPOSED ELEVATIONS



PROPOSED FLOOR PLANS



- Key
- Wall - existing
- Wall - proposed
- Door - existing
- Door - proposed
- Window - existing
- Window - proposed
- Roof - proposed



INDICATIVE VISUALS





VIEW FROM PROPOSED ACCESS ROAD



VIEW FROM ROUNDABOUT

AERIAL PHOTOGRAPH

Phase 5i Deepcut	Surrey Heath Borough Council	 SURREY HEATH BOROUGH COUNCIL
	Author: S. Bishop	
	Date: 08/03/2024	



© B. G. & J. International Ltd. Mapping PAC

VEHICULAR ACCESS FROM MINDENHURST ROAD



VIEW FROM MINDENHURST ROAD (SOUTHERN END OF SITE)



VIEW FROM MINDENHURST ROAD (CENTRAL AREA)



VIEW FROM MINDENHURST ROAD (NORTHERN END OF SITE)



VIEW FROM NEWFOUNDLAND ROAD BY DEEPCUT BRIDGE ROAD ROUNDABOUT



VIEW FROM NEWFOUNDLAND ROAD BY FORMER HEADQUARTERS BUILDING



RELATIONSHIP BETWEEN APPLICATION SITE AND FORMER HEADQUARTERS BUILDING



24/0039/NMA

Reg. Date

16 January 2024

Mytchett & Deepcut

LOCATION:	Princess Royal Barracks , Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN
PROPOSAL:	Application for non material amendment to condition 45 attached to hybrid permission 12/0546 dated 04 April 2014 (as amended) to amend the opening hours for the foodstore to 07:00 and 23:00 Monday to Saturday and 07:00 and 23:00 on Sundays and Public Holidays (Phase 5i)
TYPE:	Non Material Amendment
APPLICANT:	Newfoundland Properties Ltd.
OFFICER:	Sarita Bishop

This application is being reported to the Planning Applications committee as it is associated with the reserved matters application, 23/1202/RRM, for the change of use of former museum building to provide a foodstore (Class E(a)) and flexible retail/community use (Use Classes E and F2) (Phase 5i) which is elsewhere on this agenda.

RECOMMENDATION: GRANT subject to condition

1.0 SUMMARY

- 1.1 The proposal is for a non material amendment to the approved opening hours for the proposed food store as set out in condition 45 attached to hybrid permission 12/0546 dated 04 April 2014 (as amended) to permit the food store to open between the hours of 07:00 and 23:00 Monday to Saturday and 07:00 and 23:00 on Sundays and Public Holidays.
- 1.2 The report concludes that the change in opening hours would not result in materially different impacts to future and existing residents in the area to those assessed and approved under the terms of the hybrid permission.
- 1.3 The application is therefore recommended for approval, subject to the imposition of a revised condition 45.

2.0 SITE DESCRIPTION

- 2.1 This application relates to Phase 5i. The site, of about 0.75 hectares, is located at the junction of Deepcut Bridge Road, Newfoundland Road and Mindenhurst Road. It adjoins a major roundabout with arms to Deepcut Bridge Road (north and south), Mindenhurst Road and Blackdown Road. The application site is irregular in shape and comprises the following:
 - A single storey brick built building with a pitched roof located to the north of the site;
 - Existing hardstanding and car parking to the west and south of the building;
 - An undeveloped green space to the south of the former Headquarters Building;
 - Two vehicle access points, one from Mindenhurst Road to the south and the other
 - Trees to the north, south and west boundaries

There is a difference in levels across the site with the most notable change in level being a difference of about 3 metres between the northern (highest) and southern (lowest) boundaries.

- 2.2 Alma House, a large detached two storey dwelling, with a substantial rear garden, lies to the north of the application site. The former Headquarters Building, which is in the process of being converted to flats, adjoins the site to the east and north. This is a two storey building and is defined as a Building of Merit in the Deepcut SPD. The Camberley Manor care home, a substantial three storey building, is located on Deepcut Bridge Road to the south of the roundabout and Mindenhurst Road. Semi-detached two storey dwellings on Deepcut Bridge Road lie to the west of the roundabout.

3.0 RELEVANT HISTORY

- 3.1 12/0546 Hybrid planning application for a major residential led development totalling 1200 new dwellings with associated public open space, community facilities, a primary school, retail and commercial uses, access and highways works. Approved 6 April 2014. The Section 106 agreement for this application was signed on 17 April 2014.

The outline element of the application included the approval of means of access and, amongst other matters, a food store:

Conditions 44 (size restriction) 45 (hours of use) and 58 (noise control) were specific to the food store. Conditions 45 and 58 are most applicable to this submission and are stated in full below

Condition 45

The food store hereby approved shall only be open to the public between the hours of 07:00 and 22:00 Monday to Saturday and between the hours of 08:00 and 21:00 on Sundays and Public Holidays. Servicing and deliveries to the retail unit shall only take place between the hours of 07:00 and 22:00 on Mondays to Saturdays and between 08:00 and 21:00 on Sundays, Bank and Public Holidays.

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

Condition 58

Before the first and each subsequent occupation of the food store, a scheme shall be submitted to and agreed in writing with the Local Planning Authority detailing measures to minimise noise disturbance from the operation of the food store to residential properties. The scheme shall include details for minimising noise from delivery vehicles and for locating noise generating uses, plant or equipment within the envelope of the building where possible. Once agreed the measures included within scheme shall be implemented on the site.

Reason: In the interest of residential amenities and to accord with Policy CP4 and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the

objectives of the Deepcut SPD.

- 3.2 23/1202/RRM Reserved matters application pursuant to condition 4 for the change of use of former museum building to provide a foodstore (Class E(a)) and flexible retail/community use (Use Classes E and F2) (Phase 5i), with access, layout, scale, appearance and landscaping being considered and the submission of partial details in relation to phase 5i pursuant to conditions 16 (ecological mitigation and management), 23 (visibility splays), 25 (off-street parking), 29 (tree retention and protection plan), 32 (landscaping), 33 (landscape management plan), 34 (hedges and hedgerow), 40 (surface water drainage), 41 (wetland features) and 43 (foul water drainage) attached to 12/0546 (as amended by 18/0619 and 18/1002. This application is elsewhere on this agenda.

4.0 THE PROPOSAL

- 4.1 This is a non material amendment (NMA) application seeking a change to the approved opening hours for the proposed food store as set out in condition 45 attached to hybrid permission 12/0546 dated 04 April 2014 (as amended) and as set out in full at paragraph 3.1 above to permit the food store to open between the hours of:

- 07:00 and 23:00 Monday to Saturday (i.e. a one hour increase in the evening closing time); and,
- 07:00 and 23:00 on Sundays and Public Holidays (i.e. a one hour earlier opening time and two hours increase in the evening closing time)

No changes are proposed to the servicing hours restriction within this condition.

5.0 CONSULTATION RESPONSES

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

Internal Consultation	Comments Received
Environmental Health	No objection. See Annex A for a copy of their response.

6.0 REPRESENTATION

- 6.1 Planning Policy Guidance advises that as a NMA is not an application for planning permission the provision of the Town and Country Planning (Development Management Procedure)(England) Order 2015 as amended relating to publicity do not apply. As such the local planning authority has discretion in whether and how they choose to seek the views of interested parties. In this case, a total of 125 individual letters of notification were sent out on 19 January 2024. The Mytchett, Deepcut and Frimley Green Society, the Deepcut Neighbourhood Forum and Aquinna Homes, the developer of the former Headquarters Building was also notified of this application. Three representations were received objecting to the proposal, one of which was subsequently withdrawn. The remaining objections raise the following matters:

Representation made	Officer Response
<p>Concern about detrimental increase in noise and pedestrian traffic associated with the food-store using Newfoundland Road.</p>	<p>The vehicular access to this site is only from Mindenhurst Road. Furthermore, a condition is proposed on the reserved matters application 23/1202/RRM which prevent vehicular access from Newfoundland Road. The footways in Newfoundland Road have been upgraded as part of the improved connectivity within the village so it was always envisaged that there would be increased use of Newfoundland Road by pedestrians.</p>
<p>Concern that such extensive proposed opening hours (including Sundays and PHs) threatens constant and permanent day and night noise nuisance and potential for activities such as servicing, deliveries and staff travel outside of the approved hours.</p>	<p>The servicing hours for the site remain unchanged. There is also a requirement to comply with the terms of condition 58 which secures measures to minimise noise disturbance from the operation of the food store to residential properties</p>
<p>The proposed opening hours are not commensurate with the residential character of the area and will disproportionately affect residents. Access to shopping in the late evening or early morning is not an essential service for the village, a better balance between development and nature should be sought.</p>	<p>The only vehicular access to this site is from Mindenhurst Road, which is the main arterial road serving the Mindenhurst redevelopment. The applicant is of the view that the extension of the opening hours is required for the successful operation and viability of the food store. The hybrid permission allowed for a supermarket of 2000 square metres with levels of activity, disturbance and vehicular movements commensurate with a building of that size. There is also a requirement to comply with the terms of condition 58 which secures measures to minimise noise disturbance from the operation of the food store to residential properties.</p>
<p>Adverse noise impact on future residents of the HQ Building particularly in the summer, in the early morning and late evening.</p>	<p>The hybrid permission approved this site for the provision of a food store with a permitted floor area of 2000 square metres and the conversion of the adjoining former Headquarters building into flats. This would have included an assessment of the levels of activity, disturbance and vehicular movement commensurate with a building required to accommodate this level of floorspace. Condition 58 is also relevant.</p>
<p>Traffic to/from the store beyond reasonable times is not appropriate in a rural village and challenges the current character of Deepcut</p>	<p>The provision of 1200 dwellings with the associated infrastructure required to support the expanded community, as set out in the hybrid permission, will result in a change of character and patterns of activity within the village. Conditions remain in place to ensure that an</p>

	appropriate
	balance is maintained between safeguarding the amenities of existing future/existing residents and the operational requirements of the food store.

6.0 PLANNING CONSIDERATION

6.1 The proposal is to be assessed as to whether changes to the approved development are material. Paragraph 002 [ID:17A-002-290140306] of the Planning Practice Guidance indicates that there is no statutory definition of “non material”. This is because it will be dependent on the context of the whole scheme – an amendment that is considered non material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non material in order to grant an application under Section 96a of the Town and Country Planning Act 1990 as amended. The powers under this section include the power to impose new conditions or to alter or remove existing conditions. This is relevant to the current application.

6.2 ASSESSMENT

6.2.1 In granting the hybrid permission it was acknowledged that the operation of the food store could potentially have an impact on the amenities of future residents/occupiers adjoining, and in the vicinity of, the proposed food store. This resulted in the imposition of conditions which restricted hours of operation/servicing and controlled potential noise disturbance arising from the operation of the food store, please refer to paragraph 3.1 above.

6.2.2 The hybrid permission approved the provision of a food store on this site of up to a maximum floor area of 2000 square metres in floor area. A food store of this size in a purpose built building with the requisite level of car parking required to serve the use with the associated activity and disturbance would arguably have had a greater impact on future residents/occupiers than the current reserved matters proposal, 23/1202/RRM which is significantly smaller in floor area (416 square metres).

6.2.3 The agent has advised that the proposed amendment is required to meet expectations and market demands for food stores of this size. The approved hours set out in condition 45 are overly restrictive for food stores of the proposed size and market demands have moved more towards convenience shopping within local communities. In support of the application, the agent has provided details of existing convenience food stores in the local area which set out their proximity to existing residential properties and their advertised opening hours as below:

Existing foodstore	Address	Closest residential	Distance from site	Current opening hours
Tesco Express	1-3 Beaumaris Parade Frimley	Above store	3 miles	Mon-Sun 06:00-23:00
Sainsburys Local	7 Heather Ridge Arcade Camberley	Above store	2 miles	Mon- Sat 07:00-22:00 Sun 10:00-16:00 <i>[Officer comment: permitted licensed hours allow for 24 hour opening]</i>
One Stop Stores	9-10 The Green Frimley	Adjacent to site	1.9 miles	Mon- Sat 06:00-22:00

	Green			Sun 7:00-22:00
Spar Express	257 Frimley Green Road Frimley Green	Directly adjacent to site	1.9 miles	Mon-Fri 06:00-22:00 Sat-Sun 07:00-22:00

6.2.4 The following stores are also within the local area:

Existing foodstore	Address	Closest residential	Distance from site	Current opening hours
Morrisons Daily	8 Heather Ridge Arcade Camberley	Above store	2 miles	Mon-Sat 06:00-20:00 Sun 07:00-20:00 <i>[Officer comment: permitted licensed hours allow opening up to 23:00]</i>
Kays Mini Mart	59 Deepcut Bridge Road Deepcut	Above store and adjacent to site	2 miles	Mon-Sun 08:00-20:00
Premier Stores	2-4 Wharf Road Frimley Green	Above store and adjacent to site	1.9 miles	Mon-Sun 07:00-21:00

6.2.5 In this case, the closest residents to the proposed food store would be the future occupiers of the former Headquarters Building adjoining the site to the east. There is a separation distance of approximately 9 metres between the two buildings with proposed Units 1 and 2 being the closest at ground floor level with Units 11 and 12 above. The approved doors and windows in the side elevation serve kitchen/dining living rooms, bedrooms and bathroom/ensuites. Patios and grassed areas are also provided for Units 1 and 2.

6.2.6 The proposal seeks to extend the evening hours by one hour on Monday-Saturday and by one hour in the morning and two hours in the evening on Sundays and Public Holidays. Given that the site has been approved for the provision of a larger food store, the servicing times for the food store remain unchanged, the terms of condition 58 which secures measures to minimise noise disturbance from the operation of the food store to residential properties, the location of the car parking which is predominantly to the west of the building and the boundary fencing proposed and approved on the application site and the former Headquarters Building site, it is not considered that the change in opening hours would result in materially different impacts to future and existing residents in the area to those assessed and approved under the terms of the hybrid permission.

6.2.7 For information, the application site has a licence under the Licensing Act 2003 for the provision of late night refreshment between 11pm and midnight and the sale of alcohol between the hours of 6am and midnight. Please note these hours cannot be operated if there are controls in place under other legislation e.g. a condition restricting hours on a planning permission. It is also noted that this site would also be subject to the statutory nuisance provisions of the Environmental Protection Act 1990.

7.0 PUBLIC SECTOR EQUALITY DUTY

7.1 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.

8.0 CONCLUSION

- 8.1 Having regard to the terms of the hybrid permission as amended, the proposal is not considered to be result in materially different form of development or different impacts and is considered to be in accordance with the Deepcut SPD and the hybrid permission.

9.0 RECOMMENDATION

- 9.1 GRANT subject to the following condition:

1. Condition 45 on 12/0546 as amended by 18/0619 and 18/1002 is amended as follows:

The food store hereby approved shall only be open to the public between the hours of 07:00 and 23:00 Monday to Saturday and between the hours of 07:00 and 23:00 on Sundays and Public Holidays. Servicing and deliveries to the retail unit shall only take place between the hours of 07:00 and 22:00 on Mondays to Saturdays and between 08:00 and 21:00 on Sundays, Bank and Public Holidays.

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

Informative(s)

1. The applicant is reminded of the need to comply with the conditions on the hybrid permission 12/0546 as amended relevant to this site prior to the commencement of works or the site becoming operational.

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[REDACTED]

From: Ann Zhang
Sent: 18 January 2024 15:52
To: Sarita Bishop
Cc: Development Control
Subject: RE: Planning Application 24/0039/NMA

Categories: [REDACTED]

Good afternoon Sarita,

Thank you for consulting Environmental Health.

We have no objections to the proposed minor extension of foodstore opening hours to 07:00 –23:00.

Condition 45 also requires that 'Servicing and deliveries to the retail unit shall only take place between the hours of 07:00 and 22:00 on Mondays to Saturdays and between 08:00 and 21:00 on Sundays, Bank and Public Holidays.' These requirements shall be retained.

Kind regards

Ann S. Zhang
Scientific Officer



Environmental Health and Licensing
Surrey Heath Borough Council
Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD

[REDACTED]

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

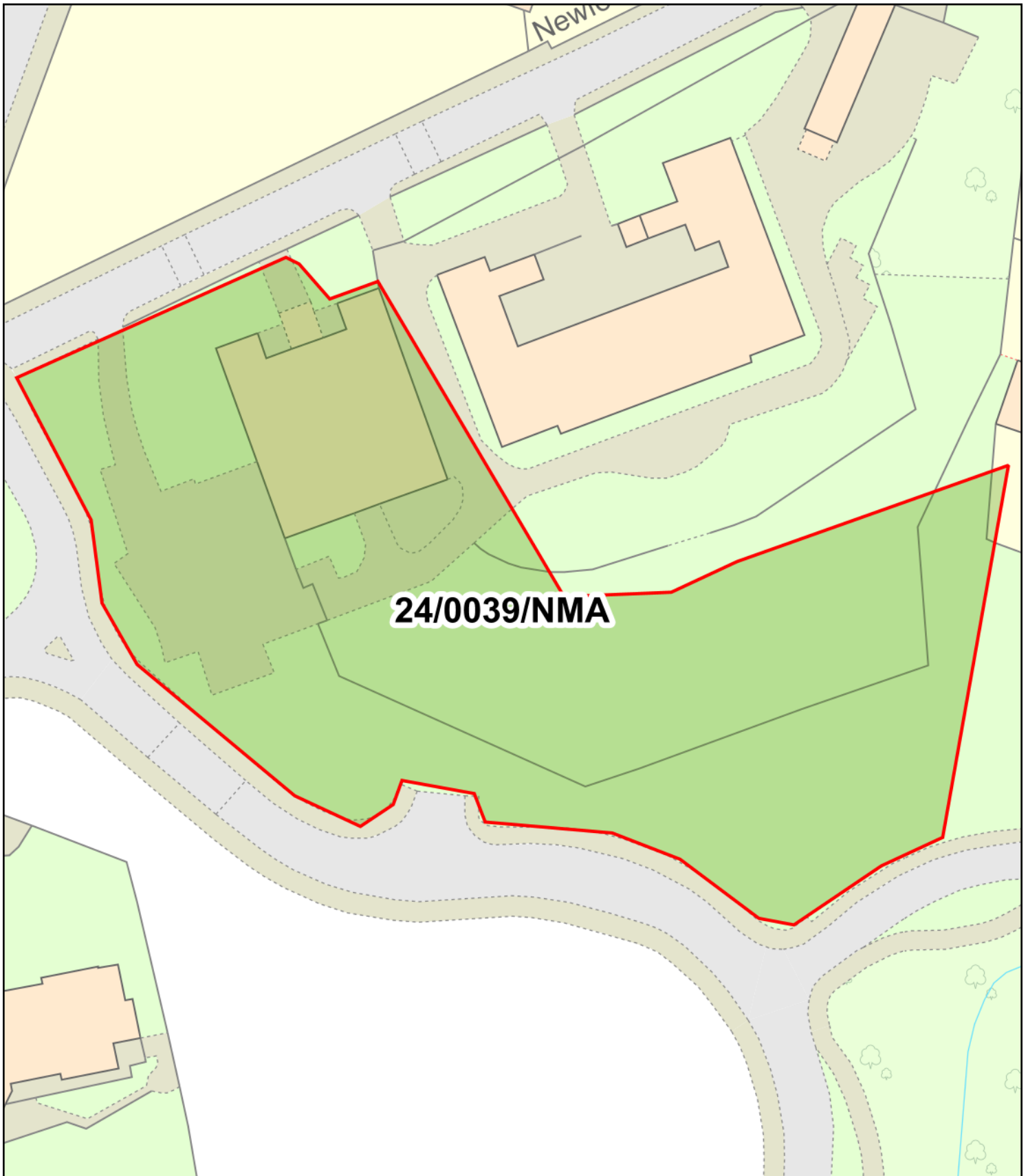
From: development.control@surreyheath.gov.uk <development.control@surreyheath.gov.uk>
Sent: Tuesday, January 16, 2024 6:15 PM
To: Environmental Health <environmental.health@surreyheath.gov.uk>
Subject: Planning Application 24/0039/NMA

Please find attached a consultation letter relating to the planning application recently submitted to Surrey Heath Borough Council.

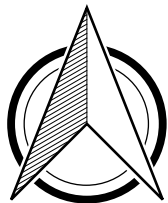
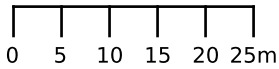

Kind regards,

Planning Services
Surrey Heath Borough Council
Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

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24/0039/NMA

Title	24/0039/NMA		
Application Number	24/0039/NMA		Scale @ A4
Address	Princess Royal Barracks Brunswick Road		Date 29/02/202
Proposal	Application for non material amendment to condition 45 attached to hybrid permission 12/0546 dated 04 April 2014 (as amended) to amend the opening hours for the foodstore to 07:00 and 23:00 Monday to Saturday and 07:00 and 23:00 on		
© Crown copyright and database right. All rights reserved (AC0000812461) 2024		Page 115	 
			

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22/1123/RRM

Reg. Date 9 May 2023

Mytchett & Deepcut

LOCATION:	Princess Royal Barracks, Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN,
PROPOSAL:	Reserved Matters application pursuant to Condition 4 for the provision of the Sports Hub, Phase 5d, (excluding the sports pavilion) with access, layout, scale, appearance and landscaping being considered and the partial submission of details pursuant to conditions 16 (Ecological Mitigation and Management), 21 (Provision of LEAP) 29 (Tree Retention and Protection), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) attached to 12/0546 as amended by 18/0619 and 18/1002 and Schedule 5 Part 7 (Provision of Sports Hub) of the Section 106 agreement dated 17 April 2014 as varied.
TYPE:	Reserved Matters
APPLICANT:	Secretary Of State For Defence
OFFICER:	Sarita Bishop

This application is being reported to the Planning Applications committee as it is a major planning application (site area greater than 1 hectare) and given the terms of informative 22 on the hybrid permission which states that all reserved matters applications for Princess Royal Barracks will be referred to the Planning Applications committee for determination.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The proposal is for the provision of a Sports Hub with a Neighbourhood Equipped Area of Play, car parking and associated works.
- 1.2 The provision of these sports and play facilities are important component parts of the community, public open and recreational space provision required to serve the Mindenhurst development and the wider community. The scheme meets these objectives and are also in accordance with the Deepcut SPD, the hybrid permission and the Section 106 agreement as varied.
- 1.3 The application is therefore recommended for approval, subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The Princess Royal Barracks site has an overall site area of some 114 hectares. This former military site has permission for a major residential development totalling 1,200 new dwellings, with associated public open space, community facilities, a primary school, retail and commercial uses and access and highway works. The redevelopment is divided into 6 phases, three non residential (1, 3 and

5) and three

delivering housing (2, 4 and 6). A number of these phases have been, or are in the process of being, delivered with the remaining phases subject to current or future reserved matters applications.

- 2.1 This application relates to Phase 5d. The site, of just over 7 hectares, is located to the north and east of Dettingen Park, a housing estate built in the late 1990's, which has its main access points on Deepcut Bridge Road. The site is also to the north of the proposed North Alma Accessible Natural Greenspace Standard (ANGST) and Alma Gardens, south of the proposed North Alma ANGST woodland and Aisne Road, to the west of the proposed North Alma ANGST and Dettingen Road and to the east of Somme Road, the proposed allotments and North Dettingen ANGST. Aisne Road, Alma Gardens and Dettingen Road were originally built as military housing mainly in the 1960's/1970's to serve military establishments in the area but are now largely boarded up. The proposed care home site (phase 4i) adjoins Somme Road to the north west of the site. A proposed housing parcel for up to 15 dwellings (phase 4d) is proposed to the south west adjoining Dettingen Park.
- 2.2 The application site is irregular in shape and comprises open grass land with tree planting predominantly to its northern, eastern and western edges, formerly used as football/cricket pitches by the military. It is currently used for general recreation such as dog walking with part used as a site compound. The site includes the tree lined former access road which serves to divide the open grass land. The majority of the site lies within the 400 metre buffer zone for the Thames Basin Heaths Special Protection Area located beyond the site to the east.

3.0 RELEVANT HISTORY

- 3.1 12/0546 Hybrid planning application for a major residential led development totalling 1200 new dwellings with associated public open space, community facilities, a primary school, retail and commercial uses, access and highways works. Approved 6 April 2014. The Section 106 agreement for this application was signed on 17 April 2014.

The outline element of the application included the approval of means of access and a series of reserved matters applications. This included the Sports Hub including built facilities eg changing rooms of 7 hectares and play space:

Condition 20 on this permission, as varied secured the provision of the Sports Hub and play facilities as follows:

The Sports Hub to be provided as part of this application and subsequent Reserved Matters applications shall be provided on a site of 7ha and shall include:

- a) sports pitches, as shall be determined by an Outdoor Sports Strategy which shall be submitted to and agreed in writing by the

Local Planning Authority prior to the Reserved Matters application which includes the Sports Hub

The Sports Hub shall also include:

- b) Multi-Use games area (MUGA)
- c) a combined Neighbourhood Equipped Play Area and Local Equipped Area of Play (NEAP/LEAP)
- d) and adult Outdoor Gym
- e) a Pavilion building containing changing rooms, showers, kitchen and seating areas

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

Hub The Section 106 agreement defined the Sports Hub and its component elements to be:

Sports Hub means the sports hub to be provided by the Owner in the relevant Phase as shown indicatively on Plan 1, comprising an area of at least 7 (seven) hectares and which shall include 1 (one) Combined NEAP/LEAP, the MUGA, the Outdoor Adult Gym, the Sports Pavilion, the Sports Pitches, the Tennis Courts and associated landscaping;

MUGA means the multi-use games area within the Sports Hub which is to be provided by the Owner in accordance with the MUGA Specification

MUGA Specification means a specification complying with the requirements for the MUGA as set out in Appendix 2 to this Deed and with Sport England's publication: "A Guide to the Design, Specification and Construction of Multi Use Games Areas" (as amended or updated from time to time);

Sports Pitches means a dual-use pitch for cricket and football and 2 (two) junior football pitches within the Sports Hub which are to be provided by the Owner pursuant to **Error! Reference source not found.** of **Error! Reference source not found.**;

Sports Pitches Specification means a specification for the Sports Pitches which complies (as appropriate) with the "Recommended Guidelines for the construction preparation and maintenance of cricket pitches and outfield at all levels of the game" as published by the England and Wales

Cricket Board and the Football Foundation Technical Guidance Note: "Natural Grass Pitches" both as amended from time to time;

Tennis courts means the 4 (four) tennis courts within the Sports Hub which are to be provided by the Owner pursuant to **Error! Reference source not found.** of **Error! Reference source not found.**;

It also restricted the size of the proposed pavilion, to be the subject of a separate reserved matters application, to have a maximum building footprint of no more than 450 square metres.

The Section 106 agreement also secured the provision of two combined Neighbourhood Equipped Area of Play (NEAP) and Local Equipped Area of Play as follows:

means the 2 (two) new combined Neighbourhood Equipped Area for Play and Local Equipped Area for Play as shown indicatively on Plan 3 which are to be provided by the Owner in the Phase containing the Sports Hub or as applicable containing the Village Green (1 (one) at the Sports Hub and 1 (one) at the Village Green) in accordance with the Combined NEAP/LEAP Specification;

The Combined NEAP/LEAP Specification;

means a specification complying with the requirements for the Combined NEAP/LEAP as set out in **Error! Reference source not found.** to this Deed and detailing the size, materials, nature of equipment, surfacing and all other relevant details necessary for the provision of the 2 (two) Combined NEAP/LEAPs:-

- (a) to be visually interesting and attractive; and
- (b) to be largely with a rural character;

Appendix 2 included the following sports and play space requirements:

Combined NEAP/LEAP (Super Leap) means Play area to be completed to the NEAP Fields in Trust Standard and levels of play equipment to the Fields in Trust Standard but not featuring an additional hard ball play area.

MUGA is to be constructed to Sport England Macadam Type 1 Standard (see Sport England's A Guide to the

Design, Specification and Construction of Multi Use Games Areas” suitable in size (37m x 18.5m) to accommodate 5 a side football).

Outdoor Adult Gym to include minimum 7 pieces of exercise equipment each designated to provide a different fitness opportunity. Items to be arranged in a suitably spaced circle facing towards the middle (where applicable) and spaced 5 metres apart. Each item to be set in a hard-wearing soft surface (wet pour or similar) extending 1.5 metres in all directions.

Sports Pitches to be constructed in accordance with the “Recommended Guidelines for the construction, preparation and maintenance of cricket pitches and outfielders at all levels of the game” published by the England and Wales Cricket Board in October 2011 and the guidance published by the Football Foundation entitled “Natural Grass Pitches”.

Schedule 5 Part 7 of the Section 106 agreement, required the provision of the Sports Hub and secured these facilities prior to the occupation of the 450th dwelling.

This part also secured the Sports Hub Maintenance Contribution which means the sum of £1,047,689.40 (one million, forty seven thousand, six hundred and eighty nine pounds and forty pence) (Index Linked) which shall be paid by the Owner to the Council in accordance with the provisions of **Error! Reference source not found.** of **Error! Reference source not found.**;

It is also noted that Schedule 5 Part 1 of the Section 106 agreement secured a financial contribution of £300,000 (index linked) defined as the Sport England Contribution towards the provision and/or enhancement of a 3G pitch at Frimley Lodge Park and/or a 4G rugby facility at Watchetts Recreation Ground. In the event that this contribution (or part thereof) has not been expended or committed for expenditure by the Council off site within 5 years of receipt, the Council may apply this contribution (or balance thereof) towards the delivery of new sports pitches or other sports facilities on the Mindenhurst site. This contribution was secured as the military artificial grass pitch (AGP) was not being replaced on site as part of the hybrid application.

Since the approval of this hybrid permission there have been a series of reserved matters applications, details to comply with conditions and amendment applications submitted. Only the key applications relating to the Sports Hub are given below:

- 3.2 20/0327/DTC Submission of details, in part, to comply with condition 55 (contaminated land) attached to planning permission 12/0546 dated 4 April 2014 (as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019) in respect of Phases 3b (formal park), 4d (Parcel F) and Phase 5 (Bellew ANGST, Sports Hub, North Alma ANGST, Care home, Allotments, North Dettingen ANGST, Loop Road and Brunswick Road and Roadsides). Approved.
- 3.3 21/0353/DTC Submission of details, in part, to comply with condition 52 (programme of archaeological evaluation) attached to planning permission 12/0546 dated 4 April 2014 (as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019) in respect of Phases 3b, 5a, 5b, 5c, 5d, 5e, 5f, 5h, 5j and 5k. Approved.
- 3.4 21/1003/MPO Application to vary the section 106 agreement, as varied, in respect of hybrid permission 12/0546, as amended by 18/0619 and 18/1002 to amend the delivery or occupation or payment triggers for the completion of the Village Green and combined NEAP/LEAP, the provision of the Sports Hub, the Formal Park, the Allotments, the Basingstoke Canal Towpath contribution, shared pedestrian/cycle infrastructure, various highway works, bus infrastructure; to amend the clauses to Junction 3 M3 to allow for a payment of a contribution in lieu of works; to amend the highway layout at the junction of Frimley Green Road with Wharf Road and Guildford Road to provide a roundabout scheme, the phased provision of the Southern SANG, update clauses on Central SANGs, amend the mortgagee clauses, option to extend the management company for the SANGs to all non residential land areas, amend the Bellew Road Closure Contribution clause and consequential amendments to the definitions, clauses and plans. Approved. This agreement amended the area of the Sports Hub to be provided from 7 hectares to a *minimum* of 7 hectares. The occupation restriction for the provision of the Sports Hub was increased from the 450th dwelling up to the 600th dwelling unless otherwise agreed in writing. This agreement also permitted the use of a management entity for the future management of the non residential areas subject to additional clauses being added to deal with the steps/works/funding which would be required if these areas of land are to be transferred to a Management Entity.

- 3.5 21/1196/DTC Submission of details to comply with condition 20 a. a) (Outdoor Sports Strategy) attached to planning permission 12/0546 dated 4th April 2014 as amended by 18/0619 dated 19th July 2019 and 18/1002 dated 14th November 2019. Approved
- 3.6 22/0640/DTC Submission of details to comply with condition 55 (contaminated land - submission of remediation scheme) attached to planning permission 12/0546 dated 4 April 2014 (as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019) in respect of the Sports Hub, the Allotments, Sports Hub ANGST and ANGST (Phases 5d, 5e, 5f and 5j). Approved.
- 3.7 22/1066/RRM Reserved Matters application pursuant to Condition 4 for the provision of Accessible Natural Greenspace Standard (ANGST) and the allotments (Phases 5e, 5f and 5j) with access, layout, scale, appearance and landscaping being considered and the partial submission of details pursuant to conditions 16 (Ecological Mitigation and Management), 29 (Tree Retention and Protection), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) attached to 12/0546 as amended by 18/0619 and 18/1002 and Schedule 5 Parts 5 (Provision of ANGST Land) and 11 (Provision of Allotments) of the Section 106 agreement dated 17 April 2014 as varied in relation to these phases and also details of the Northern Access Route Road Network including access to Phase 4i (Care Home), Phase 5d (Sports Hub) and Phase 4d (residential parcel). Approved and implemented. This permission approved the two vehicular access points on Somme Road to serve the Sports Hub.
- 3.8 22/1144/DTC Submission of details to comply with condition 61 (construction environmental management plan) (CEMP) attached to planning permission 12/0546 dated 4 April 2014 (as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019) in respect of the Sports Hub, the Allotments, the Sports Hub ANGST and the Alma ANGST (Phases 5d, 5e, 5f and 5j). An amended report has recently been received and is under consideration.
- 3.9 23/1178/FFU Proposed change of use of former road to residential garden land (C3) and the erection of a close-boarded fence on land to the rear of 19 Crofters Close. Approved.
- 3.10 24/0080/DTC Submission of details to comply with conditions 40 (surface water drainage), 41 (wetland features) and 43 (foul water drainage) attached to planning permission 12/0546 dated 4 April 2014 (as amended by 18/0619 dated 19 July 2019 and 18/1002 dated 14 November 2019) in respect of the Sports Hub (phase 5d), Allotments (phase 5e), Accessible Natural Greenspace Standard

(ANGST) (Phases 5f and 5j) and Northern Access Route Road Network. Under consideration.

- 3.11 24/0212/RRM Reserved matters application pursuant to Condition 4 for the provision of the Sports Hub, Phase 5d, (the sports hub pavilion only) with access, layout, scale, appearance and landscaping being considered and the partial submission of details pursuant to conditions 16 (Ecological Mitigation and Management), 29 (Tree Retention and Protection), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) attached to 12/0546 as amended by 18/0619 and 18/1002. This is currently invalid.

4.0 THE PROPOSAL

- 4.1 This is a reserved matters application for the provision of the Sports Hub (excluding the pavilion) pursuant to condition 4 (reserved matters, access, layout, scale, appearance and landscaping) and the partial submission of details pursuant to the following conditions:

- Condition 16 (detailed ecological management strategy & management plan)
- Condition 21 (provision of a LEAP)
- Condition 29 (tree retention and protection plans)
- Condition 32 (hard and soft landscaping); and
- Condition 33 (landscape management plan).

attached to 12/0546 dated 04 April 2014, as amended by 18/0619 and 18/1002.

- 4.2 A submission is also made under the Town and Country Planning (Modification and Discharge of Planning Obligations) 1992 in respect of in the following parts of Schedule 5 Part 7 (Provision of Sports Hub) of the Section 106 agreement as varied:

- 4.3 The area between Somme Road and the tree lined former military access road is proposed to provide the following:

- A MUGA measuring 37 metres by 18.5 metres enclosed by 3 metre high open fencing with matching 1.2 metre high gate. Four 15-17 metre high columns with floodlights are proposed to be located in each corner. The MUGA would also be marked to allow for use as a basketball court.
- The NEAP/LEAP comprising two turning tyres, three jumping discs, a cableway with ramp, a cross scales, a twin swing, two cradle nests, a hut combination and a totterbeam. This area would be enclosed by playtime timber fencing (0.9 metres high) and include three 2 metre long benches
- Four tennis courts enclosed by 3 metre high open fencing with matching 1.2 metre high gate. Six 15-17 metre high columns and floodlights are proposed to be located, one in each corner and two in the middle. Two of the courts would also include markings to allow for their use as netball courts.
- A substation.
- A car park providing 68 spaces including 12 spaces provided with electric vehicle charging facilities and 4 for disabled drivers, 2 of which would also be

provided with electric charging facilities. Two bus parking spaces would also be provided. Vehicular access would be from Somme Road (as approved under 22/1066/RRM). Streetlighting within the car park would be a combination of eight single and 4 double 6 metre high columns and 20 bollard lighting posts

- Cycle parking for 20 cycles.
- Additional tree and shrub planting including three Field Maple and four Silver Birch and three replacement Horse Chestnut along the southern boundary.
- Creation of a landscaped mound to the southern boundary.

The area to the east of the tree lined former military access road is proposed to provide the following:

- Dual use pitch for cricket and football
- Two junior size football pitches
- Two practice cricket nets with artificial cricket wickets
- The adult gym providing 9 pieces of different equipment comprising a gum station, two trinity cycles, a DDA accessible pull ups, an air skier, a leg press, a lat pull/chest press, an air walker, a rower and a balance beam spaced at regular intervals within a general oval layout. A footpath/cycleway is provided to the north with a footpath to the south which both link into the wider footpath/cycleway network approved for the North Alma ANGST.
- Space reserved for the provision of the sports pavilion (the subject of reserved matters application which is currently invalid)
- A footpath along the northern boundary linking into the woodland area within the North Alma ANGST to include the provision of six 2 metre long benches
- Additional tree planting including seven Wild Cherry, three Lime, seven Scots Pine, five Silver Birch, nine Hornbeam and five English Oak.
- Landscaped mounds to the south and east of the junior size football pitches.

The former tree lined former military access road is to be re-used as a combined pedestrian cycleway.

- 4.4 Two unclassified trees (a Silver Birch and a Horse Chestnut) and parts of three Category B (medium quality) groups of trees (two from G7, one from G11 and one from G12, all comprising a mix of Horse and Red Chestnut) are proposed to be removed as a result of this development.
- 4.5 During the course of the application amended and additional details have been received to respond to comments received from the County Highway Authority, the Council's Arboricultural and Heritage Consultant, Environmental Health and Sport England.
- 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: a Design and Access statement, an Arboricultural Assessment, an Ecology Mitigation Strategy and Management Plan, a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment, a Bat Presence/Likely Absence Survey and Preliminary Ground Level Roost Assessment, a Preliminary Ground Level Roost Assessment of tree survey, a Lighting Lux map, an Ecology Review of Lighting Plan, a Noise Assessment, a Technical Note – Development Noise Levels and Mitigation Options, a Boundary Risk Assessment – Cricket Balls, a Landscape Management Plan Sports Hub, a Sports Hub Landscape Specification, a Wildfire Management Plan and a Wildfire Response Plan.

4.7 It is anticipated that the Sports Hub will be offered to the Council for adoption. However, the Section 106 agreement as varied provides either for the adoption of the Sports Hub by the Council and the payment of the Sports Hub Maintenance Contribution (index linked) or for the applicant to appoint a Management Entity. In such circumstances the owner would need to submit details of the Management Entity to the Local Planning Authority for approval including how it will be funded both in the short and long term.

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 are raised regarding highway safety and capacity or on parking grounds. Conditions are recommended to secure the works proposed. (See Annex A for a copy of their response).
Surrey Wildlife Trust	Advises that the Ecological Mitigation Strategy and Management Plan and Landscape Management Plan are appropriate for the purposes of condition 16. It also advises that various works should be included within the Construction Environmental Management Plan required by condition 61.
Sport England	No objection subject to conditions on ground conditions for the proposed football and cricket pitches, a management and maintenance scheme for the playing field/pitches. (See Annex B for a copy of their response)
Surrey Fire and Rescue	No views received.
Farnborough Airport	No objection
Surrey Playing Fields Association	No views received
Active Travel England	Has no comment to make on this proposal as it predates their remit which commenced on 1 June 2023.

Thames Water	No comments to make
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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 and Landscape Consultant	No objection subject to conditions and amended plans relating to the location of the lighting columns within the car park, change to tree species and mix and updated details within the landscape management plan. See Annex C for a copy of his response.
Urban Design and Heritage Consultant	No objection subject to conditions to widen the entrance from the car park into the Sports Hub and details of car park lighting.
Greenspaces Team	No objection in principle but seeks further details on the noise mitigation measures proposed. <i>[Officer comment: The applicant has requested that the noise mitigation measures are dealt with by condition. Any outstanding matter would be dealt with as part of any transfer of land]</i>
Environmental Health	No objection subject to conditions to mitigate potential noise and light impacts. See Annex D for a copy of this response.

6.0 REPRESENTATION

6.1 A total of 753 individual letters of notification were sent out on 11 May 2023. The Mytchett, Deepcut and Frimley Green Society and the Deepcut Neighbourhood Forum were also notified of this application. Three site notices were displayed on site on 11 May 2023 with press notices being put in the Camberley News on 24 May 2023 and the Surrey Advertiser on 26 May 2023. One representation was received which supported the proposal.

6.2 Additional noise information was submitted in February 2024. 13 Aisne Road and properties in Crofters Close and Durham Drive were notified of this submission on 9 February 2024. At the time of the preparation of this report, no letters of representation have been received. Any views received will be provided as an update to the Planning Applications committee. However, it is noted that noise mitigation measures will be secured by condition.

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 CP4 (Deepcut), CP11 (Movement), CP14A (Biodiversity and Nature Conservation), DM9 (Design Principles), DM11 (Traffic Management and Highway Safety) and DM16 (Provision of Open Space and Recreation Facilities) of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). In addition, regard will be given to the adopted Deepcut Supplementary Planning Document (SPD) including the Deepcut SPD. The County Council's Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development November 2023 is also relevant.

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

- Principle of the development
- Proposed layout and design
- Tree retention and landscaping
- Residential amenity
- Highway impacts
- Biodiversity
- Other matters

7.3 Principle of the development

7.3.1 The Deepcut SPD, the hybrid permission and section 106 legal agreement require appropriate infrastructure to support the redevelopment of the Princess Royal Barracks. Policy DM16 states the Council will encourage new and enhanced opportunities for formal and informal recreation including promotion of dual use facilities or through the provision of new green infrastructure. New residential development will be expected to provide or contribute towards open space, equipped play spaces including teen facilities and outdoor sports facilities.

7.3.2 The proposal is for the provision and retention of public open and recreational space to support the Mindenhurst development. As such the principle of development is acceptable. However, as the pavilion, an integral and requisite part of the Sports Hub, is yet to be the subject of a valid reserved matters application, a condition is to be imposed precluding the opening of the pitches, courts and play space until the pavilion is completed and made available for use to ensure full compliance with the hybrid permission, the Section 106 agreement and to meet the objectives of Policy CP4 of the CSDMP and the Deepcut SPD.

7.4 Proposed layout and design

7.4.1 Sections 8 and 12 of the NPPF are relevant as they promote healthy and safe communities and high quality designed places.

7.4.2 The Deepcut SPD recognises that the provision of open space is a vital component of the Deepcut vision. It will create a plentiful and diverse public open space network throughout the village that contributes to the green, spacious character of the settlement which links into the surrounding heathland areas

without harming nature conservation interests. The new village will deliver a mix of public open space incorporating:

- Formal space in the form of sports fields, parks, playgrounds and allotments
- Informal space in the form of natural and semi natural areas, village green and other amenity green space

The extended village will be served by an extensive network of linked green spaces and a circular walk around the village will be promoted. The SPD also sets an ANGST provision of 3.53 hectares per 1000 population.

7.4.3 The eastern part of the site is located within the Sports Hub Character Area as defined by the Deepcut SPD. The overarching design principle for this area is to be the focus of the village's sport facilities, with a flexible multi use sports facility which provides formal sports and informal sports playing areas. The tree avenues are to be maintained and reinforced with the band of woodland adjoining Deepcut Bridge Road reinforced and extended northwards with gaps in the landscaping to provide views towards Dettingen Park.

7.4.4 The terms of the hybrid permission and associated Section 106 agreement, as varied, established the principle that the Sports Hub, the NEAP, the allotments, ANGST and areas for residential development and a care home would be located to the north of Dettingen Park and Alma Gardens, to the south of Minorca Road and Aisne Road, to the west of Dettingen Road and the east of Deepcut Bridge Road. The current proposal reflects these principles and is acceptable subject to detailed consideration as follows.

7.4.5 In approving this phase of development as a Sports Hub, in combination with the detailed specifications set out in the hybrid permission and the Section 106 agreement as varied, it was recognised that there would be a major change in the visual and functional character of this site particularly in terms of the provision of the MUGA, tennis courts, NEAP/LEAP, car park and pavilion. With the exception of the pavilion which is the subject of a separate application, the proposal accords with the requirements of the hybrid permission and the Section 106 agreement as varied. The football and cricket pitches aim to retain and enhance the characteristics of existing green space and make it more functional for users whilst retaining and supplementing the tree cover within and along the perimeters of the site. Measures are recommended to mitigate noise impacts which include an acoustic fence and other barriers. This is to be controlled by way of condition. The floodlighting columns are proposed at a height of 15-17 metres. The proposed height is considered overly high in this location but is to be the subject of a condition which secures the submission of a detailed floodlighting scheme. Sport England raises no objection to the proposal subject to conditions as set out in Annex B.

7.4.6 The Urban Design and Heritage Consultant is satisfied with the submitted layout subject to the pedestrian entrance into pavilion and sports pitches from the car park being widened to the south to provide a strong sense of arrival, to improve

functionality, provide good wayfinding and a strong sense of place, the installation of collapsible bollards at the interface between the car park and the entrance to into pavilion and sports pitches and the installation of an appropriate bollard lighting scheme. Subject to the conditions securing these, the proposal would support the sports and play space objectives of the SPD and be acceptable.

- 7.4.6 The SPD also identifies the contribution the North Alma View makes to the existing street scene in that it provides a setting to the Dettingen Park and Alma Gardens areas. The view is centred on an area within the Dettingen Park recreation area close to the 90 degree bend on Cyprus Road. From here, it primarily runs in an arc across the open space north of Alma Gardens and Dettingen Park. The open space to the north of Alma Gardens would remain as open space either as ANGST, as approved under reserved matters application 22/1066/RRM or sports pitches under the terms of this reserved matters application. Proposed supplementary tree planting along road edges would reinforce and focus this view. On this basis the proposal is acceptable in terms of safeguarding the North Alma View having regard to Policy CP4 of the CSDMP and the Deepcut SPD.

7.5 Tree retention and landscaping

- 7.5.1 The Arboricultural and Landscape Consultant is generally satisfied with the landscaping details and layout for the proposed Sports Hub but notes that there is a lack of detail. It is proposed to address this omission by the imposition of conditions as set out below.
- 7.5.2 In accordance with the terms of condition 29, the applicant has submitted tree information with the first reserved matters application for each phase. However, the Arboricultural and Landscape Consultant has sought further information on pruning, the relocation of the lighting columns away from trees to be retained at the entrance/exit to the car park, the service runs for the lighting columns and protective fencing. The applicant has asked for these matters to be dealt with by condition.
- 7.5.3 The recommended mitigation measures to address potential noise impacts on residents in Aisne Road details the erection of a 2 metre high acoustic fence. Whilst the detailed mitigation measures are to be dealt with by condition, given the relationship of this fence to trees within and adjoining the site, it is appropriate to seek an Arboricultural Method statement for the erection of this fencing. This is to be secured by condition.
- 7.5.4 The application is accompanied by a hard and soft landscaping plan pursuant to condition 32. The submitted scheme is acceptable in principle subject to variation to and additional tree planting. Further details on the proposed shrub planting and the landscaped mounds are also required. The applicant has asked for these matters to be dealt with by condition. Subject to the imposition of these conditions, the proposal provides an enhanced landscape setting for this part of the development and is acceptable for the purposes of condition 32.
- 7.5.5 The application is also accompanied by Landscape Management Plans relating to the ANGST areas and the allotments for the purposes of condition 33. The Arboricultural and Landscape Consultant is generally satisfied with these plans but has requested further information on the watering regime for the hedgerow, tree pits, soil volumes, means of restraint and disease management. The

applicant has asked for this to be dealt with by condition. Subject to this, the submitted Landscape Management Plans are acceptable for the purposes of condition 33, having regard to Policies CP4 and DM9 of the CSDMP and the Deepcut SPD.

7.6 Residential amenity

7.6.1 Paragraph 135 of the NPPF and Policy DM9 of the CSDMP are relevant.

7.6.2 It is recognised that whilst the development is being implemented there is the potential for noise, disturbance, inconvenience and disruption to local residents and businesses. The hybrid permission is subject to a number of conditions which seek to mitigate these impacts e.g. hours of working, the submission of a construction management plan etc. Subject to compliance with these conditions it is not considered that the implementation of the proposed development would give rise to further impacts not previously considered at the hybrid permission stage.

7.6.3 The introduction of a number of sports and play facilities will have an impact on residents in the vicinity of the site, particularly in relation to noise and light impacts. The closest residents are in Aisne Road to the north, which share a common boundary with the site, future residents of Phase 4d, located a minimum of 20 metres to the south/south west of the proposed tennis courts and residents of 18, 19 and 20 Crofters Close and 12 Durham Drive, also located to the south/south west, with minimum separation distances proposed in excess of 47 metres between property boundaries and the tennis courts. Whilst 18 and 19 Crofters Close and 12 Durham Drive have fenced rear gardens towards the Sports Hub, the front elevation for 20 Crofters Close overlooks the Sports Hub with a low front boundary wall with railings. As the open space remains in recreational use, the impact on adjoining residents from the proposals is not considered to be materially different from when it was in use by the military. There will be increased levels of activity and disturbance arising from the new footpaths and cycleway. However, given that the new footpaths and cycleway are located away from existing residential boundaries the resultant impacts are not considered to be materially harmful to these residents. In the unlikely event that any potential anti-social behaviour issues arise they will be dealt with under the relevant legislation.

7.6.4 The submitted noise assessment concluded that all existing noise receptors would experience noise levels below the 55 dB LAeq,16hr, which is the World Health Organisation's (WHO) threshold level for residential amenity. While noise from sports ground is variable in nature, the assessment follows the guidance issued by Sport England Artificial Grass Pitch (AGP) Acoustics - Planning Implications which incorporates practical planning considerations. With the Sports Hub being fully operational neighbouring dwellings would experience noise levels below 50 dBLAeq,1hr (i.e. the guidance level recommended by Sports England), except for a number of dwellings in Aisne Road, Crofters Close and Durham Drive. The noise from the Sports Hub would become more noticeable in the evening period (i.e. after 19:00) due to lower prevailing background noise level.

7.6.5 To mitigate the potential noise impacts, the following mitigation measures are

recommended:

- Aisne Road – a 2 metre high acoustic fence with a restriction on the hours for the full size football pitch ie not after 7pm
- Crofters Close and Durham Drive - Provision of additional mitigation to the courts, such as provision of a green willow barrier or clear Plexiglas barrier or acoustic quilting adjoining or attached to fencing at the southern end of the tennis and netball courts could be considered. Further measures could include provision of low noise netball/basketball backboard, EPDM rubber surfacing type 3 and management controls (restriction in hours/day of use etc).

Furthermore, development proposals for Phase 4d will be required to take the noise contours projection presented in these assessment reports into account to minimise noise exposure to future residents of this phase. It is also considered likely that intervening development on Phase 4d would screen 18 Crofters Close and 12 Durham Drive from the Sports Hub.

- 7.6.6 The proposed noise mitigation measures are supported in principle by the Council's Environmental Health service and Greenspaces team (as the anticipated operator of the Sports Hub). The assessment includes various options which could be provided to mitigate the potential noise impacts. To ensure that an appropriate noise environment is secured whilst also ensuring an acceptable visual solution is achieved, it is proposed to impose a condition to secure the details of the final option to be implemented. Environmental Health also recommends the imposition of conditions to secure a noise management plan to include but not be limited to hours of operation and how this may be reviewed and the erection of the acoustic fence along the Aisne Road boundary.
- 7.6.7 The need for noise mitigation measures was not identified at the hybrid application stage. Until the final option is decided, it is not possible to confirm what the likely maintenance and management strategy would be nor the associated costs in perpetuity. To ensure appropriate measures are in place, it is proposed to impose a condition securing the submission of these details. Subject to the imposition of the conditions as set out above, no objection is raised to the proposal on noise grounds having regard to Policy DM9 of the CSDMP.
- 7.6.8 Floodlighting is proposed to serve the MUGA and the tennis courts. The submitted lux plan demonstrates that the light spill arising from their use will not have an adverse impact on future or existing residents. Whilst the principle of the floodlighting is acceptable, Environmental Health is seeking a detailed lighting design, validation of the scheme before it becomes operational and a lighting management plan which may be secured by conditions. It is also proposed to impose a condition requiring the floodlighting to be switched off by 9pm in the interests of residential amenity. Subject to the imposition of these conditions no objection is raised to the proposal on potential light impacts or associated activity arising from the operation of the floodlights, having regard to Policy DM9 of the CSDMP.
- 7.6.9 Subject to the imposition of the above conditions, and having regard to the terms of the hybrid permission and Section 106 agreement which secured the provision of the Sports Hub on the application site, no objection is raised to the proposal on residential amenity grounds, having regard to Policy DM9 of the CSDMP.

7.7 Highway impacts

- 7.7.1 Paragraph 114 of the NPPF and Policies DM11 and CP11 of the CSDMP are relevant.
- 7.7.2 The Deepcut SPD advises that existing footpaths will be expected to be made more visible and accessible through improved signage, accessibility improvements and the management of vegetation. All cycle routes will be expected to be safe and suitable and easy to use. The vehicle access points to serve the development was approved under the terms of reserved matters application 22/1066/RRM.
- 7.7.3 The SCC Vehicular, Cycle and Electric Vehicle Parking Guidance for new Development 2023 is also relevant. Based on this guidance, this would generate a requirement of 45 spaces for the sports pitches and 16 spaces for the tennis courts. There is no parking standard for a MUGA or a pavilion, which would also be served by the proposed car park. The proposal provides 68 spaces including 12 spaces provided with electric vehicle charging facilities and 4 for disabled drivers, 2 of which would also be provided with electric charging facilities. Two bus parking spaces would also be provided. The CHA is satisfied with this level of provision to serve all the uses required within the Sports Hub.
- 7.7.4 The CHA has assessed the submitted plans and are satisfied that they would meet the vehicle, pedestrian and cyclist movements associated with future development subject to the provision of additional pedestrian routes to the north west and south west. The applicant has asked that this provision is dealt with by condition. They raise no objection to the proposal subject to the imposition of conditions to secure the provision of the car park before the Sports Hub is opened to the public, the provision of surface painted walking routes within the car park, electric vehicle charging, cycle parking and visibility zones. It is not proposed to impose recommended condition 7 as this is a duplicate of condition 24 on the hybrid permission.
- 7.7.5 Subject to the imposition of the conditions referred to above, no objection is raised to the proposal on highway grounds, having regard to Policies CP4, CP11 and DM9 of the CSDMP

7.8 Biodiversity

- 7.8.1 Paragraph 180 of the NPPF and Policy CP14A of the CSDMP are relevant.
- 7.8.2 The application is supported by an Ecology Mitigation Strategy and Management Plan, a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment Northern Area (PEA), a Preliminary Ground Level Roost Assessment of a tree survey, a Landscape Management Plan Northern Area. The ecology surveys confirm the presence of bats in the area with one possible badger sett being identified. The SWT are satisfied with the Ecology Mitigation Strategy and Management Plan for the purposes of condition 16 but have requested that further information should be included within a Construction Environment Management Plan in relation to reptiles and implementing a precautionary approach to tree felling to include an inspection for bat roosts prior to any works taking place. This will be dealt with under the current application under consideration in respect of

condition 61, 22/1144/DTC. No objection is raised to the proposal having regard to Policy CP14A of the CSDMP.

7.9 Other matters

7.9.1 The application includes a submission pursuant to Schedule 5 Part 7 (Sports Hub) of the Section 106 agreement, as varied. The proposed facilities are in accordance with this Part albeit it is noted that a further submission will be required for the pavilion to ensure full compliance with the requirements of this part. Subject to this, no objection to the proposal in this regard.

7.9.2 The application is supported a boundary risk assessment to assess the potential of cricket balls surpassing the boundaries of a cricket pitch. The report advises that the trajectory analysis shows that for recreational cricket, the distance to the boundary, pavilion and road provides sufficient mitigation without the need for additional ball stop fencing or netting. Notwithstanding this additional tree planting is proposed adjacent to the road boundary to the south west of the cricket square.

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 would provide a NEAP/LEAP, the MUGA, an outdoor adult gym, sports pitches, tennis courts and associated landscaping. Subject to the imposition of relevant conditions, the scheme would provide an important component part of the requisite sports and play space provision required to serve the Mindenhurst development and the wider community. It would be acceptable in visual and residential amenity terms, make appropriate car parking and sustainable travel provision and safeguard biodiversity interests. The proposals are also considered to be in accordance with the Deepcut SPD, the hybrid permission and the Section 106 agreement as varied.

10.0 RECOMMENDATION

10.1 GRANT subject to the following conditions:

1. Subject to the provisions of the conditions below, the proposed development shall be undertaken in accordance with the following approved plans and documents:

DC2-WTM-CX-107-XX-DR-03-0101 rev PS03 Existing Ground Topo Showing
RMA Boundary Sports Hub
DC2-WTM-CX-107-XX-DR-03-0104 rev PS05 Sports Hub and Pitches
Location Plan
DC2-WTM-CX-107-XX-DR-03-0105 rev PS03 Hybrid Planning Application
Boundary Sports Hub

DC2-WTM-LX-107-XX-DR-04-0001 rev PS07 Sports Hub Landscape GA Plan
Overview Plan
DC2-WTM-LX-107-XX-DR-04-1000 rev PS16 Sports Hub Landscape General
Arrangement Plan Sheet 1 of 5
DC2-WTM-LX-107-XX-DR-04-1001 rev PS11 Sports Hub Landscape General
Arrangement Plan Sheet 2 of 5
DC2-WTM-LX-107-XX-DR-04-1002 rev PS14 Sports Hub Landscape General
Arrangement Plan Sheet 3 of 5
DC2-WTM-LX-107-XX-DR-04-1003 rev PS10 Sports Hub Landscape General
Arrangement Plan Sheet 4 of 5
DC2-WTM-LX-107-XX-DR-04-1004 rev PS12 Sports Hub Landscape General
Arrangement Plan Sheet 5 of 5

DC2-WTM-LX-107-XX-DR-04-5001 rev C01 Sports Hub Typical Details
DC2-WTM-LX-107-XX-DR-04-5002 rev C01 Sports Hub Typical Details Sheet
2
DC2-WTM-LX-107-XX-DR-04-5003 rev C01 Sports Hub Typical Details Sheet
3
DC2-WTM-LX-107-XX-DR-04-5005 rev C01 Sports Hub Interface Details
Sheet 5

DC2-WTM-LX-107-XX-DR-04-5006 rev C01 Sports Hub Furniture Details
Sheet 6 query cycle shelter
DC2-WTM-LX-107-XX-DR-04-5007 rev C01 Sports Hub Furniture Details
Sheet 7 query cycle shelter
DC2-WTM-LX-107-XX-DR-04-5008 rev C01 Sports Hub NEAP Play
Equipment Sheet 8
DC2-WTM-LX-107-XX-DR-04-5009 rev C01 Sports Hub NEAP Play
Equipment Sheet 9
DC2-WTM-LX-107-XX-DR-04-1100 rev PS08 Sports Hub NEAP AND LEAP
DC2-WTM-CH-107-XX-DR-03-1100 rev c02 Sports Hub Kerbing, Footways &
Paving

DC2-WTM-LX-107-XX-DR-04-5010 rev C01 Sports Hub Gym Equipment
Details Sheet 10
DC2-WTM-LX-107-XX-DR-04-5011 rev C01 Sports Hub NEAP Fencing
Typical Details Sheet 11
DC2-WTM-LX-107-XX-DR-04-5013 rev C01 Sports Hub Tree Pit Typical
Details Sheet 13
DC2-WTM-LX-107-XX-DR-04-5014 rev C01 Sports Hub Car Park Interface
Typical Details Sheet 14
DC2-WTM-LX-107-XX-DR-04-5015 rev C01 Sports Hub Gym Equipment
Details Sheet 15

DC2-WTM-LX-107-XX-DR-03-0122 rev C01 Sports Hub Sections Sheet 2

DC2-WTM-CH-107-XX-DR-03-1400 rev PS02 Sports Hub Lighting Lux Map

DC2-WTM-CX-001-XX-DR-03-0130 rev PS01 Wildfire Management Zones Northern ANGST

DC2-WTM-CX-001-XX-DR-03-0133 rev PS01 Wildfire Response Plan Northern ANGST

Documents

DC2-SWT-EC-001-XX-RP-04-0002-PS02 Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment

DC2-SWT-EC-000-XX-PL-04-0006-PS14 Ecology Mitigation Strategy and Management Plan

3861-56 Preliminary Ground Level Roost Assessment of Tree Survey

3861-61 Bat Presence/Likely Absence Survey and Preliminary Ground Level Roost Assessment

3861-53 Review of Sports Hub Phase 5d Lighting Plan

Sports Hub Play Equipment Details by Richter Spielgerate

DC2-WTM-EN-107-XX-RP-04-001-PS01 Mindenhurst Deepcut Village Phase 5d Sports Hub Noise Assessment

DC2-WTM-EN-107-XX-04-002-R01 Technical Note- Development Noise Levels and Mitigation Options

LSUK.21-0504 Land at Deepcut Surrey - Boundary Risk Assessment (cricket balls)

Specification for MUGA fencing by Steelway

Specification for Pharos bollard by Schreder

DC2-WFAS-ZX-000-XX-RP-121-001 rev PS02 Wildfire Management Plan

DC2-FPCR-AB-107-XX-RP-00-0017 rev R08 Arboricultural Assessment

DC2-WTM-LX-107-XX-RP-04-0001-PS06 Landscape Management Plan Sports Hub

DC2-WTM-LX-107-XX-SP-04-0001 issue C01 Sports Hub Landscape Specification

DC2-WTM-LX-107-XX-SH-04-0001-PS03 Sports Hub Landscape Materials Schedule

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

2. Notwithstanding any information submitted with this application, no works or development shall take place until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) specific to this scheme, has been submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations, once approved all development shall be undertaken in entire accordance with the approved plans, documents and particulars.

Specific issues to be dealt with in the TPP and AMS (where applicable):

- a) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees (if applicable).
- b) Location and installation of services/utilities/drainage
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatments within the RPA including site security hoarding.
- e) A full specification for any specialist foundations proposed within RPA's, details shall include a relevant cross section through them.
- f) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include a relevant cross section through them.
- g) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses and highways.
- h) A specification for protective fencing and ground protection to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- i) Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Methodology and detailed assessment of root pruning (if proposed)
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist. details of the satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing as per the submitted schedule by the Local Planning Authority.

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

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

3. Prior to the commencement of any works (including site clearance, demolition and construction works) at least 5 working days' notice shall be given to the Local Planning Authority to attend a pre-commencement site meeting to inspect all tree protection measures and to confirm that they have been installed in the correct location and to the specifications as shown in the submitted and approved documents. These details will need to be approved in writing from the Local Planning Authority. Alternatively, photo evidence can be submitted to and approved in writing from the Local Planning Authority which

clearly demonstrates that all elements of the tree protection, including ground protection and any other measures specified have been installed in accordance with the approved tree report.

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

4. Notwithstanding any information submitted with this application, prior to completion or first occupation of the development hereby approved, whichever is the sooner, full details of both hard and soft landscape works, will need to be submitted to and approved in writing by the Local Planning Authority, these works shall be carried out as approved within the first planting season (September - April) following completion or first occupation of the development, whichever is sooner and retained thereafter in accordance with the approved details.

Details shall include:

A detailed scaled plan(s) showing all existing vegetation and landscape features to be retained, trees and plants to be planted and mounds to be created;

Location, type and materials to be used for hard landscaping and boundary treatments including specifications, where applicable for:

- (i) Permeable paving
- (ii) Tree pit design including the use of underground modular systems and soil volumes
- (iii). Sustainable urban drainage integration use within tree Root Protection Areas (RPAs);
- (iii) Any proposed level changes within RPA's

A detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or program of planting of all trees, shrubs, plants, hedges, mounds and grasses etc. and sufficient specification to ensure successful establishment and survival of new planting, including a landscape management plan and a comprehensive watering program, covering maintenance schedules for a minimum period of 5 years.

Specifications for operations associated with plant establishment and maintenance that are compliant with best practise.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of any retained tree unless agreed in writing by the Local Planning Authority.

If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

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

5. Notwithstanding any information submitted with this application, prior to the first use of the Sports Hub hereby approved, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to hours of operation and how this may be reviewed and revised, the noise mitigation measures to be implemented based on the Technical Note Development Noise Levels and Mitigations Options, the long term maintenance and management of the approved noise mitigation measures, the procedure of receiving, recording, investigating complaints, and improvement / corrective measures as required, warning mechanism to identified users who cause repeated issues to the local community, the responsible person(s) who will manage and monitor complaints and implement any required corrective actions.

Reason: To safeguard the residential amenities of adjoining occupiers and those in the vicinity of the Sports Hub having regard to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. Notwithstanding the provisions of condition 5 above and with the exception of the NEAP/LEAP, the maximum hours of operation for the Sports Hub shall be between 7am to 9pm.

Reason: To safeguard the residential amenities of adjoining occupiers and those in the vicinity of the Sports Hub having regard to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. Notwithstanding the provisions of condition 5 above and having regard to the information contained in the Technical Note Development Noise Levels and Mitigations Options details of the location, specification and appearance of the proposed 2 metre high acoustic fence to be located in the vicinity of the common boundary with properties in Aisne Road to the north of the Sports Hub to include details of its long term management and maintenance, an updated Arboricultural Method Statement and replacement/supplementary landscaping as appropriate shall be submitted to and approved in writing by the Local Planning Authority for approval. Once approved the fence shall be erected in accordance with these details and thereafter retained and maintained to the reasonable satisfaction of the Local Planning Authority.

Reason: To safeguard the residential amenities of adjoining occupiers and those in the vicinity of the Sports Hub and to maintain an appropriate landscape setting for the Sports Hub and the wider character of the area having regard to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

8. Notwithstanding the details submitted with the application prior to any lighting on the site becoming operational a detailed scheme of lighting design (floodlighting and general street/car park lighting), issued by qualified and competent person(s), must be submitted to and approved in writing by the

Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light GN01-20. This scheme shall include, as appropriate, details of service runs, an updated layout, an updated lux map and an updated ecology review of the lighting plan and shall be implemented in full prior to the first use of that part of the Sports Hub to which it relates.

Reason: In the interests of the visual amenities of the area, to safeguard the residential amenities of adjoining occupiers and those in the vicinity of the Sports Hub and to ensure that the impact on protected species is minimised in accordance with Policies DM9 and CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2023

9. Subject to the provisions of condition 8 above before commencement of operation of the approved floodlighting scheme, the applicant shall appoint a suitably qualified person to validate the approved lighting scheme and provide a verification report to the Local Planning Authority.

Reason: To demonstrate that the floodlighting scheme has been installed in accordance with the approved scheme in the interests of the visual amenities of the area, to safeguard the residential amenities of adjoining occupiers and those in the vicinity of the Sports Hub and to ensure that the impact on protected species is minimised in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2023

10. If the Sports Hub is not transferred to the ownership of the Council, prior to commencement of operation of the Sports Hub a scheme to manage floodlighting impacts shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to procedure of receiving, recording, investigating complaints, and improvement / corrective measures as required, the responsible person(s) who will manage and monitor complaints and implement any required corrective actions. The floodlighting shall be operated in accordance with the approved scheme whilst it is operational.

Reason: In the interests of the visual amenities of the area, to safeguard the residential amenities of adjoining occupiers and those in the vicinity of the Sports Hub and to ensure that the impact on protected species is minimised in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2023

11. Notwithstanding the details submitted with the application no development of the MUGA/courts shall commence until details of the design and layout of the MUGA/courts have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The MUGA/courts shall not be constructed other than in accordance with the approved details.

Reason: To ensure the MUGA/courts are fit for purpose and sustainable and to accord with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Deepcut SPD and the National Planning Policy Framework 2023.

12. Notwithstanding the details submitted with the application no development of the playing pitches for football and cricket shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the football and cricket pitches which identifies constraints which could adversely affect playing field quality; and
(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Deepcut SPD and the National Planning Policy Framework 2023.

13. Notwithstanding the details submitted with the application before the playing field/pitches is brought into use, a management and maintenance scheme for the playing field/pitches including a programme for implementation for a minimum period of five years starting from the commencement of use of the playing field and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing field/pitches.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Deepcut SPD and the National Planning Policy Framework 2023.

14. Prior to the proposed Sports Hub opening to the public, space shall be laid out within the site in accordance with the approved plans, Drawing No. DC2-WTM-LX-107-XX-DR-04-1000 Rev PS16, for vehicles to be and for vehicles 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 purposes.

Reason: To ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

15. Prior to the proposed Sports Hub opening to the public, the provision of pedestrian routes, with a minimum width of 2m, shall be provided in the following locations within the site:
- (i) The north-western corner of the site from the cycle route to the northern boundary of the car park; and
 - (ii) The south-western corner of the site with extended footway to connect to the tennis courts.

Such routes shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such routes shall be permanently maintained and refreshed when necessary, all to the satisfaction of the Local Planning Authority.

Reason: To provide an appropriate pedestrian environment, to promote sustainable travel choices and to ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

16. Prior to the proposed Sports Hub opening to the public, surface painted walking routes shall be provided within the car park to provide safe walking routes from the proposed car parking spaces to the Sports Hub. Such routes shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such routes shall be permanently maintained and refreshed when necessary, all to the satisfaction of the Local Planning Authority.

Reason: To provide an appropriate pedestrian environment and to ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

17. Prior to the proposed Sports Hub opening to the public, additional hardstanding, or other suitable landscaping solution as may be agreed, shall be provided adjacent to the proposed bus parking areas, to provide additional space for passengers and drivers to board/alight coaches. Such areas shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such areas shall be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development has an appropriate landscape setting, to provide an appropriate pedestrian environment for bus users and to ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

18. Prior to the proposed Sports Hub opening to the public, secure, undercover, illuminated cycle parking, (including charging sockets for e-bikes) shall be provided within the site. Once provided such facilities shall be permanently

retained and maintained free of any impediment to their designated use to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable forms of transport in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023

19. Prior to the proposed Sports Hub opening to the public, at least 50% of the proposed parking spaces shall be provided with fast-charge Electric Vehicle charging points (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). The remaining spaces shall be provided with cabling for the future provision of charging points. To be 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 promote sustainable forms of transport in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023

20. Prior to the proposed Sports Hub opening to the public, the proposed vehicular accesses shall be constructed and provided with visibility zones and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: To ensure that in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2023.

21. Prior to the commencement of work on the MUGA, tennis courts and sports pitches, details of the proposed football goalposts/nets, tennis court nets, basketball backboards/baskets, netball goalposts/nets and cricket nets must be submitted to and approved in writing by the Local Planning Authority. Once approved the requisite equipment will be made available for use prior to the first use of the sports facility to which they relate and thereafter retained and maintained for their designated purpose.

Reason: To ensure that the sports facilities are provided to an adequate standard, are fit for purpose and to ensure their maximum use for the benefit of the community and to accord with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012, the Deepcut SPD and the National Planning Policy Framework 2023.

22. With the exception of the NEAP/LEAP, the development hereby approved shall only be made available to the public concurrently with the pavilion required to be provided within Phase 5d.

Reason: To ensure that all the Sports Hub facilities required under the terms of the hybrid permission and the Section 106 agreement are provided in an appropriate and timely manner and to accord with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Deepcut SPD

23. Notwithstanding the provisions of condition 8 above, the floodlighting to serve the MUGA and tennis courts shall be switched off between the hours of 9pm and 8am.

Reason: In the interests of the visual amenities of the area, to safeguard the residential amenities of adjoining occupiers and those in the vicinity of the Sports Hub and to ensure that the impact on protected species is minimised in accordance with Policies DM9 and CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2023

Informative(s)

1. Bats: All bats found in Britain are protected under Schedule 8 of the Wildlife and Countryside Act 1981. It is an offence to kill any bats or disturb their roosts. If bats are discovered during inspection or subsequent work. Natural England must be informed immediately
2. All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.
3. This Decision Notice is a legal document and therefore should be kept in a safe place. A replacement copy can be obtained, however, there is a charge for this service.
4. The applicant is advised that in complying with condition 5, if the ownership of the Sports Hub is to be offered to the Council a financial contribution will be required for maintenance and management of the approved noise mitigation measures in perpetuity. This will be secured through a section 106 agreement.

If the Sports Hub is to be transferred to another third party, evidence will be required to demonstrate that sufficient monies have been secured to fund the maintenance and management of the noise mitigation measures in accordance with the details required under condition 5.

5. The applicant is advised that this approval remains subject to the conditions imposed on the hybrid permission 12/0546 as amended and further relevant submissions to comply with conditions on the hybrid permission will be needed.
6. The applicant is advised that whilst the approved details are acceptable for the purposes of the hybrid permission and reserved matters approval,

this does not necessarily mean that they are acceptable for adoption purposes which is a separate process.

7. The applicant is advised that the design and layout of the MUGA/courts should comply with the LTA's Technical Design Guidance, including guidance published by Sport England.
8. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).
9. It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.
10. Details of the highway requirements necessary for inclusion in any application seeking approval of the above matters may be obtained from the Transportation Development Planning team of Surrey County Council.
11. 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 2023. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
12. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
13. In the interests of clarity any reference to the MUGA or tennis courts includes their dual use for other sports

APPLICATION NUMBER	SU/22/1123/R RM
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DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: Secretary Of State For Defence

Location: Princess Royal Barracks, Brunswick Road, Deepcut, Camberley, Surrey, GU16 6RN

Development: Reserved Matters application pursuant to Condition 4 for the provision of the Sports Hub, Phase 5d, (excluding the sports pavilion) with access, layout, scale, appearance and landscaping being considered and the partial submission of details pursuant to conditions 16 (Ecological Mitigation and Management), 21 (Provision of LEAP) 29 (Tree Retention and Protection), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) attached to 12/0546 as amended by 18/0619 and 18/1002 and Schedule 5 Part 7 (Provision of Sports Hub) of the Section 106 agreement dated 17 April 2014 as varied.

Contact Officer	Matthew Strong	Consultation Date	11 September 2023	Response Date	5 March 2024
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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. Prior to the proposed Sports Hub opening to the public, space shall be laid out within the site in accordance with the approved plans, Drawing No. DC2-WTM-LX-107-XX-DR-04-1000 Rev PS15, for vehicles to be and for vehicles 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 purposes.

2. Prior to the proposed Sports Hub opening to the public, the provision of pedestrian routes, with a minimum width of 2m, shall be provided in the following locations within the site:

- (i) The north-western corner of the site from the cycle route to the northern boundary of the car park; and
- (ii) The south-western corner of the site with extended footway to connect to the tennis courts.

Such routes shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such routes shall be permanently maintained and refreshed when necessary, all to the satisfaction of the Local Planning Authority.

3. Prior to the proposed Sports Hub opening to the public, surface painted walking routes shall be provided within the car park to provide safe walking routes from the proposed car parking spaces to the Sports Hub. Such routes shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such routes shall be permanently maintained and refreshed when necessary, all to the satisfaction of the Local Planning Authority.
4. Prior to the proposed Sports Hub opening to the public, additional hardstanding shall be provided adjacent to the proposed bus parking areas, to provide additional space for passengers and drivers to board/alight coaches. Such areas shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, such areas shall be permanently maintained to the satisfaction of the Local Planning Authority.
5. Prior to the proposed Sports Hub opening to the public, secure, undercover, illuminated cycle parking, (including charging sockets for e-bikes) shall be provided within the site. Once provided such facilities shall be permanently retained and maintained free of any impediment to their designated use to the satisfaction of the Local Planning Authority.
6. Prior to the proposed Sports Hub opening to the public, at least 50% of the proposed parking spaces shall be provided with fast-charge Electric Vehicle charging points (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). The remaining spaces shall be provided with cabling for the future provision of charging points. To be 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.
7. Prior to the proposed Sports Hub opening to the public, pedestrian visibility splays measuring 2m by 2m shall be provided at all intersections. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
8. Prior to the proposed Sports Hub opening to the public, the proposed vehicular accesses shall be constructed and provided with visibility zones and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reasons

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.

Informatives

1. Details of the highway requirements necessary for inclusion in any application seeking approval of the above matters may be obtained from the Transportation Development Planning team of Surrey County Council.
2. 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 2023. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

3. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.

4. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Note to Planner

Please contact the officer shown in the above table if you require additional justification for the County Highway Authority's recommendation on this planning application.

Surrey County Council's 'Transportation Development Control Good Practice Guide' provides information on how the County Council considers highways and transportation matters for development proposals in Surrey.

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[REDACTED]

From: Owen Neal [REDACTED]
Sent: 18 September 2023 12:43
To: Development Control
Subject: LA APP REF: 22/1123/RRM - THE PRINCESS ROYAL BARRACKS (CLOSED), Princess Royal Barracks, Deepcut, GU16 6RW SE REF: PA/23/SE/SUH/64579

Categories: [REDACTED]

Dear Sarita,

Thank you for forwarding on the agent's response which seeks to address the matters Sport England raised through the use of appropriately worded conditions. Having considered this, we believe that it may be possible to use the following conditions to achieve this:

- No development of the MUGA/courts shall commence until details of the design and layout of the MUGA/courts have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The MUGA/courts shall not be constructed other than in accordance with the approved details.

Reason: To ensure the MUGA/courts are fit for purpose and sustainable and to accord with Development Plan Policy **.

Informative: The applicant is advised that the design and layout of the MUGA/courts should comply with the LTA's Technical Design Guidance, including guidance published by Sport England.

- (a) No development of the playing pitches for football and cricket shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the football and cricket pitches which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)

- Before the playing field/pitches is brought into use, a management and maintenance scheme for the playing field/pitches including a programme for implementation for a minimum period of five years starting from the commencement of use of the playing field and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing field/pitches.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.

Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

Sport England does not object to the amending of the above conditions as long as they achieve the same outcomes, and we would be happy to discuss any rewording.

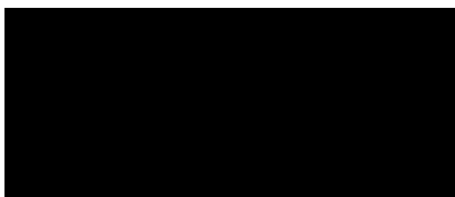
Subject to the above (or similar) conditions being imposed should the local authority be minded to approve the application, then Sport England supports the application.

Should any of the conditions not be imposed on any permission, the Sport England would wish to lodge an objection to the application.

I hope that clarifies our position.

Owen Neal (MRTPI)
Planning Manager

Advanced notice of leave: none

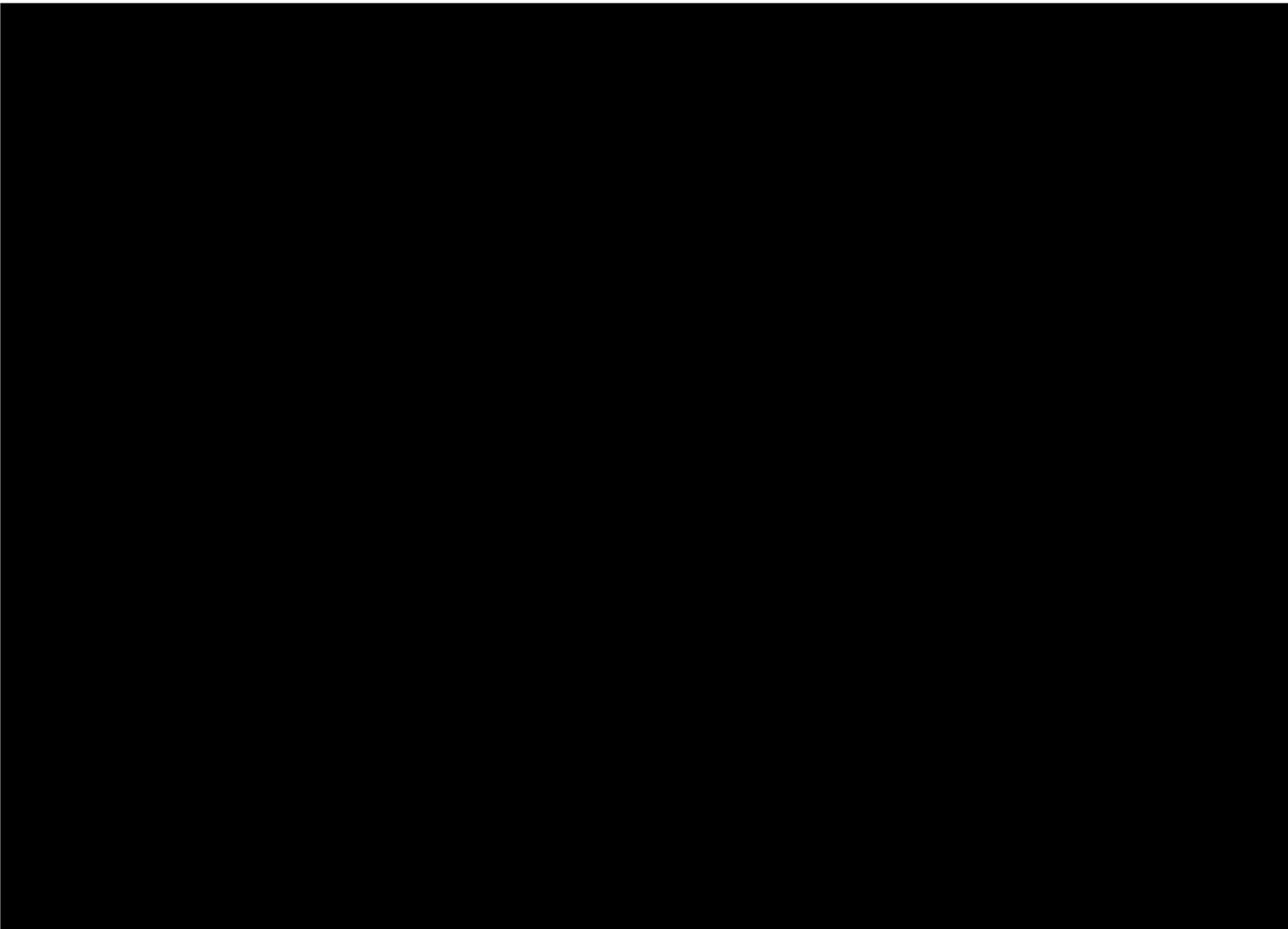




National Sports Centre, near Marlow, Buckinghamshire, SL7 1RR



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](#)



with current procedures. This email has been checked for computer viruses prior to sending, but it is also your responsibility to virus check the email upon receipt.

For contact and service information, please refer to www.surreyheath.gov.uk<<http://www.surreyheath.gov.uk>>

The information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000. Additionally, this email and any attachment are confidential and intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient, be advised that you have received this email and any attachment in error, and that any use, dissemination, forwarding, printing, or copying, is strictly prohibited. If you voluntarily provide personal data by email, Sport England will handle the data in accordance with its Privacy Statement. Sport England's Privacy Statement may be found here <https://www.sportengland.org/privacy-statement/> If you have any queries about Sport England's handling of personal data you can contact Gaile Walters, Sport England's Data Protection Officer directly by emailing DPO@sportengland.org

Application Number & Location:22-1123 Princess Royal barracks - Sports Hub

Proposal: Reserved Matters application pursuant to Condition 4 for the provision of the Sports Hub, Phase 5d, (excluding the sports pavilion) with access, layout, scale, appearance and landscaping being considered and the partial submission of details pursuant to conditions 16 (Ecological Mitigation and Management), 21 (Provision of LEAP) 29 (Tree Retention and Protection), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) attached to 12/0546 as amended by 18/0619 and 18/1002 and Schedule 5 Part 7 (Provision of Sports Hub) of the Section 106 agreement dated 17 April 2014 as varied.

Date: 26/02/24

Terminology:

Tree preservation order (TPO), root protection radius (RPR), root protection area (RPA), tree protection fencing (TPF), ground protection (GP), construction exclusion zone (CEZ), arboricultural impact assessment (AIA), tree constraints plan (TCP), arboricultural method statement (AMS), tree protection plan (TPP). National Joint Utilities Group (NJUG). British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations (BS5837:2012). Cellular Confinement System (CCS).

026/02/24 – Updated comments

The tree pits around the car park require further clarification and I have outlined my request for further information below along with my previous comments. In relation to the amendments to the documents and landscaping that aspect I am happy to be managed under condition, once these final comments have been adequately addressed.

Tree pits within the car park.

1. The soil volumes provided, it is not clear on what basis that these trees have adequate soil volume, please show your source, further to this it is not clear if you have accounted for the kerb edging and footings required in your calculations please confirm. I draw your attention to my later comments regarding rain gardens (point 1 of **DC2-WTM-LX-107-XX-DR-04-1001 PS10**) Further to this the LPA is not planning for the short term in terms of tree planting and retention, generally where enough soil volume is shown it is for 25 years, the LPA is looking beyond such a short planting and retention scope. The planting beds through this section require further work.

Thankyou for your updated comments, you have stated that the volumes are in excess of the requirements, please clarify what these requirements are and where they were provided from?

You have stated that the parking bays are porous, however, my understanding is that these are not a tree crate system but a water retention system, the trees are not able to exploit this and so provides no tangible benefits to the trees around them, can you please provide further details if I am mistaken on this point, otherwise my comments remain the same.

DC2-WTM-LX-107-XX-DR-04-1001 PS10

1. Drainage within the car park has not been specified to include any SUDS elements for the proposed tree pits, such as rain gardens, this seems an entirely missed opportunity at this time and is reflective of point 2 under DR-04-1000 PS14.

My comments are reflective of my comments above re: porous parking but not exploitable for the trees or plants

I am happy for the remainder of the details to be conditioned as a such please use conditions:

TP02, TP05 TM01

And the following conditions:

Landscaping

Prior to completion or first occupation of the development hereby approved, whichever is the sooner, full details of both hard and soft landscape works, will need to be submitted to and approved in writing by the Local Planning Authority, these works shall be carried out as approved within the first planting season (September – April) following completion or first occupation of the development, whichever is sooner and retained thereafter in accordance with the approved details.

Details shall include:

- A. A detailed scaled plan(s) showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- B. Location, type and materials to be used for hard landscaping and boundary treatments including specifications, where applicable for:
 - I. Permeable paving
 - II. Tree pit design including the use of underground modular systems
 - III. Sustainable urban drainage integration use within tree Root Protection Areas (RPAs);
 - IV. Any Proposed level changes within RPA's
- C. a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or program of planting of all trees, shrubs, plants, hedges and grasses etc. and sufficient specification to ensure successful establishment and survival of new planting, including a landscape management plan and a comprehensive watering program, covering maintenance schedules for a minimum period of 5 years.
- D. Specifications for operations associated with plant establishment and maintenance that are compliant with best practise.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of any retained tree unless agreed in writing by the Local Planning Authority.

If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

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

LANDSCAPING COMPLIANCE

Following the completion for the planting of all new trees and shrubs on site as illustrated within the approved Landscape documents, schedule and landscape management plan, 10 days' notice shall be given to the Local Authority to inspect the newly planted trees and shrubs. If it is found that any planting is not in accordance with the aforementioned documents or that any tree or shrub is defective, further works and/or replacement planting will be undertaken and then agreed with Local Planning Authority, until correct. This condition may only be fully discharged upon completion of the proposed development, subject to satisfactory written confirmation that the trees and shrubs have been planted in accordance with the submitted details.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies – DM9

Alastair Barnes
Arboricultural Consultant

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From: Sarita Bishop <Sarita.Bishop@surreyheath.gov.uk>

Cc:

Subject: FW: Planning Application Consultation 22/1123/RRM

Attachments:

From: Ann Zhang <[REDACTED]>
Sent: Tuesday, February 13, 2024 3:36 PM
To: Sarita Bishop <Sarita.Bishop@surreyheath.gov.uk>
Subject: RE: Planning Application Consultation 22/1123/RRM

Good afternoon Sarita,

Thank you for consulting Environmental Health regarding recent submissions under 22/1123/RRM. The consultation response is due today, please find below our recommendations for your consideration.

- Noise

We have reviewed recent submission Technical Note – Development Noise Levels & Mitigation Options issued by Waterman (Doc Ref DC2-WTM-EN-107-XX-04-002-R01, dated 11 November 2023), which supplements Waterman’s Noise Assessment (Ref DC2-WTM-EN-107-XX-RP-04-001-PS01, dated 5 Sept 2023) submitted in September 2023.

Noise assessments concluded that all existing noise receptors would experience noise levels below the 55 dB LAeq,16hr, which is WHO’s threshold level for residential amenity. Predominantly noise level outside existing receptors would be below 50 dB LAeq,1hr (i.e. the guidance level recommended by Sports England), except for a few dwellings at Aisne Road, Crofters Close and Durham Drive. The noise from the sports hub would become more noticeable in the evening period (i.e. after 19:00) due to lower prevailing background noise level. The noise impacts can be mitigated by provision of acoustic barriers, and by management controls (e.g. restriction in hours / day of use). While noise from sports ground is variable in nature, the assessment follows the guidance issued by Sport England Artificial Grass Pitch (AGP) Acoustics - Planning Implications which incorporates practical planning considerations.

For future development at Parcel F (phase 4d care home), the design and layout shall consider the noise contours projection presented in these assessment reports to minimise noise exposure.

Therefore we would recommend the following conditions to control and reduce noise impacts

- (1) Hours of operation shall not extend beyond 07:00 - 21:00 specified in the assessment report
For the main football pitch and tennis courts, the operation hours may need to be reduced. This shall be considered and reviewed as part of the Noise Management Plan.
- (2) If properties south of Ainsie Road continue to be used as dwellings, a 2m high acoustic grade fence south of the dwellings of Ainsie Road shall be provided prior to Operation
- (3) Prior to commencement of operation a scheme to manage noise impacts shall be submitted to and approved in writing by the local Planning Authority. The scheme shall include but not be limited to hours of operation and how this may be reviewed and revised, procedure of receiving, recording, investigating complaints, and improvement / corrective measures as required, warning mechanism to identified users who cause repeated issues to the local community, the responsible person(s) who will manage and monitor complaints and implement any required corrective actions.

- Lighting

1. Prior to commencement of work a detailed scheme of lighting design, issued by qualified and competent person(s), must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional’s Guidance notes for the reduction of obstructive light GN01-20.
2. Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified person to validate the approved lighting scheme
3. Prior to commencement of operation a scheme to manage lighting impacts shall be submitted to and approved in writing by the local Planning Authority. The scheme shall include but not be limited to procedure of receiving, recording, investigating complaints, and improvement / corrective measures as required, the responsible person(s) who will manage and monitor complaints and implement any required corrective actions.

Kind regards

Ann S. Zhang
Scientific Officer



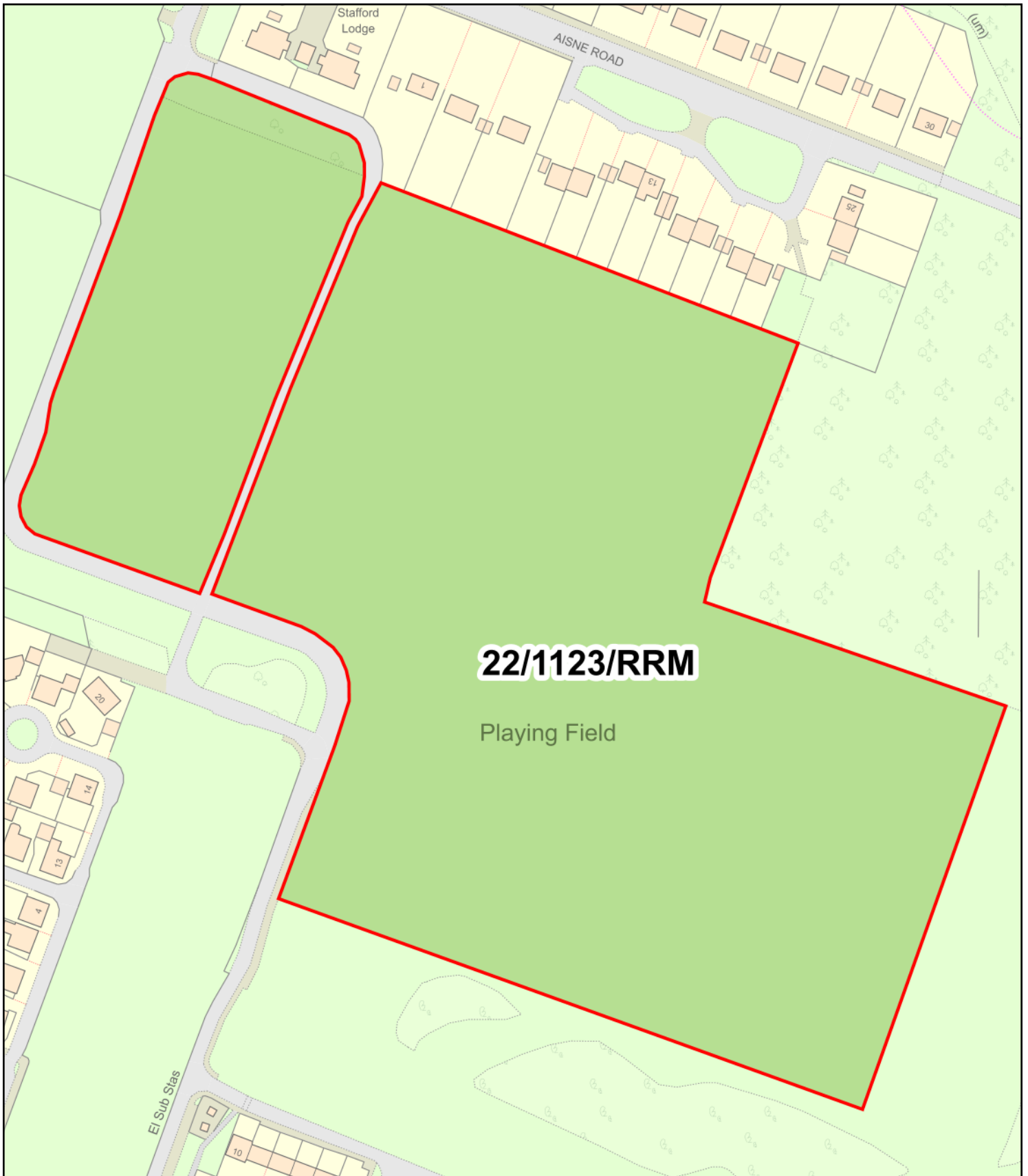
Environmental Health and Licensing
Surrey Heath Borough Council
Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD
Tel: [REDACTED]
Email: [REDACTED]
Web: www.surreyheath.gov.uk

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

From: development.control@surreyheath.gov.uk <development.control@surreyheath.gov.uk>
Sent: Tuesday, January 30, 2024 5:59 PM
To: Environmental Health <[REDACTED]>
Subject: Planning Application Consultation 22/1123/RRM

Please find attached consultation letter relating to the planning application recently submitted to Surrey Heath Borough Council .

Kind regards
Planning Services
Surrey Heath Borough Council
Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD



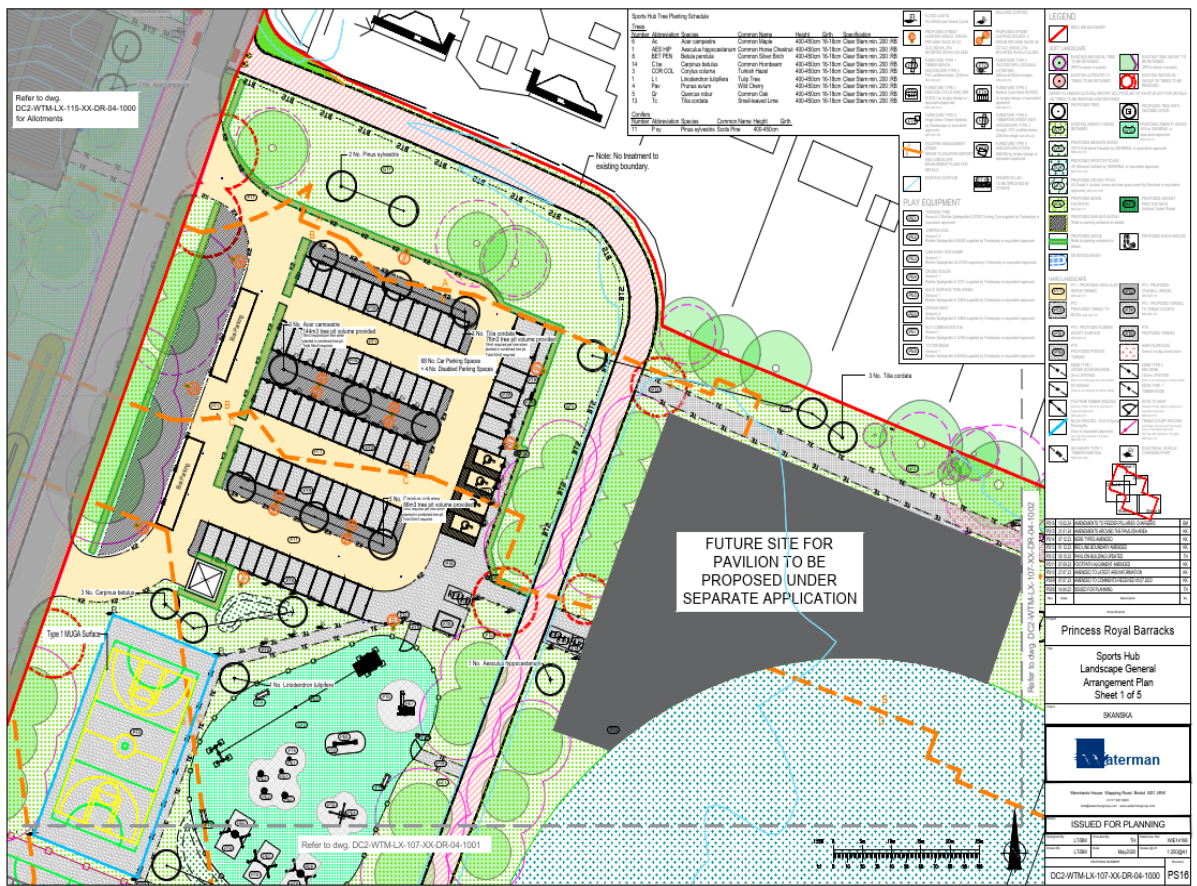
Title	22/1123/RRM		
Application Number	22/1123/RRM		Scale @ A4
Address	Princess Royal Barracks Brunswick Road		Date 29/02/202
Proposal	Reserved Matters application pursuant to Condition 4 for the provision of the Sports Hub, Phase 5d, (excluding the sports pavilion) with access, layout, scale, appearance and landscaping being considered and the partial submission of details		
© Crown copyright and database right. All rights reserved (AC0000812461) 2024		Page 161	

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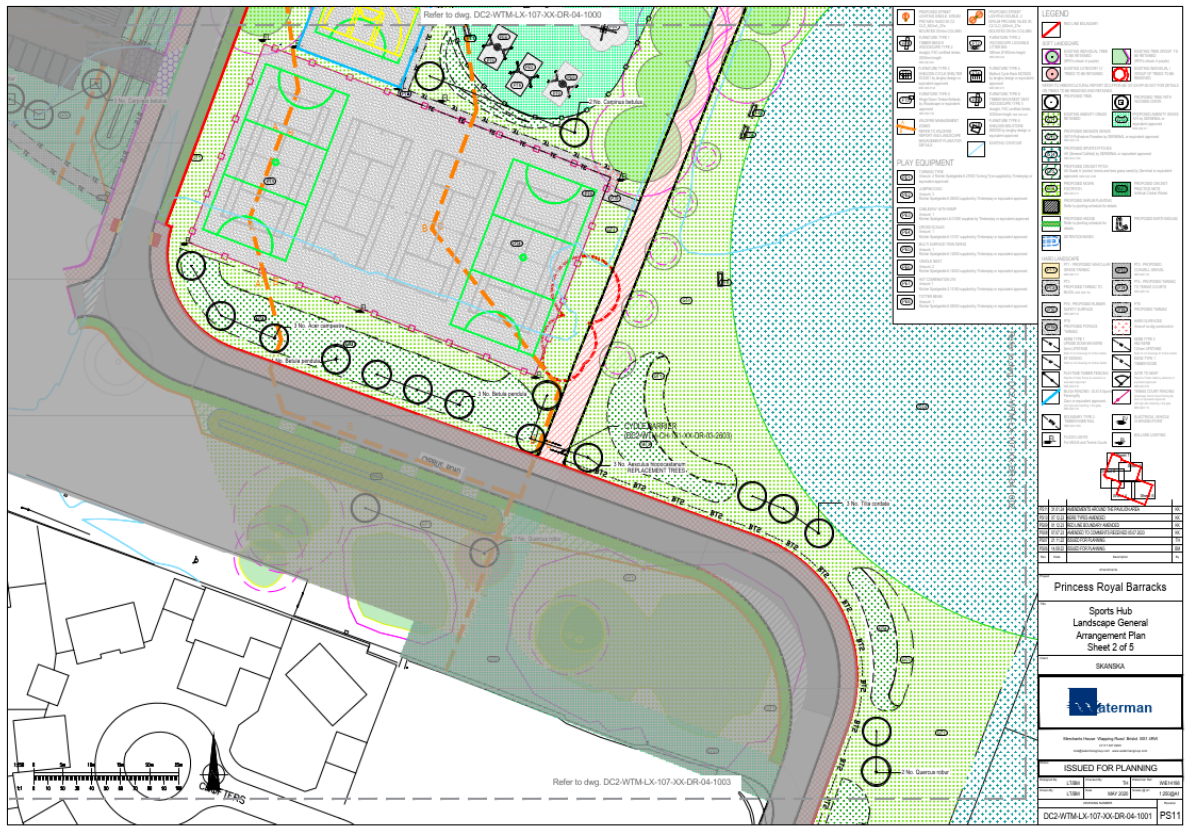
SPORTS HUB LANDSCAPE GENERAL ARRANGEMENT OVERVIEW PLAN



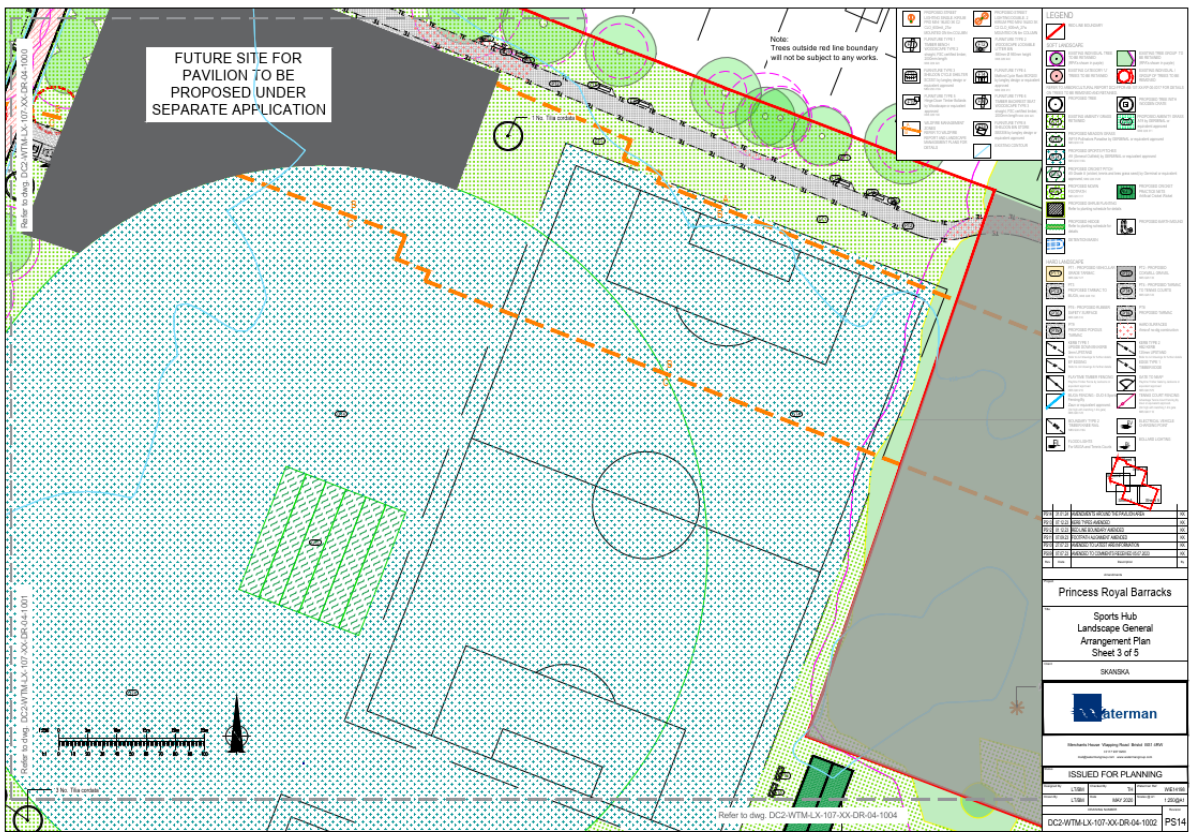
SPORTS HUB LANDSCAPE GENERAL ARRANGEMENT PLAN SHEET 1 OF 5



SPORTS HUB LANDSCAPE GENERAL ARRANGEMENT PLAN SHEET 2 OF 5



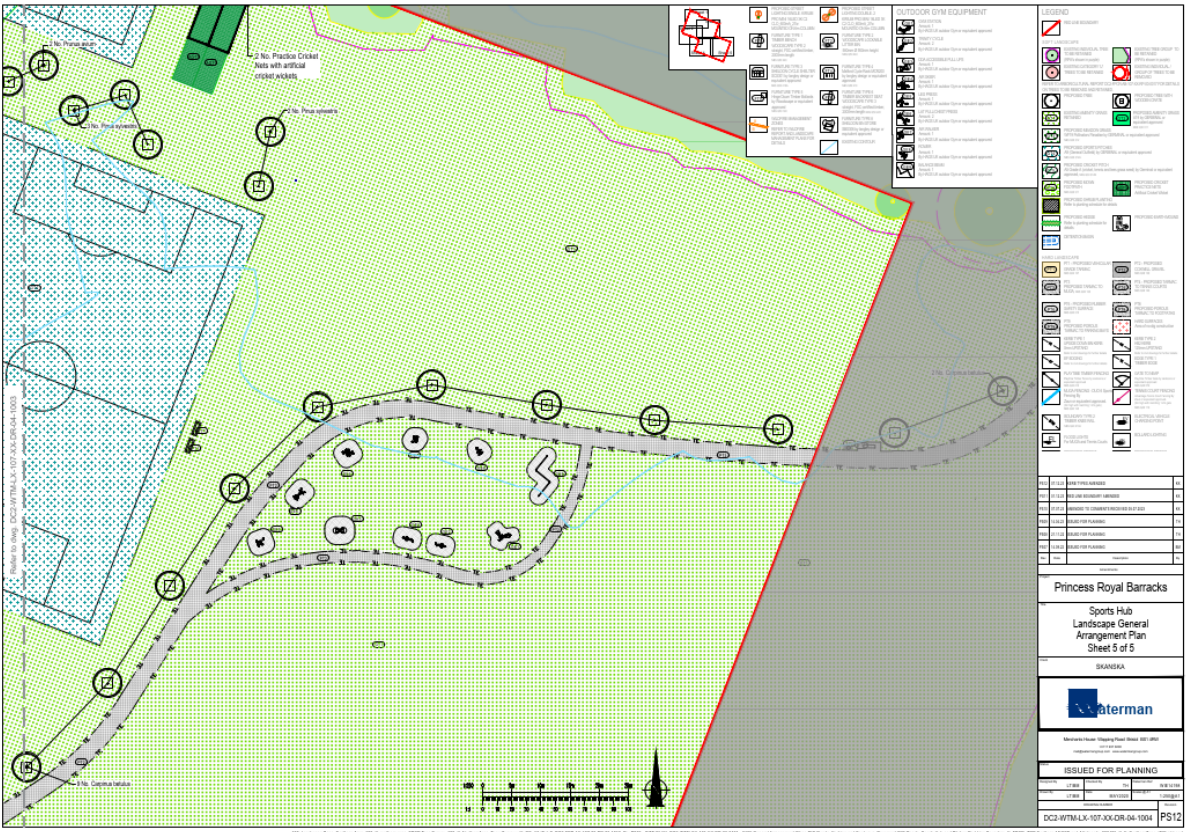
SPORTS HUB LANDSCAPE GENERAL ARRANGEMENT PLAN SHEET 3 OF 5



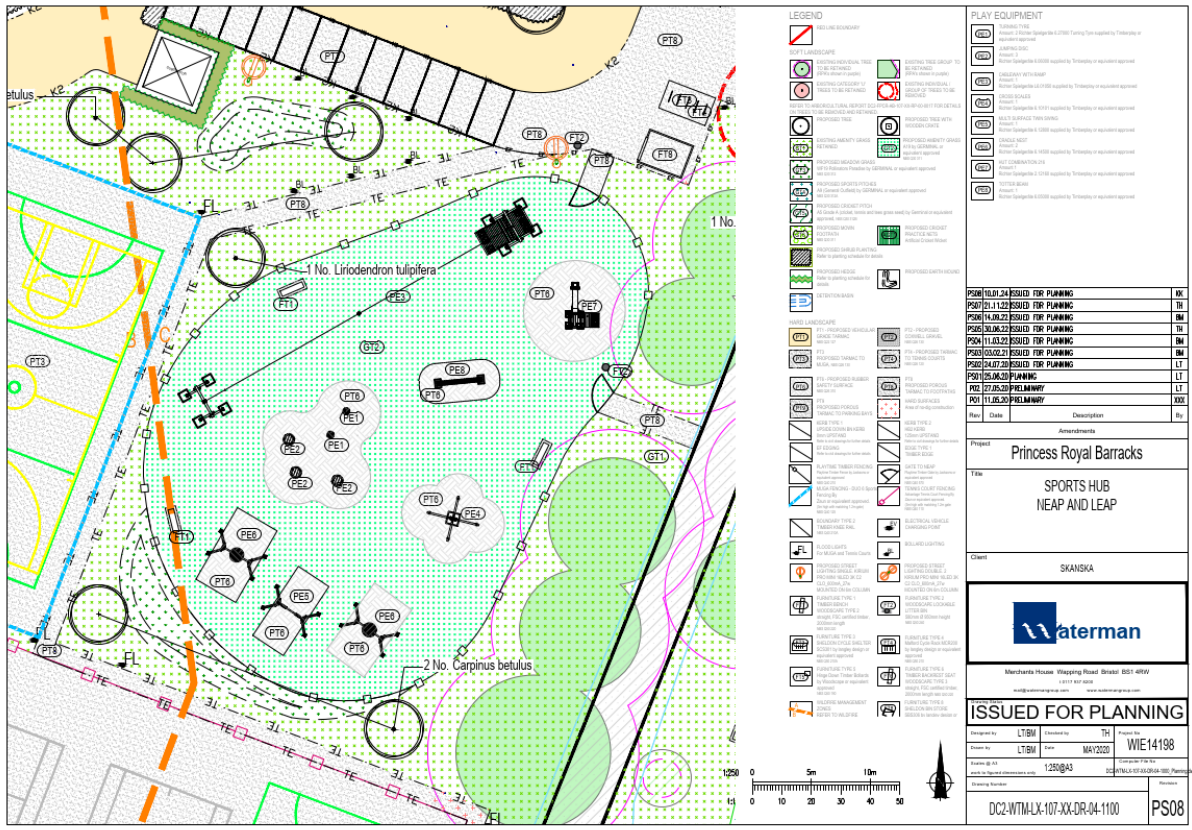
SPORTS HUB LANDSCAPE GENERAL ARRANGEMENT PLAN SHEET 4 OF 5



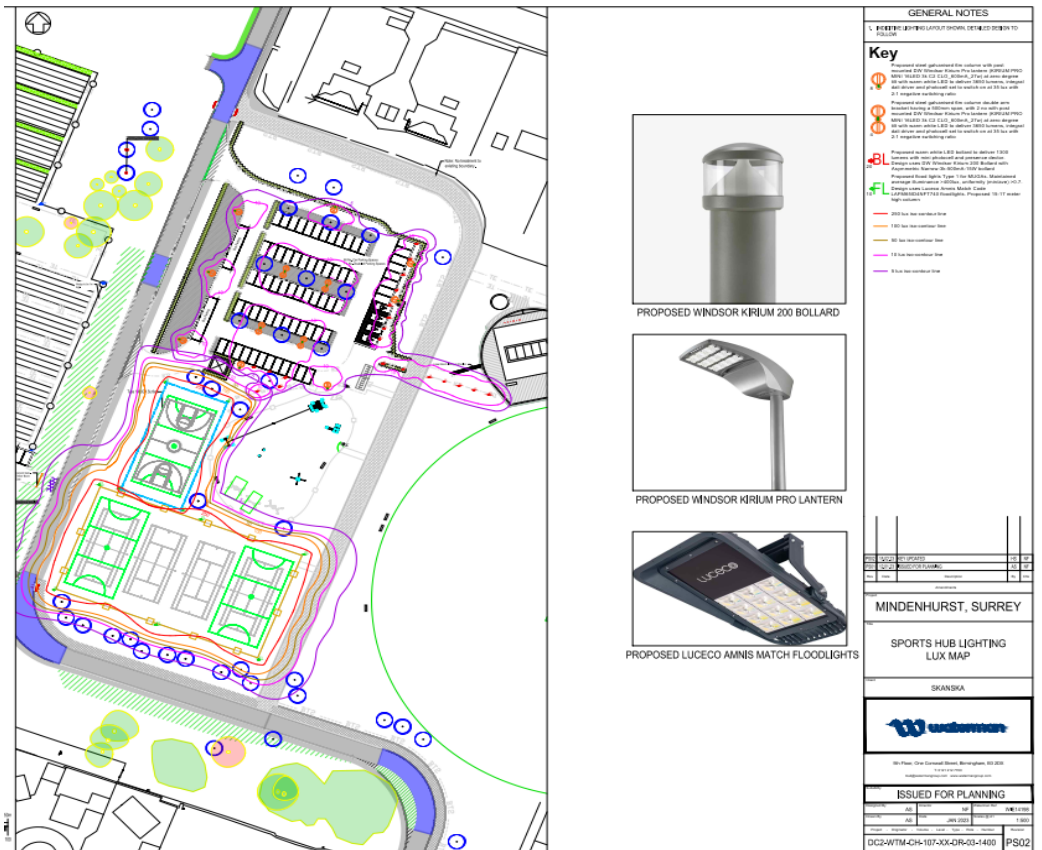
SPORTS HUB LANDSCAPE GENERAL ARRANGEMENT PLAN SHEET 5 OF 5





NEAP AND LEAP (NEIGHBOURHOOD AND LOCAL EQUIPPED AREA OF PLAY)




FLOODLIGHTING PLAN AND DETAILS



AERIAL PHOTOGRAPH

Phase 5d Deepcut	Surrey Heath Borough Council		
	Author: S. Bishop		
	Date: 08/03/2024		



VIEW FROM SOMME ROAD TOWARDS FORMER MILITARY ACCESS ROAD (NORTHERN END)



VIEW FROM FORMER MILITARY ACCESS ROAD (PROPOSED MUGA, TENNIS COURTS, NEAP/LEAP and CAR PARK)



VIEW FROM SOMME ROAD (PROPOSED MUGA, TENNIS COURTS, NEAP/LEAP and CAR PARK)



VIEW LOOKING SOUTH OF PROPERTIES IN CROFTERS CLOSE (DETTINGEN PARK)
FROM PROPOSED PROPOSED MUGA, TENNIS COURTS, NEAP/LEAP and CAR PARK



VIEW LOOKING SOUTH OF PROPERTIES IN CROFTERS CLOSE, DURHAM DRIVE
AND DRIFTERS DRIVE (DETTINGEN PARK) FROM PROPOSED PROPOSED MUGA,
TENNIS COURTS, NEAP/LEAP and CAR PARK



SOMME ROAD (ACCESS)



SITE BOUNDARY WITH PROPERTIES IN AISNE ROAD



SITE BOUNDARY WITH PROPERTIES IN AISNE ROAD



VIEW FROM FORMER MILITARY ACCESS ROAD (PROPOSED SPORTS PITCHES, CRICKET NETS AND OUTDOOR GYM)



IEWS FROM FORMER MILITARY ACCESS ROAD (PROPOSED SPORTS PITCHES,
CRICKET NETS AND OUTDOOR GYM)



23/1239/FFU

Reg. Date

5 December 2023

Bagshot

LOCATION:	Longacres Nursery, London Road, Bagshot, Surrey, GU19 5JB,
PROPOSAL:	Re-provision and extension to cafe seating area and re-provision of plant and display area following the demolition/removal of existing cafe extensions and polyhouse
TYPE:	Full Planning Application
APPLICANT:	C/O Agent
OFFICER:	Duncan Carty

This application would normally be determined under the Council's Scheme of Delegation but is being reported to the Planning Applications Committee because the agent representing the applicant has been employed by the Council, as a planning officer, within the previous 4 years.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application relates to the erection of a rear extension to the garden centre building at Longacres Nursery, located north east of Bagshot within the Green Belt. The rear extension would provide an extension to the café and retail area within the main garden centre building. The proposal includes the demolition of existing structures, including a polytunnel used for retail display, and an existing café extension. This would lead to an overall reduction in built form in both volume and floorspace.
- 1.2 The proposal would not be inappropriate development in the Green Belt and would cause no adverse harm to the character of the area. There would also be no impact upon highway safety or upon neighbouring residential amenities. The proposal would not have any retail impact upon nearby centres.
- 1.3 The application is therefore recommended for approval subject to conditions.

2.0 SITE DESCRIPTION

- 2.1 The 0.7 hectare application site relates to part of Longacres Nursery garden centre. The overall garden centre comprises 5.4 hectares and is located on the north side of A30 London Road at the roundabout junction with Grove End. Grove End links the southbound traffic on the A322 dual carriageway with the A30. The west boundary of the site is with the Bagshot to Ascot rail line. The site lies within the Green Belt and is previously developed land.
- 2.2 The overall garden centre site is triangular and includes parking to the site frontage with the main glasshouse buildings centrally located with a yard to the rear used for retail display with storage beyond. The existing garden centre has an overall floorspace of 5,043 square metres and a car park providing 554 spaces. The application site is located to the rear of the main glasshouse building and includes a rear yard, an existing detached polytunnel used for retail display, and a café extension.

3.0 RELEVANT HISTORY

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

- 3.1 93/0747 Continued use of glasshouses and polyhouses, other buildings and land for mixed nursery and garden centre purposes; retrospective consent for glasshouse extensions, formation of new access to A30 London Road, closure of existing access, extension of and alterations to existing car park, construction of secure open storage area and access roadway within the site, together with associated landscaping.
- Approved in November 1993.
- 3.2 10/0291 Erection of an attached glasshouse following the part demolition of existing glasshouse for garden centre.
- Approved in October 2010.
- This relates to the east half of the existing main garden centre building.
- 3.3 11/0447 Application for a minor material amendment to planning permission 10/0291 to provide fenestration amendments to east flank and rear, positioning of front lobby and the repositioning of doors from the eastern to southern front elevation.
- Approved in December 2011 and implemented.
- This relates to the north east half of the existing main garden centre building.
- 3.4 16/0669 Erection of an attached glasshouse following the demolition of existing glasshouse for garden centre.
- Approved in November 2016 and implemented.
- This relates to the south west half of the existing main garden centre building.
- 3.5 22/0667 Certificate of Lawful Existing Development for the erection of a poly tunnel used for displaying plants that needed some shelter from the elements and other garden sundries items such as fire wood, garden and household pots and baskets (all of which have been available for sale at the Garden Centre).
- Considered to be lawful in September 2023.
- 3.6 The conditions imposed under these permissions limit the garden centre to the retail sales of house plants and garden shrubs, trees, gardening sundries, including gardening tools and equipment and chemicals, garden associated objects such as statues, containers, garden furniture, landscaping materials, country craft produce such as dried flowers, baskets, greeting cards, Christmas trees and decorations, fresh flowers, wreaths, and bouquets; and, for 15% of the total floor area, pet food and sundries, books, pottery, glass, clothing, toys; and the provision of a coffee shop; and, for a maximum area of 275 sq.m. for the sale of food and drink. There are no conditions limiting the hours of operation.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of a rear extension to the garden centre, towards the northeast corner of the building. The proposal would incorporate an extension to the existing café/restaurant and garden centre shop. The proposed extension would have a width of approximately 53.5 metres and a depth of approximately 13 metres with a mono-pitch roof to a ridge height of 4.6 metres. This would provide an extension of 380 square metres to the shop and 323 square metres to the café/restaurant. The proposed extension would reuse existing material where this is possible, providing a metal clad roof, with polycarbonate rooflights, with clear glazing and red brick/blue capping to the walls to match the existing building.
- 4.2 The proposal also includes the demolition of an existing café extension to the garden centre, which wraps around the rear (northeast) corner of the existing garden centre and the demolition of a polytunnel within the rear yard used for retail display. The café existing extension is considered to be lawful, having been confirmed by the applicant to have been constructed in about 2019 (and shown on aerial photography from, at least, early 2020), and the polytunnel was considered to be lawful under 22/0667. The polytunnel to be removed has a floorspace of 718 square metres with the café extension (to be removed) having a total floorspace of 289 square metres. In addition, internal alterations would expand the café area further, by about 150 square metres, into the retail sales area of the garden centre, with no changes to the servery and kitchen areas.
- 4.3 The proposal would provide improved and expanded café operations at the site, with part of the extensions to be removed being unheated and used principally in warmer months. It would increase the café floor area by extension by 34 square metres (with a further increase of about the café floor area by 150 square metres due to internal conversion). Whilst the overall retail floorspace for the site would be reduced, the proposal would increase the retail floorspace within the main glasshouse building and expand the café area. There are no proposals to restrict the hours of operation.
- 4.4 A further following documents have been submitted in support of this application including:
- Planning Statement; and
 - Design and Access Statement.

Relevant extracts from these documents will be referred to in section 7 of this report: Design and Access Statement and Planning 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	No objections are raised on highway operation and safety grounds. (See Annex A for a copy of their response).
Windlesham Parish Council	An objection is raised on the following

	<p>basis:</p> <ul style="list-style-type: none"> • The proposal is an overdevelopment of an already busy site; • Insufficient special circumstances to further develop on Green Belt land; • Further development will impact local businesses in Bagshot; and, • Additional development could put strain on an already busy car park. <p><i>[Officer comment: The proposal would result in a reduction in floorspace and volume and would therefore not be inappropriate in the Green Belt; not impact on local businesses nor materially impact on parking capacity].</i></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
Environmental Health Services	<p>No objections. If the kitchen cooking capacity or style of cooking changes (e.g. more frying), a condition to control odour impacts is requested.</p> <p><i>[Officer comment: The proposal relates to a café and it is not suggested that a change in cooking style is to occur. In addition, the existing kitchen area is not expanding].</i></p>

6.0 REPRESENTATION

6.1 A total of 30 individual letters of notification were sent out on 19 December 2024. To date no letters of representation have been received.

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, CP9, CP11, DM9 and DM11 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). The site lies in an out-of-centre location but because it amounts to a reduction in floorspace, a charge under the Council's CIL scheme would not apply.

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

- Impact on the Green Belt
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on retail centres
- Impact on parking capacity and highway safety
- Other matters

7.3 Impact on the Green Belt

7.3.1 Paragraph 153 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with a number of exceptions including where the proposal results in the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

7.3.2 The proposed development would provide an extension to the garden centre with two structures to be demolished. The structures include a polytunnel which has been used for retail display (for sale), considered to be lawful under 22/0667, and a café extension which is lawful (the applicant has advised this was built in 2019 and there is evidence from aerial photography that it has been in existence since at least early 2020). It is considered that the loss of these structures can be taken into consideration in the wider assessment of Green Belt harm from this development.

7.3.3 The overall changes in floorspace and volume are set out below:

	Floorspace	Volume
Existing (to be removed)	1,007 sq m	3,965 cub m
Proposed	703 sq m	3,926 cub m
Difference	-304 sq m	-39 cub m
% change	-30%	-1%

7.3.4 The proposal would add an extension to the rear of the main glasshouse building and would only be clearly viewed from the rear yard of the site and would result in a reduction in built form in both volume and floorspace, as indicated in the table set out in Paragraph 4.3 above. The proposal would remove the polytunnel which is the largest structure and located centrally within the rear yard. Spatially, therefore, the proposal would result in an improvement to the openness of the Green Belt by reducing the size and spread of built form on the site. It would be no greater in height than the main glasshouse building, having a low rise form and would be located centrally on the wider site. It would not be seen from the rear yard against the backdrop of this much larger structure, also reducing the visual impact of built form on the Green Belt.

7.3.6 The polytunnel is a lightweight structure, but has an opaque polythene material but with racking systems to both sides providing a more solid appearance. Whilst the proposed extension would, in part, have a light glazed finish, the depth of the building, internal wall partitioning and stock/shelving would not provide clear views through the extended building. As such, it is considered that the change to materials would have a neutral impact on Green Belt openness.

7.3.7 The proposal includes an overall reduction in built form reducing the floorspace by 304 square metres and volume by 39 cubic metres. This reduction would therefore not have a greater impact on the openness of the Green Belt than the existing development and would not be inappropriate development in the Green Belt, complying with the NPPF.

7.4 Impact on the character and appearance of the area

7.4.1 Policy DM9 (ii) is relevant.

7.4.2 The proposal would provide a rear extension to the main garden centre building and would not be clearly visible except from within the garden centre complex. The rear extension is not larger in height than the existing structure, following similar multi-gable roof form and would be built from matching materials. Therefore, the proposed extension would be subordinate to the existing building and would not harm the visual amenity of the area.

7.4.3 As such, no objections are raised to the proposal on character grounds with the proposal complying with Policy DM9 of the CSDMP

7.5 Impact in residential amenity

7.5.1 Policy DM9 (iii) is relevant.

7.5.2 The nearest residential property is Dellwood House, which is owned by the applicant. This is set about 70 metres from the siting of the proposal. The nearest residential property is West Lodge, on the opposite side of A30 London Road, and is set about 200 metres from the proposed siting, with the A30 and garden centre building in between. Given these distances and given that the proposal is sited centrally with the garden centre complex there would be no adverse impact on residential amenities.

7.5.3 The Environmental Health comments relate to the type of food cooked at the site, and potential harm from odours to nearby residential properties. Noting the level of separation, to all other nearby residential properties, no adverse impact is envisaged to residential amenity.

7.5.4 As such, the proposal is considered to be acceptable on residential amenity grounds, with the proposal complying with Policy DM9 of the CSDMP.

7.6 Impact on retail centres

7.6.1 Paragraph 91 of the NPPF states that main town centre uses, such as retail, should be located in town centres; then in edge-of-centre locations; and only if suitable sites are not available should out of centre sites be considered. Policy CP8 of the CSDMP provides the hierarchy of retail centres within the Borough.

7.6.2 The proposal would support a local business to consolidate their operations and would not result in a significant increase in retail/cafe floorspace. Whilst it relates to an existing out of centre retail premises, it is limited to types of retail sales by conditions, and the proposal does not seek to amend the restrictions on the type of retail sales (i.e. retail sales typical of garden centres). It is therefore considered that the proposal would not result in any material harm to the function of any nearby retail/local centre. No objections are raised on these grounds with the proposal complying with Policy CP8 of the CSDMP and the NPPF.

7.7 Impact on parking capacity and highway safety

7.7.1 Policies CP11 and DM11 are relevant.

7.7.2 The current proposal would not increase the building areas within the site. There are correspondingly no increases in the car parking provision (554 spaces), at the site and no alterations are proposed to the site access. The County Highway Authority has raised no objections to the proposal considering that in terms of likely net additional traffic generation, access arrangements and parking provision, the proposal would not have a material impact on the safety and operation of the adjoining public highway.

- 7.7.3 As such, no objections are raised on highway safety grounds with the proposal complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

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 application relates to a reduction in built form compared with the existing buildings to be demolished. The development would cause no greater harm to Green Belt openness than the existing situation, and the proposal is not inappropriate development in the Green Belt. No objections are raised on character, residential amenity, retail impact and highway safety grounds. The application proposal is therefore recommended for approval.

10.0 RECOMMENDATION

- 10.1 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: M23.105.D.007, M23.105.D.008, M23.105.D.009; and M23.105.D.010, unless the prior written approval has been obtained from the Local Planning Authority.

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

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

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

4. The proposed extensions (annotated as restaurant seating area) and poly tunnel shown on Drawing Nos M23.105.D.002, M23.105.D.003, M23.105.D.004, M23.105.D.005 and M23.105.D.006, which are proposed to be removed, shall be removed prior to the construction of the development hereby approved.

To prevent harm to the openness of the Green Belt and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

5. Except for the further retail sales allowed by Conditions 6 and 7 below, the garden centre shall only be used for the retail sales of house plants and garden shrubs,

trees, gardening sundries, including gardening tools and equipment and chemicals, garden associated objects such as statues, containers, garden furniture, landscaping materials, country craft produce such as dried flowers, baskets, greeting cards, Christmas trees and decorations, fresh flowers, wreaths, and bouquets, and for no other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any other provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

Reason: To ensure that the proposal would not have an adverse impact on the vitality and viability of local retail centres and to comply with Policies CP1, CP9, CP10 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. Except for the retail sales allowed by Conditions 5 above and 7 below, the garden centre shall only be used for the retail sales of pet food and sundries, books, pottery, glass, clothing, toys and the provision of a coffee shop and for no other purpose. The retail floorspace provided for the retail sales allowed by this Condition shall only be provided on no more than 15% of the total floor area of the main glasshouse building in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any other provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

Reason: To ensure that the proposal would not have an adverse impact on the vitality and viability of local retail centres and to comply with Policies CP1, CP9, CP10 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7. The retail area provided within the garden centre for the sale of food and drink shall not exceed an area of 275 square metres unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that the proposal would not have an adverse impact on the vitality and viability of local retail centres and to comply with Policies CP1, CP9, CP10 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

S

APPLICATION NUMBER	SU/23/1239/FFU
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DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: C/O Daniel Gresswell-Nunn

Location: Longacres Nursery, London Road, Bagshot, Surrey, GU19 5JB,

Development: Re-provision and extension to cafe seating area and re-provision of plant and display area following the demolition/removal of existing cafe extensions and polyhouse

Contact Officer	Richard Peplow	Consultation Date	19 December 2023	Response Date	20 February 2024
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THE COUNTY HIGHWAY AUTHORITY has undertaken an assessment 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. The County Highway Authority therefore has no highway requirements.

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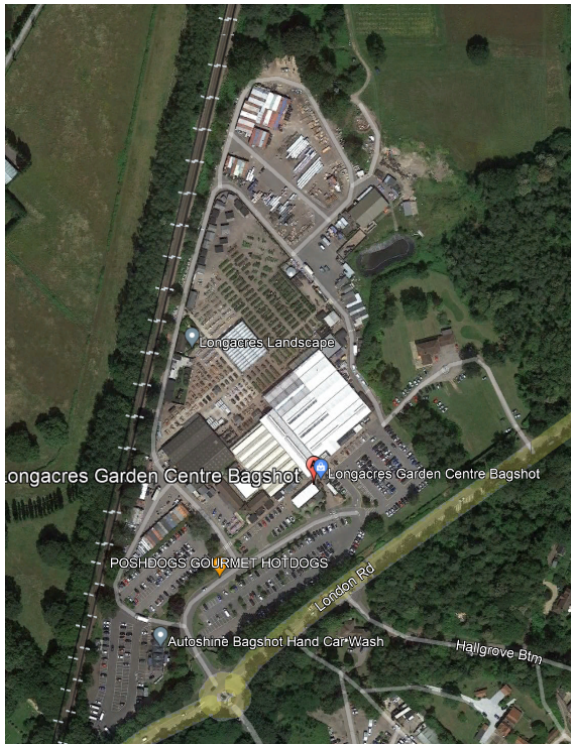
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23/1239/FFU – LONGACRES NURSERY, LONDON ROAD, BAGSHOT

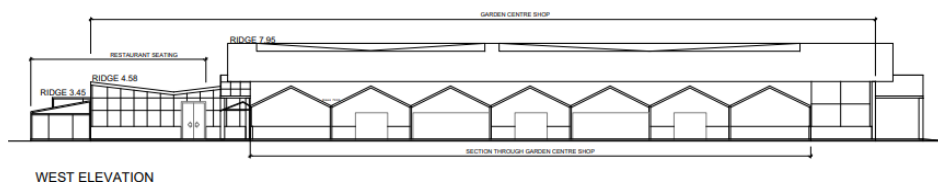
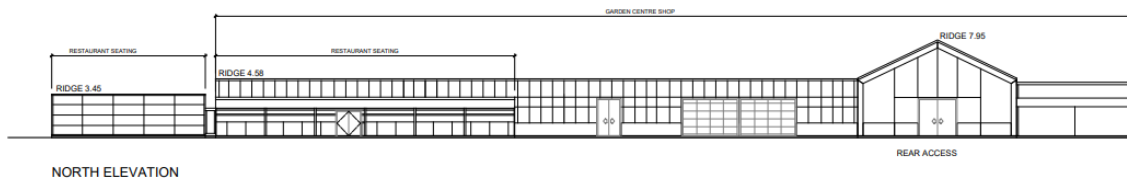
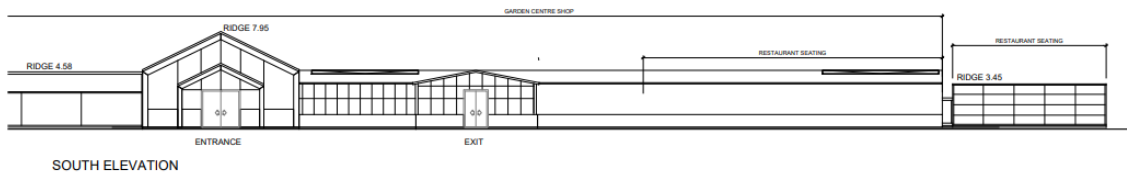
Location Plan



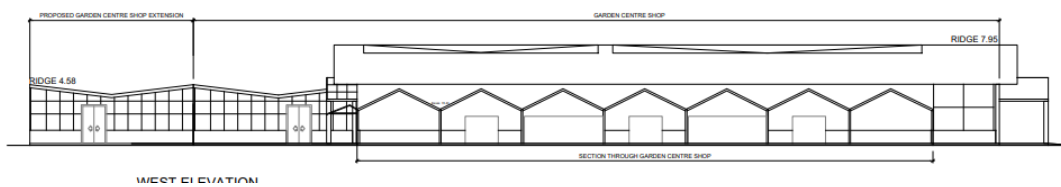
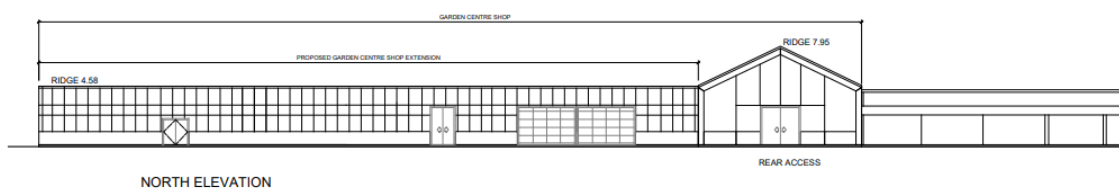
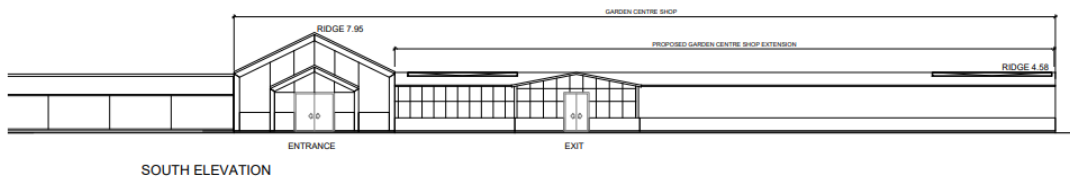
Aerial photo



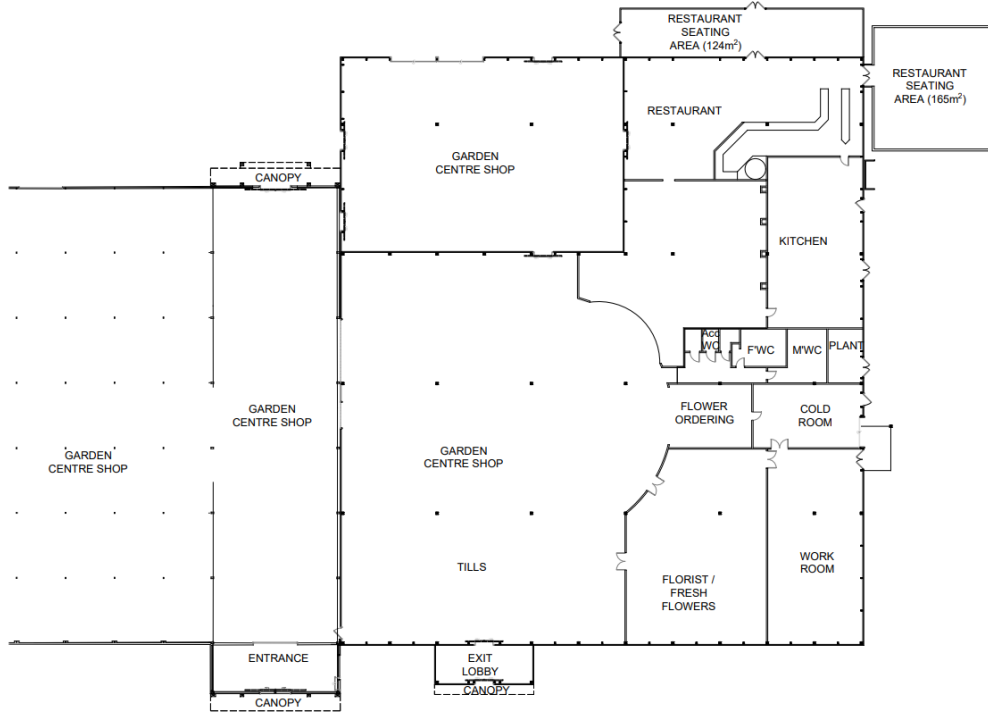
Existing elevations



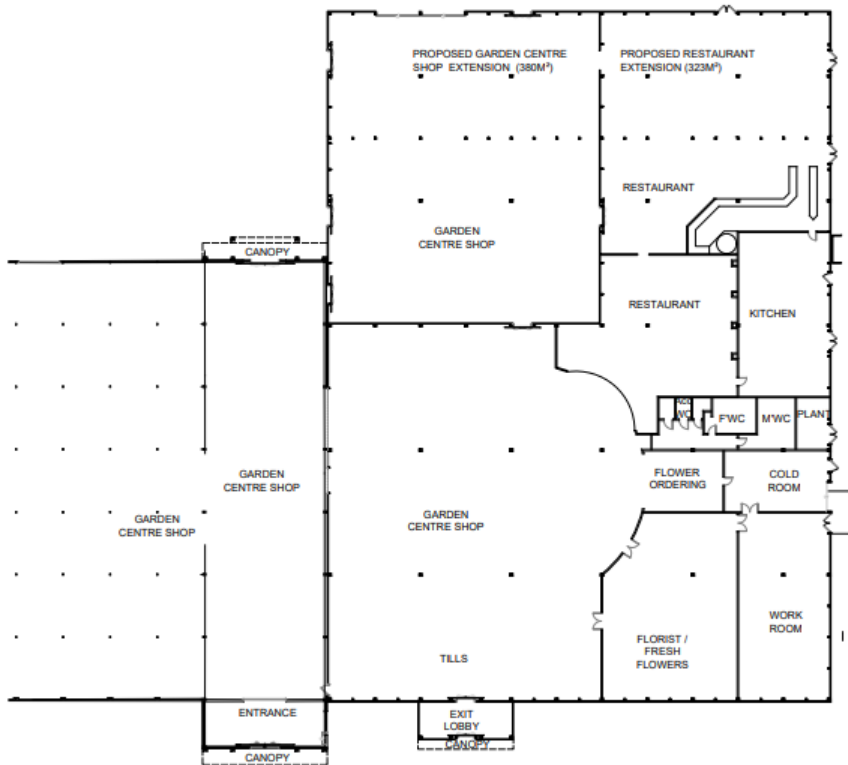
Proposed elevations



Existing floorplan



Proposed floor plan



Site photo

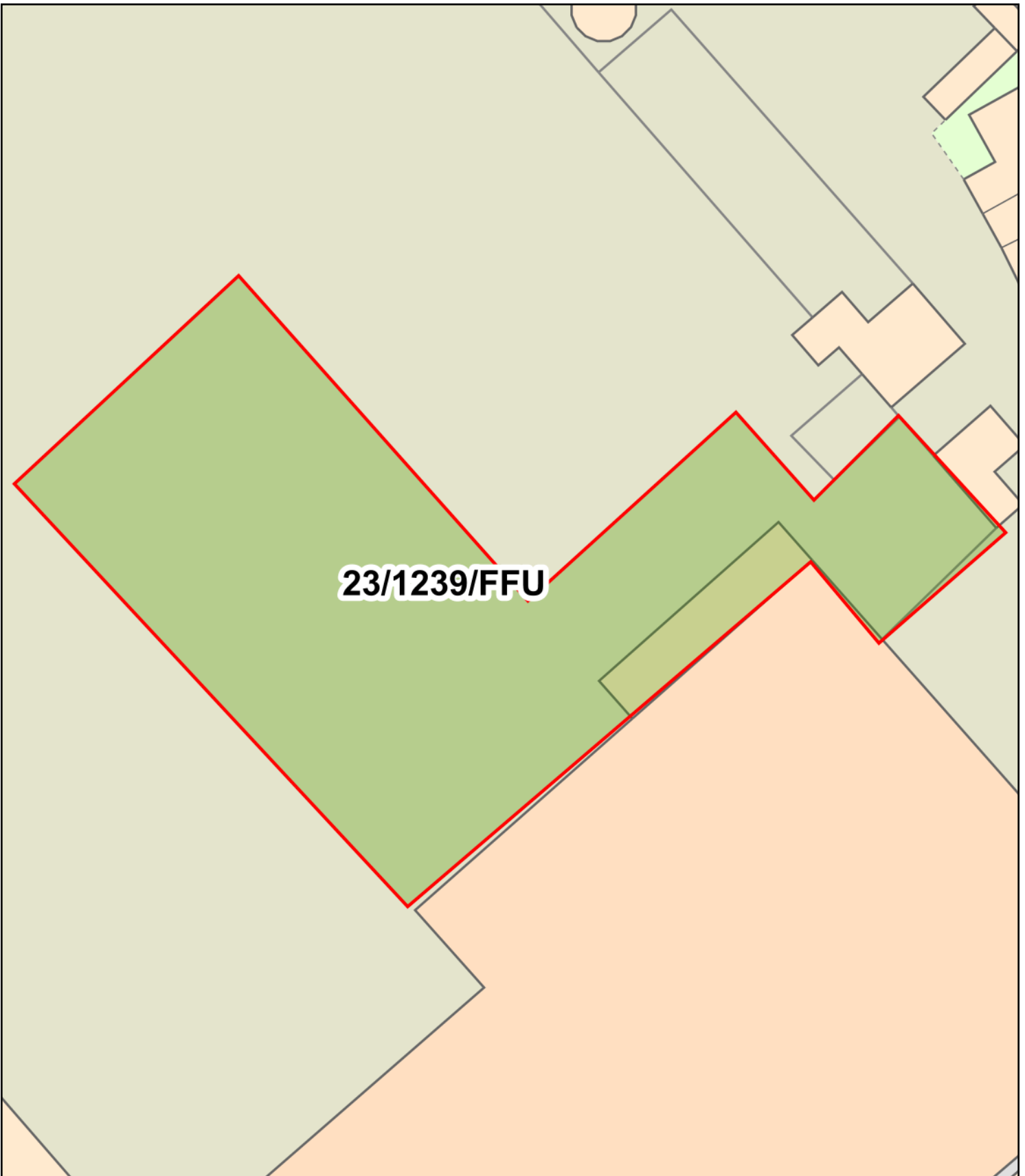


Polytunnel/house (to be removed)

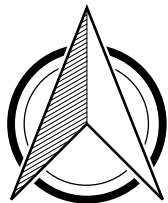
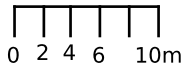



Siting for proposal





23/1239/FFU

Title	23/1239/FFU		
Application Number	23/1239/FFU		Scale @ A4
Address	Longacres Nursery London Road		Date
Proposal	Re-provision and extension to cafe seating area and re-provision of plant and display area following the demolition/removal of existing cafe extensions and polyhouse		
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