

**LOCATION:** LAND ASSOCIATED WITH THE DEVELOPMENT SITE  
AT HOME FARM, CHURCH ROAD, WINDLESHAM

**PROPOSAL:** Creation of a pond with associated landscape works.  
(Amended & Additional Plans - Rec'd 22/06/2017)  
(Amended plans recv'd 18/7/17) (Amended Plans - Rec'd  
02/08/2017.) (Amended Plan - Rec'd 10/08/2017.)  
(Amended Plan - Rec'd 03/10/2017.)

**TYPE:** Full Planning Application

**APPLICANT:** Mr G Weston

**OFFICER:** Duncan Carty

The application would normally be determined under the Scheme of Delegation, however, it is being reported to Planning Applications Committee at the request of Cllr. Sturt.

**RECOMMENDATION: GRANT subject to conditions**

**1.0 SUMMARY**

- 1.1 This application proposal relates to the provision of a pond and landscape works in the Green Belt to enable a part of the drainage system for the new dwelling provided (at Home Farm) on adjoining land. The original proposal included the provision of an access road (from School Road) and wharf for the pond but these elements of the original proposal have been deleted from the proposal. The proposal is considered to be acceptable in terms of its impact on the Green Belt, drainage and flood risk, local character and trees, residential amenity and highway safety. The application is recommended for approval.

**2.0 SITE DESCRIPTION**

- 2.1 The 0.5 hectare application site relates to agricultural land associated with, and to the rear of, Home Farm including a field to the rear of the new dwelling currently under construction at this site with an existing field access from School Road. The use of the land has previously been agricultural. The site falls within Zone 1 (low risk) of the floodplain. A ditch runs in a direction from north west to south east across the field. There is an existing access over a culverted part of the ditch.
- 2.2 The site is land locked but with adjoining land owned/controlled by the applicant including further agricultural land with an existing access point from School Road between Thatched Cottage and 1 Wellesley Cottages, with Public Footpath 28 adjacent to the access point, and Turpins lies opposite the access point. School Road, to the east of this access point, lies within the Church Road Conservation Area, but the application site falls outside of the Conservation Area. With the exception of the new dwelling under construction at Home Farm, the remaining site

boundaries are with open fields.

### **3.0 RELEVANT HISTORY**

- 3.1 There is no relevant planning history for the site. However, the adjoining development site (Home Farm), owned/controlled by the applicant, has been the subject of an extensive planning history of which the following is most relevant:
- 3.2 SU/15/0268 Erection of a two storey building with part basement to provide a five bedroom dwelling with a single storey building with accommodation in the roof to provide garage/annex accommodation with access onto Church Road following the demolition of all existing buildings. Approved in November 2015 and under construction.
- 3.3 SU/17/0043 A minor material amendment application pursuant to planning permission SU/15/0268 to provide a revised position of a swimming pool and provide a pool building. Currently under consideration.

### **4.0 THE PROPOSAL**

- 4.1 The current proposal is to provide a pond and soft landscape works in the Green Belt to provide a part of the drainage system for the new dwelling provided (at Home Farm) on adjoining land.
- 4.2 The proposed pond would be at an average of about 1.5 metres in depth with planting to its edge. The area of the pond is about 750 square metres, requiring the removal of approximately 1,125 cubic metres. Further soft landscaping is proposed between the ditch and pond.
- 4.3 The proposal originally included a part gravelled, part grass-crete access road from the existing field access onto School Road, on a larger site, but this has since been deleted from the submission.
- 4.4 The application has been supported by a planning/design and access statement, method statement, tree report and flood risk assessment.

### **5.0 CONSULTATION RESPONSES**

- 5.1 County Highway Authority No objections.
- 5.2 Arboricultural Officer No objections.
- 5.3 Drainage Engineer No objections.
- 5.4 Surrey County Council Footpaths Officer No comments received to date.

5.3 Windlesham Parish Council No comments received to date.

## 6.0 REPRESENTATION

6.1 At the time of preparation of this report, no representations have been received in support, and seven representations have been received (including one object

- Not necessary – site has an existing access from Church Road [*Officer comment: The proposal would retain the existing field access*]
- Proposal would facilitate the coming and going of large construction vehicles, horse boxes and tractors and there is already an unacceptable level of heavy vehicles accessing the village [*See Paragraph 7.7*]
- Impact on residential amenity [*See Paragraph 7.6*]
- Should surface water drainage details (pond) form part of original planning application and associated building regulations approval? [*Officer comment: The principle of a pond in its proposed location has been approved, subject to this application, as a part of the surface water drainage works for the dwelling on adjoining land (Home Farm). These are engineering operations which separately require permission*]
- Does this constitute a change of use of agricultural/grazing land to garden? [*Officer comment: The proposal does not include a change of use of land. The land will remaining in agricultural use, and is to be restricted by condition*]
- Further local residents in School Road should have been notified [*Officer comment: The neighbour notification process met the statutory requirements*]
- Access has never been used for traffic [*Officer comment: There is an existing access which can be used to access the site*]
- The new owners (of Home Farm and this land) are equestrian owners [*Officer comment: The use of the land for equestrian purposes would require separate permission*]
- It is unfair that large properties should get favourable applications in a conservation area whilst others in the same area have to settle for less [*Officer comment: No examples of preferential treatment have been provided. However, each application is treated on its own merits*]
- Impact on existing traffic congestion on School Road [*See Paragraph 7.8*]
- Use of access would be a traffic hazard bearing in mind the level/speed of traffic on School Road [*Officer comment: The existing access which can be used to access the site remains but the proposed access (gravel/grass-crete) has been deleted*]
- Future proposal for horse shelter/domestic equipment storage – development creep [*Officer comment: The Local Planning Authority is duty bound to determine the application on its own merits*]

- The site falls within the Conservation Area [*Officer comment: The application site falls outside of the Church Road Conservation Area*]
- Impact on flood risk [*Officer comment: The application site falls within an area of low flood risk (Zone 1) and the surface water drainage works (pond) are designed to reduce flood risk from increasing surface water capacity, reducing flow into the wider system in times of high rainfall*]
- Not notified concerning house at Home Farm [*Officer comment: The level of neighbour notification for that proposal met statutory requirements*].

## **7.0 PLANNING CONSIDERATION**

7.1 The application site falls within the Green Belt. As such, the relevant policies are Policy CP11, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework (NPPF). The proposal is not CIL liable.

7.2 The main considerations are:

- Impact on the Green Belt;
- Impact on drainage and flood risk;
- Impact on local character and conservation;
- Impact on residential amenity; and
- Impact on highway safety.

### **7.3 Impact on the Green Belt**

7.3.1 The application site is located in the Green Belt. Paragraph 81 of the NPPF indicates that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including opportunities to provide access to it. Paragraph 90 of the NPPF indicates that certain forms of development are not inappropriate, including engineering operations, so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. In this case, the use of the land as agricultural is not proposed to change (with the use to be limited by condition).

7.3.2 The current proposal would provide surface water drainage details for the adjoining dwelling. The applicant has confirmed that surface water details could not be provided on site (see paragraph 7.4 below) and would need to be provided off-site, by discharging into the nearby watercourse, with the pond provided to limit the level of discharge during periods of heavy rainfall.

7.3.3 The original intention was to dispose of the excavated land across the wider site. However, this increase in levels could have an impact on openness and the intention is now to dispose of this excavated land off-site.

All vehicles associated with this would access from the adjoining development site (Home Farm) taking its access from Church Road. A condition to agree the method of this disposal is proposed to be added.

- 7.3.4 The form of the pond and soft landscape works are not considered to have any significant impact on the openness of the Green Belt, or conflict with the purposes of including land within it. It is therefore considered that the development is not inappropriate development, complying with the NPPF.

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

- 7.4.1 Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that the Council would expect development to reduce the volume and rate of surface water run-off in order to manage flood risk. The site falls within an area of low flood risk (Zone 1), but lies in the base of a shallow valley, adjacent to a watercourse (ditch). The Council's Drainage Engineer has raised no objections to the current proposal on these grounds.
- 7.4.2 The applicant has indicated that a ground investigation report confirmed that the shallow groundwater levels are between 0.9 and 1.5 metres below ground level. This precludes discharging of surface water into soakaways without groundwater ingress which in result will reduce the required storage and flood the site. The SuDS requirement is to provide at least a 1 metre buffer between the groundwater level and the infiltration component. Under the Building Regulations, and mirroring the requirements under the National Planning Policy Framework, the priority for discharging surface water is first to a soakaway or other infiltration component, then a watercourse and lastly to a sewer.
- 7.4.3 Based on this, the next available discharge point would be the existing watercourse/ditch. It has been proposed to provide a balancing/storage pond which will provide adequate water treatment, i.e. reducing run-off, before the surface water is discharged into the ditch/ground. In addition, the provision of a pond on lower land, than the residential site, allows gravity to better assist in the surface water disposal.
- 7.4.4 The provision of a pond on this land formed a part of the surface water drainage works for the new dwelling under construction on the adjoining site (Home Farm under SU/15/0268). This approach is supported by the Council's Drainage Engineer, who has confirmed that in this instance, sufficient surface water drainage could not be provided on the residential site and an off-site option was required. The pond would hold up the flow of water from this site during severe rain periods and with a hydra-brake mechanism to limit the outflow from the pond into the adjacent ditch to green field levels, this would limit any impact on flood risk. As such, no objections are raised on these grounds with the proposal complying with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

#### **7.5 Impact on local character, conservation, ecology and trees**

- 7.5.1 The provision of the pond and associated landscape works would have a very

limited impact on local character noting their limited scale and location.

The provision of a pond would provide a natural habitat supporting biodiversity and providing wildlife and ecological benefits.

- 7.5.2 No objections are raised on character and tree grounds, with the proposal complying, in this respect, with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

## **7.6 Impact on residential amenity**

- 7.6.1 The proposal would have very limited impact on residential amenity, noting its limited scale. No objections are raised on residential amenity grounds, with the proposal complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **7.7 Impact on highway safety**

- 7.7.1 Noting the likely limited use of the field/pond, no objections are raised to the proposal on highway safety grounds. The County Highway Authority has also raised no objections to the proposal. As such, no objections are therefore raised on highway safety grounds, with the proposal complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

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

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

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

## 9.0 CONCLUSION

- 9.1 The application proposal is considered to be acceptable in terms of its impact on the Green Belt, drainage and flood risk, local character, residential amenity and highway safety. As such, the application is recommended for approval.

## 10.0 RECOMMENDATION

GRANT subject to the following conditions:-

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

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

2. The proposed development shall be built in accordance with the following approved plans: 16-P1389-102 Rev. B and 1332-L90-501 Rev. G received on 18 July 2017, 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.
  1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
  2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
  3. A landscape management plan including maintenance schedules for all

landscape areas shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of five years.

Reason: To promote biodiversity and preserve and enhance the visual amenities of the locality in accordance with Policies CP14A and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. Notwithstanding the details provided with this application, details of the method of the disposal of soil following the excavation of the pond will be submitted to and approved by the Local Planning Authority. The method should include the details of the vehicles/equipment required for the excavation and landscaping, the location for the soil disposal and the route in-between. The approved development shall be implemented in accordance with the approved details and undertaken prior to the provision of the pond.

Reason: In the interests of the visual amenity of the area and the openness of the Green Belt and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

5. The use of the site shall remain as agricultural unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the site in the interests of the Green Belt and to accord with the National Planning Policy Framework.

6. The development hereby approved shall be implemented in accordance with the surface water drainage details provided under Drawing Nos. T1113-130-T1 (Sections 1-4), 201\_C, 201 202 pursuant to Condition 5 of planning permission SU/15/0268 unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure a satisfactory development and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

#### Informative(s)

1. In respect of Condition 3 above, the applicant is advised to consult the Surrey Wildlife Trust to obtain guidance on suitable planting to promote ecology. The applicant is also reminded of the responsibilities to ensure



that no protected species are harmed in the undertaking of this development. If any protected species are found then you should not commence works until Natural England has been contacted and any appropriate consent or mitigation works have been undertaken.