

LOCATION: OUTFALL COTTAGES, BLACKSTROUD LANE EAST,
LIGHTWATER

PROPOSAL: Change of Use from Class B8 (Storage) to Class C3
(Residential Dwelling) following the provision of a single storey
side and rear extension.

TYPE: Full Planning Application

APPLICANT: Mr O Sadik

OFFICER: Chenge Taruvinga

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 The existing building has historically been used as a storage unit in conjunction with the Thames Water facility adjacent to the site. Planning permission is sought to change the use of the building to a residential 2 bedroom dwellinghouse. As part of the proposed development a single storey side and rear extension is proposed.
- 1.2 The report below concludes that the proposed development would not have an adverse impact on residential amenity, highway safety or the provision of community infrastructure. However, it would represent inappropriate development in the Green Belt and would have an adverse impact on the Thames Basin Heath Special Protection Area. On this basis, the application is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site is located to the east of Blackstroud Lane, within a semi-rural location. The site is located in close proximity to a current Thames Water facility, with the existing building having served as storage building for the company. To the west of the site is a poultry farm, with the Thames Water facility located to the eastern and northern boundaries.
- 2.2 The application site is currently occupied by a semi-detached building with the adjoining neighbouring property to the north east in residential use.

3.0 RELEVANT HISTORY

- 3.1 BGR3440 – Outline application for a pair of houses for sewage works attendants
Approved 10/07/1961
- 3.2 BGR3740 – Details for erection of pair of houses
Approved 25/06/1962

4.0 THE PROPOSAL

- 4.1 Permission is sought for a change of use from a storage building to a residential use, together with the erection of a single storey side and rear extension. Minor fenestration changes which include the insertion of front facing windows in place of existing garage doors are also proposed.
- 4.2 The proposed side extension to serve as an attached garage would measure 3.8 metres in width, 7.05 metres in depth and a maximum height of 3.3 metres. The proposed rear extension would be to a depth of 4 metres, a width of 5.7 metres and a maximum height of 3.67 metres.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council No highway comments.
Highway Authority
- 5.2 Windlesham Parish Council No objections

6.0 REPRESENTATIONS

- 6.1 At the time of writing of this report, 2 representations had been received in regards to the inappropriate nature of the development given the proximity to the Thames Basin Heath Special Protection Area.

7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework (NPPF); Policies CP1, CP2, CP14, DM9, DM11 and DM13 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); the Infrastructure Delivery Supplementary Planning Document and Policy NRM6 of the South East Plan are material considerations in this application.
- 7.2 It is considered that the main issues to be addressed in determining of this application are:
- Principle of change of use, including loss of storage use;
 - Impact on Thames Basin Heaths SPA;
 - Impact on the Green Belt;
 - Impact on residential amenities;
 - Whether the development is acceptable in terms of parking and highway safety; and
 - Impact on Infrastructure

7.3 Principle of change of use, including loss of employment use

- 7.3.1 Paragraph 17 of the NPPF states that one of the overarching roles of the planning system is to “encourage the reuse of existing resources, including conversion of existing buildings.”

Policy DM1 supports the conversion and reuse of buildings for residential purposes where it has been established that the use of the building for economic purposes is not feasible or appropriate.

- 7.3.2 The proposal would result in a loss of a small storage unit. Although the applicant has not provided any evidence to support the loss of the commercial use on the site, given the current site is at odds with the prevailing use in the wider area, the proposed residential use is considered to be appropriate subject to other material considerations set out in the body of this report.

7.4 Impact on Thames Basin Heaths SPA

- 7.4.1 The Thames Basin Heaths Special Protection Area (TBH SPA) which was designated in 2005 features three species of ground nesting birds (Dartford Warbler, Nightjar and Woodlark) protected by European Law. The TBH SPA comprises a network of heathland sites which lie wholly or partly within the Borough of Surrey Heath. It is widely accepted that increased urbanisation and, in particular the introduction of additional housing, has the potential to adversely impact on the TBH SPA through increased recreational use of the protected sites. Natural England advise that new residential development within 5km of the TBH SPA has the potential to adversely impact on the protected site, either alone or in combination with other development. Natural England also advise that it is not normally possible to mitigate the impact of development where this occurs within 400m of the TBH SPA and mitigation will only be accepted in exceptional circumstance.

- 7.4.2 In order to enable housing development the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD) on the 4th of January 2012. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies is also relevant to this development; this policy carries forward the approach of Policy NRM6 of South East Plan, as saved. Policy CP14B advises that no new residential development within 400 metres of the SPA can be permitted.

- 7.4.3 The application site is located approximately 311.48 metres from the Thames Basin Heaths Special Protection Area (SPA). As such it cannot be demonstrated that the development, either alone or in combination with other development, would not have a significant impact on the TBH SPA. On this basis, the proposal fails to accord with Policy CP14B of the Core Strategy, Policy NRM6 of the South East Plan (as saved) as well as the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

7.5 Impact on the Green Belt

- 7.5.1 Paragraph 89 of the NPPF advises that the construction of extensions in the Green Belt should be regarded as inappropriate unless it does not result in disproportionate additions over and above the size of the original building. The National Planning Policy Framework 2012 defines the term 'original building, as that stood as of the 1st July 1948. Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

- 7.5.2 The original building on the site has a floor space of 86m² and has not been extended since its construction. The current proposal would result in the addition of 49.63m² in habitable floor space. This amounts to an increase in floor area of 57% over the original building. It is considered that the increase in floor area, and spread of built form on the site

would represent an inappropriate development in the Green Belt. No very special circumstances have been put forward by the applicant to outweigh the harm to the Green Belt.

- 7.5.3 On this basis it is considered that the proposed development would represent inappropriate development in the Green Belt by reason of the disproportionate addition to the original building. As no very special circumstances have been put forward, the proposal is contrary to Para.89 of the NPPF.

7.6 Impact on residential amenities

- 7.6.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.

- 7.6.2 The neighbouring property to the south west of the site at Outfall Cottage is in residential use. Although the proposed side extension would be screened from the views of this neighbouring dwelling by the application dwelling, the proposed rear extension would be visible. At a depth of 4 metres, the proposed single storey extension may give rise to an overbearing impact on the occupants of 1 Outfall Cottages. However, given that the proposed extension would be set approximately 0.8 metres away from the common boundary with this neighbouring property, in combination with its single storey nature and low ridge, it is not considered that there would be an adverse impact on the amenities that the occupants of 1 Outfall Cottages enjoy

- 7.6.3 On this basis it is not considered that the proposed development would accord with the amenity principles contained within Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies.

7.7 Whether the development is acceptable in terms of parking and highway safety

- 7.7.1 Policy DM11 (Traffic Management and Highway Safety) seeks all development ensures that no adverse impact on the safe and efficient flow of traffic movement on the highway network results.

- 7.7.2 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

7.8 Impact on Community Infrastructure

- 7.8.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. The proposal would result in a net increase in residential floor space of 49 square metres. Accordingly the development is not CIL liable.

8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)

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:

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- 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 communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The proposed development would not have an adverse impact on residential amenity or highway safety. However, it would represent inappropriate development in the Green Belt and would cause other harm by having an adverse impact on the Thames Basin Heath Special Protection Area. On this basis, the application is recommended for refusal.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The Planning Authority is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSW). In this respect, significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulation 2010 (The Habitats Regulation) applies in this case, it must refuse permission in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with guidance contained in the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 and Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
2. The proposed development by reason of its increase in floor area and spread of development across the site would result in a disproportionate addition over and above the size of the original building. As such the proposal represents inappropriate and harmful development in the Green Belt, and causes other harm (as outlined in reason 1 above) contrary to para. 87-89 of the National Planning Policy Framework. The Local Planning Authority do not consider that very special circumstances have been put forward in support of this application to outweigh the identified inappropriateness and harm.