

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

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

**RECOMMENDATION: GRANT, subject to conditions**

**1.0 SUMMARY**

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

**2.0 SITE DESCRIPTION**

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

### 3.0 RELEVANT PLANNING HISTORY

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

### 4.0 PROPOSAL

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

### 5.0 CONSULTATION RESPONSES

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

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

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

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

## **6.0 REPRESENTATION**

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

## **7.0 PLANNING CONSIDERATIONS**

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

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

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

### **7.3 Principle of development**

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

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

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

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

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

#### **7.4 Impact on the character, appearance, and trees**

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

#### **7.5 Impact on residential amenity**

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

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

## **7.6 Impact on highway safety and parking capacity**

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

## **7.7 Impact on biodiversity**

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

## **7.8 Other Matters**

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

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

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

## **8.0 PUBLIC SECTOR EQUALITY DUTY**

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

## **9.0 CONCLUSION**

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

## **10.0 RECOMMENDATION**

GRANT subject to the following conditions:

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

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

2. The proposed development shall be built in accordance with the following approved plans: 1370.100.01, 1370.100.02, 1370.100.03, 1370.100.04, 1370.100.05, 1370.100.06, 1370.100.07, 1370.100.08, 1370.100.09, 1562-001, and TKB-1007-001 Rev A received 25/07/2023 and Product Sheet RD28/1 received 08/09/2023 unless the prior written approval has been obtained from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

8. The development hereby permitted shall not be occupied until details of external lighting are submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of ecological designations and visual amenities and to accord with Policy DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

**Informative(s)**

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