

2015/0106

Reg Date 09/02/2015

Town

LOCATION: WHITEHILL FARM, KINGS RIDE, CAMBERLEY, GU15 4LJ
PROPOSAL: Erection of a two storey 64 bedroom (Class C2) Care Home with parking, access and landscaping. (Amended plans rec'd 27/03/2015)
TYPE: Full Planning Application
APPLICANT: Mr James Gant
Court House Care Ltd & Octopus Healthcare
OFFICER: Duncan Carty

RECOMMENDATION: Defer and delegate for legal agreement then GRANT subject to conditions.

1.0 SUMMARY

- 1.1 This planning application relates to the erection of a 64 bed two storey care home with associated development including parking and access on land at Whitehill Farm, located on the east side of Kings Ride located in the Countryside (beyond the Green Belt) close to the defined settlement of Camberley. The site lies very close to the Old Dean Common which forms part of the Thames Basin Heaths Special Protection Area (SPA).
- 1.2 The current proposal would replace an extant leisure/spa development and alternative 63 care home development previously granted on the site and is considered to have less impact on the Countryside, residential amenity and highway safety than the extant leisure development and no more material impact than the alternative care home scheme. A biodiversity report and reptile mitigation strategy has been provided and some tree works have been undertaken in accordance with an application for tree works to trees protected under a Tree Preservation Order which has provided a habitat for the translocated reptiles. Other surveys, for bats, badgers, dormice have also been produced.
- 1.3 A unilateral undertaking is required to ensure that the occupation of the approved development is for persons who are limited in their mobility and/or need support for the normal activities of life, restrictions on access to the SPA and an information pack regarding the fragility of the SPA for future residents and staff, and a restriction on the keeping of cats and dogs (except for dogs required for assisted living purposes) at the site. The proposal will therefore not have an adverse impact on the integrity of the nearby Thames Basin Heaths Special Protection Area. In addition, the proposal relates to the provision of a Class C2 (residential institutions) building which are not CIL liable.
- 1.4 The current proposal is therefore recommended for approval subject to the completion of a legal agreement to secure restrictions on occupancy and pets as set out in Paragraph 7.6.5 below.

2.0 SITE DESCRIPTION

- 2.1 The application site is an irregularly shaped site, currently vacant, falling within the Countryside (beyond the Green Belt). The application site has an area of about 0.9 hectares. It forms part of a much larger piece of land of about 6.3 hectares owned by the applicant. The application site comprises an area predominantly of open grassland, with

woodland to the north, east and south on land owned by the applicant. Part of this woodland, which falls predominantly outside the application site on land owned by the applicant, is protected by a Tree Preservation Order (TPO 07/86) and a portion is a Site of Nature Conservation Interest (SNCI).

- 2.2 To the east of the land owned by the applicant is the Old Dean Common which is a Site of Specific Scientific Interest (SSSI) within the Thames Basin Special Protection Area (SPA) both falling within the Countryside (beyond the Green Belt). Land to the south and immediately west of the land owned by the applicant falls within the settlement of Camberley. Housing formerly owned by the Ministry of Defence lies opposite the application site to the west, and to the north west of the application site. Residential properties in Woodlark Glade, Whitehill Close and College Close lie to the south of land owned by the applicant. The site access would be set over 200 metres from the junction of Kings Ride with College Ride and 750 metres from the junction with A30 London Road. A public footpath lies to the east boundary between land owned by the applicant and Old Dean Common.

3.0 RELEVANT HISTORY

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

- 3.1 SU/05/0028 Reserved matters application pursuant to planning permission SU/96/0494 as varied by planning permission SU/04/0731 for the erection of outdoor and indoor recreational facilities and associated parking area. Approved in December 2006.

This permission followed outline permission SU/96/0494 and a series of time limit extensions to that permission. This development remains extant because access works were constructed within the time limit to implement this permission.

- 3.2 SU/11/0451 Erection of a 63 bedroom two storey residential care home and other associated development including landscaping, parking and access. Approved in April 2012.

This development remains extant because access works were constructed within the time limit to implement this permission.

4.0 THE PROPOSAL

- 4.1 The current proposal is to erect a 64 bed two storey care home with associated development including parking and access from Kings Ride. The access would be provided at the existing site access and provide parking in front of the proposed care home in the south east corner of the application site. The proposed building would be orientated with its main front wall facing south west and a garden area provided to the rear. The land outside of the application site would remain undeveloped.
- 4.2 The current proposal is an alternative development to the 2012 approved scheme (SU/11/0451) increasing the depth and principal eaves height and positioning the building slightly further back on the site. The proposed building is principally rectangular in form with two wings with a maximum height of about 10.6 metres, reducing to 6.3 metres at the eaves. For comparison, the approved care home on this site (under SU/11/0451) would have a ridge and eaves heights of 11 and 3 metres, respectively. This approved scheme

included larger front and rear dormers up to maximum height of 6.8 metres above ground level with a front entrance up to 8 metres in height above ground level. The following table provides further details of the changes between these schemes:

	APPROVED 2012 SCHEME	CURRENT SCHEME
No. of bedrooms	63	64
Floor area (metres squared)	3085	3476
Maximum height (metres)	11.0	10.6
Eaves height (metres)	3	6.3
Dormer/atrium height (metres)	6.8/8.0	N/A
Maximum width (metres)	75.0	74.7
Maximum depth (metres)	35.0	43.8
Minimum depth (metres)	14.0	15.8

4.3 27 car parking spaces would be provided to the front of the proposed building with an access provided in a similar manner to the approved care home scheme (under SU/11/0451).

4.4 The proposed building would be set a minimum of about 100 metres from the front boundary of the site (with Kings Ride), is comparable with set back proposed for the earlier approved care home scheme under SU/11/0451.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Natural England No objections.
- 5.3 Arboricultural Officer No objections (verbal).
- 5.3 Surrey Wildlife Trust No objections.

6.0 REPRESENTATION

At the time of preparation of this report, 25 representations and 2 petitions (of 84 and 44 signatures) raising objections which raise the following objections:

- 6.1 Proposal should not be seen in isolation without reference to previous breaches from previous applications on the site and Tree Preservation Order legislation [*Officer comment: the current proposal has to be determined on its merits*].
- 6.2 Encroachment of fence on Kings Ride highway [*Officer comment: This was the subject of enforcement action taken by Surrey County Council under the Highways Act 1980 (as amended) and the fence has now been repositioned outside the public highway*].
- 6.3 Boundary fence previously provided was not in keeping with open countryside appearance and presents a health and safety risk to proposed residents [*Officer comment: The fence, partly retained, in question does not form part of this application proposal*].
- 6.4 Impact on light pollution [see Paragraphs 7.6 and 7.8]
- 6.5 Impact of residential institution (Class C2) development on the SPA [see Paragraph 7.7]

- 6.6 Overbearing impact on residential properties [see *Paragraph 7.8*]
- 6.7 Noise and disturbance from bin store [see *Paragraph 7.8*]
- 6.8 Viability is not a planning consideration [*Officer comment: the NPPF indicates that, under certain circumstances, viability is a planning consideration*]
- 6.9 This is an area of natural space and should be retained as such [*Officer comment: the planning history on this site would not lead to this conclusion*]
- 6.10 Link between the name of the current applicant and the name of the applicant for the leisure development and their previous actions should be considered as a part of the background to this current application [*Officer comment: This is not a planning matter*].
- 6.11 Fence at the Kings Ride should be relocated within the site [*Officer comment: See Condition 8 which required the fencing details (including the proposed position) to be agreed prior to occupation*].
- 6.12 Impact on ground nesting birds by disruption from building [see *Paragraphs 7.7 and 7.8*]
- 6.13 Applicant has previously bulldozed the adder refuge and stripped the soil surface even when the reptile protection fencing had not been maintained [*Officer comment: The works were predominantly to the developable part of the site (and did not destroy the reptile hibernaculum outside of the developable part of the site), for which a reptile-proof fence had been provided. However, this fence (at the time of these actions in Spring 2011) was not complete and there was a risk of reptiles being destroyed by these actions. However, Surrey Wildlife Trust did not prosecute these actions under the wildlife acts and this fence has subsequently been repaired/replaced and such work was undertaken, as it is understood, under ecological supervision*]
- 6.14 Increase in scale and footprint [see *Paragraph 7.4*]
- 6.15 Enforcement action taken against the applicant for other sites in the UK [*Officer comment: This is not a relevant planning matter in relation to the determination of this application*]
- 6.16 Flawed handling of the leisure development proposal - reduction in buffer to watercourses, provision of hotel rooms and subsequent amendments to their occupation [*Officer comment: This is a matter for the determination of that development and is not relevant to the current proposal*].
- 6.17 The addressing of the reserved matters for the leisure building in an ad hoc and protracted manner over 21 years [*Officer comment: All of the applications were submitted and determined lawfully under the legislation prevalent at that time*]
- 6.18 Fencing encroaching onto the SSSI/SPA and is not on the correct boundary [*Officer comment: Matters relating to the position of fencing and ownership of land do not fall within the remit of planning law. However, it is not considered that the fence in question, to the east boundary on land outside the application site but under the ownership/control of the applicant, has been located within the SSSI/SPA*].
- 6.19 Proposed building is too high [see *Paragraphs 7.4 and 7.7*]
- 6.20 No evidence that the applicant has expertise in the care provider sector, only in its financing. Applicant is income driven [*Officer comment: This would not be a material planning consideration*].

- 6.21 Clarification on staff numbers is needed [*Officer comment: The proposed number of staff is estimated to be 40 full-time and 40 part-time employees*]
- 6.22 Long term impact on woodland [*see Paragraph 7.5*]
- 6.23 Requirements of the local environment should be considered and not commercial viability [*Officer comment: This is not a reason to refuse this planning application*]
- 6.24 Impact on road surface from increased traffic [*Officer comment: This is not a reason to refuse this application*].
- 6.25 Loss of woodland, including further loss of trees and tree reduction/crown lifting [*See Paragraph 7.5*]
- 6.26 Impact on drainage systems [*See Condition 11*].
- 6.27 Could result in houses or flats being built in the future on this site [*Officer comment: Such changes would require planning permission and any future application would be assessed on its merits at that time*]
- 6.28 Lack of parking and overflow parking occurring in Kings Ride [*See Paragraph 7.9*].
- 6.29 Timber building is inappropriate for dementia patients and could be a fire risk [*Officer comment: The construction of the building and its requirements to meet fire safety standards fall within the remit of the building acts and not the planning acts*].
- 6.30 Impact on wildlife [*See Paragraph 7.6*].
- 6.31 Pathways to local heath now blocked [*Officer comment: These pathways are on private land and not lawful rights of way. The Council is seeking to reduce rather than increase pedestrian access to the SSSI/SPA*].
- 6.32 Loss of trees in woodland due to mitigation strategy [*See Paragraphs 7.5 and 7.6*]
- 6.33 Inadequate screening of the development to Kings Ride, Woodlark Glade and SSSI/SPA (to the rear) [*see Paragraph 7.4*]
- 6.34 Larger building than previously approved [*see Paragraph 7.4*]
- 6.35 Loss of privacy [*see Paragraph 7.8*]
- 6.36 Glass and concrete rather than lodge (i.e. wood) effect building which would be out of place [*see Paragraph 7.5*]
- 6.37 Impact of footway to site frontage [*Officer comment: This does not form part of the current proposal*]
- 6.38 Provision of part of access road does not constitute implementation of a planning permission (i.e. the earlier approved leisure building) [*see Paragraph 7.3*]
- 6.39 Two pedestrian crossings/traffic calming measures required (rather than the one proposed) and lack of planning condition to deliver required traffic calming measures [*see Paragraph 7.9 and Condition 19*]
- 6.40 Two storey form proposed but includes three storey entrance lobby [*Office comment: A two storey form is proposed with the entrance area, as a full height glazed area, does not extend to a three storey form*]

- 6.41 Applicant operates smaller care homes elsewhere and therefore the current proposal does not need to be the current size [*Officer comment: The current proposal is being considered on its own merits*]
- 6.42 Change from dormer bungalow style to office HQ or shopping mall style building [see *Paragraph 7.5*]
- 6.43 The Impact of recent clearance works (including the dumping of tree matters, fencing, etc.) on woodland [*Officer comment: The current proposal would provide an opportunity for the long term management and enhancing of landscaping including the site frontage, see Condition 12*]
- 6.44 Impact of noise from increased traffic on quiet residential area [see *Paragraph 7.8*].

7.0 PLANNING CONSIDERATION

- 7.1 The application proposal is located within the defined Countryside (beyond the Green Belt) and lies adjacent to an SNCI and close to the SSSI/SPA. The proposal relates to the provision of a Class C2 (residential institutions) building which are not CIL liable. Policies CP1, CP5, CP12, CP14, DM1, DM9, DM10, DM11 and DM14 of the Surrey Heath Borough Core Strategy and Development Management Policies 2012; Policy NRM6 of the South East Plan 2009 (as saved); Thames Basin Heath Special Protection Area SPD 2012; along with the National Planning Policy Framework (NPPF) and guidance in the Planning Practice Guidance (PPG) are relevant.
- 7.2 The extant permission SU/05/0028 for a similarly sized leisure development (which included a swimming pool, gym, 14 hotel rooms, lounge/restaurant, spa/sauna, dance/exercise studios and associated accommodation and had a limitation on membership to 1600 members and proposed staffing levels of between 60 and 80 persons) is on a larger development site. This 2005 consent remains extant because the development has commenced in accordance with Section 56 of the Town and Country Planning Act 1990 (as amended). This is due to the provision of a part of the required access road into the site, and with all details required to meet the requirements of the pre-commencement conditions agreed. In addition, the 63 bedroom care home proposal approved under SU/11/0451 is also extant because a larger piece of access road has been constructed as a part of the implementation of this development. These extant developments are considered to represent a "fallback" position for the future development of this site and both are a material consideration in the determination of the current application.
- 7.3 It is considered that the main issues to be addressed in determining this application are:
- the impact on the Countryside (beyond the Green Belt);
 - the impact on the character of the area and trees;
 - the impact on biodiversity;
 - the impact on the SPA;
 - the impact on residential amenity;
 - the impact on highway safety; and
 - the impact on drainage and flood risk.

7.4 Impact on the Countryside (beyond the Green Belt)

- 7.4.1 The current proposal would provide a large care home development in the Countryside (beyond the Green Belt). Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies 2012 states that development in the countryside which results in the coalescence of settlements will not be permitted. However, as indicated in Paragraphs 3.6 and 3.7 above, there are extant permissions existing for alternative leisure and care home buildings on this site which is a material consideration in the determining of the current application. In addition, the extant developments would provide a similarly sized built development form in a similar position to the current proposal. The use of the current development proposal, as a care home, would have a reduced impact on the countryside character of the application site when compared with the extant leisure development.
- 7.4.2 Although, the general mass of the proposed building is comparable with the approved developments, there would be some increases in footprint/floorspace leading to an overall increase of about 390 square metres, including 134 square metres for the bedrooms (about 2 square metres per bedroom), 66 square metres in the day/living room for residents and 112 square metres for additional facilities (e.g. wider/larger corridors, staff training room, communications room).
- 7.4.3 The applicant has indicated that the increase in floorspace *“reflects an aspiration to provide the highest standard of care to future residents and to meet user expectations and requirements. We note that the area per bedspace is entirely reflective of other schemes approved by the Council since the 2011 permission [under SU/11/0451] for the [application] site. This includes [a] recently [approved] scheme for Hallmark in Lightwater [Silicon Valley site under permission SU/12/0079].”* It is noted that the development provides bedrooms with floorspaces above the minimum standard (as set out in the Department of Health’s Care Homes for Older People Minimum Standards 2002) for new care home developments, the level of the proposed new accommodation is considered to be acceptable.
- 7.4.4 However, it must be borne in mind that, when compared with the leisure development, there would be an overall reduction in the general activity associated with the site and a reduced site area including the removal of tennis courts, lakes and a trail and reduction in the required parking area which would have an urbanising impact on the countryside location. It is therefore considered that, on balance, the current proposal is considered to be acceptable in relation to its impact on the countryside. The current proposal is considered to be acceptable in terms of its impact on the defined Countryside and complies with Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

7.5 Impact on character and trees

- 7.5.1 The proposed building would represent a large structure in a rural location. However, the expanse of trees around the wider site would limit the impact the proposed development would have on the character of the wider area. The existing tree screen to the road frontage with Kings Ride, and set back of about 100 metres from this frontage, would limit views of it in the streetscene. Whilst, the understorey has been reduced, there would be opportunities for enhancing (by condition) this landscaping strip.
- 7.5.2 The current proposal would provide a building with a different design to the approved care home development. The approved care home development reflected the design of the earlier leisure building on this site. Both of the approved schemes were to be predominantly wood clad, reflecting the Countryside/woodland setting. This finish is reflected in the current design but with brick pier and detailing to add interest to the building. The principal change between the two schemes is the provision of a full two

storey height structure under the current proposal in place of the approved scheme, which provided a low eaves height with larger flat roof dormer to the front and rear (with accommodation in the wings to either side). The current proposal, with gable roof details, is considered to be an improved design over the approved scheme.

- 7.5.3 The current proposal has directly resulted in the loss of a number of poor quality unprotected trees close to the site entrance and siting of the proposed building. No objections are raised to their loss. In addition, the creation of reptile receptor sites has resulted in some tree loss, predominantly Holly understorey, within wooded areas (protected under Tree Preservation Order 07/86) outside of the application site, but under the control and ownership of the applicant. These details have been agreed through an application for tree works 11/00425 as required due to their protection (under TPO 07/86). Whilst this has inevitably resulted in a change to the character of these wooded areas, these works have been considered prudent in terms of woodland management removing invasive species (Holly and Birch trees) and retain a significant number of the more important trees within these areas. Additional landscaping, to include tree planting, is proposed by condition (See Condition 10), particularly in close proximity to the footpath to the east boundary of the wider site. In respect of these works, the Council's Tree Officer commented at the time of the assessment of the earlier care home scheme SU/11/0451 that:

"The tree works applied for and granted consent by the LPA are in accordance with good Arboricultural practice and woodland management which has been absent for many years. The result of neglect has seen the proliferation of Holly which has effectively prevented the regeneration of other species. Additionally, the spread of pioneer Birch has now reached a point where many trees are becoming over mature and progressively declining again without any other emerging species. The benefit of the agreed work is not only to enhance the long term viability of the woodland through the removal of declining Birch and invasive Holly which will ultimately provide areas for regenerative planting, but also the establishment of the reptile receptor areas."

On these grounds, no objections are raised to the proposal on tree grounds.

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

7.6 Impact on biodiversity

- 7.6.1 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 states that *"within locally designated sites [such as the SNCI], development will not be permitted unless it is necessary for on site management measures and can demonstrate no adverse impact to the integrity of the nature conservation interest. Development adjacent to locally designated sites [such as the current proposal] will not be permitted where it has an adverse impact on the integrity of the nature conservation interest."* The applicant has provided a biodiversity report in support of the application. The report considers that owing to suitable habitat within the wider site, the wider site has the potential to accommodate bats, dormouse great crested newts, reptiles, otters, water voles, badgers and breeding birds. Further assessment has confirmed that there is a low or negligible risk of the presence of dormouse, great crested newts, otters or water voles present at the site, and no adverse impact on badgers and bats.
- 7.6.2 The current biodiversity report follows earlier habitat surveys, provided for the earlier approved scheme SU/14/0451 and a reptile translocation (including common lizard, adder and slow-worm) was undertaken in 2012 from the application site to three receptor sites on the wider site, which necessitated some tree removal to provide this new habitat, and

retention of a reptile protection fence to the main part of the application site. Whilst, the protection fence has remained in place for the majority of the perimeter, there has been some damage, and it may have been possible that there has been some re-colonisation by reptiles of the survey area. However, a further survey has been provided which indicates that reptiles are no longer to be found within the survey area.

- 7.6.3 The current proposal presents a development which, when compared with the approved leisure scheme (under SU/05/0028), would have less harmful impact on biodiversity due to the reduction in the site area (with more land remaining undeveloped) and the removal of the supporting development (tennis courts, trail, lakes) and use of the site. The Surrey Wildlife Trust has raised no objections to the proposal, subject to the undertaking of the recommendations set out in the biodiversity reports. On this basis, no objections are raised to the impact of the proposal on the biodiversity of the application site, with the proposal complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

7.7 Impact on the SPA

- 7.7.1 The application site lies close to, and certainly within 400 metres of, the SPA. The Council has resisted proposals for residential (Class C3) development in such locations due to the impact of the recreational activity of future residents and their pets (i.e. dogs and cats, except for dogs required for assisted living purposes). The current proposal would provide residential accommodation. However, this accommodation falls within Class C2 and provides a residential institutional form of development which is controlled by a management company. In addition, the limitations on occupation to persons who at the time of admission:

- are mentally and/or physically frail;
- have mobility problems;
- suffer from paralysis or partial paralysis; or
- are in the need for assistance with the normal activities of life.

Such occupants can include persons suffering from Alzheimer's or other clinical forms of dementia. In addition, limitations on activities resulting in trips onto the SPA and the publication of information for future residents and staff to explain the value and fragility of the SPA is also required. In addition, care during the construction process will be required to prohibit access onto the SPA by construction vehicles. On this basis, Natural England has raised no objections to the proposal on SPA grounds and it is considered that the proposal would not have an adverse impact on the integrity of the SPA.

- 7.7.2 No objections are therefore raised to the proposal in relation to its impact on biodiversity with the development complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heath Special Protection Area Avoidance Strategy SPD 2012.

7.8 Impact on residential amenity

- 7.8.1 The proposed building is set about 100 metres from the nearest residential property on Kings Ride (facing the application site) with a landscaped belt with major trees in between. The building would be set about 85 metres from the nearest property in Woodlark Glade with woodland in between. This level of separation will ensure that no adverse significant impact will occur from the proposed building to the occupiers of nearby residential properties. The proposal, in a similar manner to the approved care home scheme,

incorporates a service yard facility to the south west (front) corner of the proposed building. This area is located over 75 metres from the nearest residential property, in Woodlark Glade, and this level of separation and woodland in between, would limit any impact on the occupiers of nearby residential properties. Any increase in noise from traffic that would emanate from the application site has to be seen in the context of the previously approved schemes and it is not considered that this would have any significant impact on residential amenity. Controls on external lighting are proposed by condition to limit any impact further on residential amenity.

- 7.8.2 The proposal would provide 550 square metres of communal living accommodation (including living rooms, dining rooms, quiet/sitting rooms and coffee room) per future resident which meets the minimum requirements of 4.1 square metres per resident set out in the *Care Homes for Older People - National Minimum Standards* [Dept. of Health (2002)]. The proposed bedroom sizes and requirement for assisted bathrooms also exceed the minimum standards set out in these minimum Care Home standards, as indicated above. A rear garden area of about 250 square metres would also be provided with the proposed development. The proposal would therefore have no adverse impact on the residential amenity of the future occupiers of the proposed development.
- 7.8.3 The current proposal would have a much reduced impact when compared with the extant leisure development previously approved (SU/05/0028) on this site. No objections are therefore raised on residential amenity, with the development complying, in this respect, with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.9 Impact on highway safety

- 7.9.1 The proposal would provide an increase in traffic generation and parking would be provided for 27 spaces which, in the same manner as the earlier approved scheme SU/11/0451, meets the requirements for care home proposals under the adopted standards. The increased traffic generation will have an impact on traffic movements on Kings Ride. Whilst the proposal would have much less of an impact than the extant leisure facility proposal, the applicant has agreed to highway improvements on Kings Ride, to be provided by condition, to mitigate against any likely impact on the highway network from the proposed development.
- 7.9.2 The County Highway Authority has raised no objections to the proposal in relation to its impact on highway safety and level of car parking provision, subject to the provision of a travel plan auditing fee of £4,600. However, recent case law indicates that such fees should not be requested by local planning authorities. As such, this auditing fee is not required. No objections are raised on highway safety grounds with the development complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

7.10 Impact on drainage and flood risk

- 7.10.1 The application site falls within a Flood Zone 1 (low risk as defined by the Environment Agency). Whilst the application site area falls beneath one hectare in area (the threshold), a flood risk assessment has been submitted with the application. The assessment indicates that the development would be appropriately safe for its lifetime taking account of the vulnerability of its users, the development would not increase flood risk elsewhere and, with the implementation of the drainage strategy would reduce the flood risk overall.

- 7.10.2 The application site lies adjacent to an area of wetland and close to a watercourse, which are on land in the ownership of the applicant. It is considered prudent to control surface and foul water drainage from this site and a buffer zone adjacent to the water course (by conditions).
- 7.10.3 In respect of surface water drainage, the Government in April 2015 changed requirements for major developments for sustainable water drainage systems (SuDS). Under these requirements the Council must be satisfied during the determination of the application that SuDS can be designed into a proposal, unless demonstrated to be inappropriate. However, in this case, because the current proposal follows the approval of a similar care home scheme on the site for which drainage details have been agreed by condition and it is considered prudent, in this case, to re-impose this condition.
- 7.10.4 No objections are therefore raised on these grounds with the development complying with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

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 proposed development is considered to be acceptable in relation to its impact on the countryside, character, residential amenity, biodiversity and drainage. The provision of an undertaking by 10 June 2015 relating to limitations on occupancy and the provision of details set in Paragraph 7.7.1 above would make the proposal acceptable on the grounds of impact on highway safety and the SPA. Subject to the completion of such an undertaking, the proposal is considered to be acceptable.

10: RECOMMENDATION:

Subject to the receipt of a satisfactory legal agreement to ensure limitations to the occupation of the care home and keeping of cats and dogs (except for dogs required for assisted living purposes) as set out in Paragraph 7.7.1 above, the Head of Regulatory be authorised to grant planning permission 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. Notwithstanding the details shown on drawing no. 1426-PS-041 Rev. A received on 27 March 2015, no construction shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

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

3. Notwithstanding the details shown on drawing numbers O086/06 and O086/07, no construction of the development hereby approved shall take place until full details of surface water drainage systems and foul water drainage system are submitted and approved in writing by the LPA. The surface water drainage system details to include attenuation of 1:100 year event at 30% climate change. Once approved the details shall be carried out prior to first occupation in accordance with the approved scheme.

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.

4. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. 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. Details of the proposed external lighting should reflect the requirements set out in the Bat Mitigation Strategy within Appendix 3 of the Ground-based Bat Tree Inspection Report January 2015 by the Ecology Consultancy dated 05/02/15.

Reason: In the interests of residential and visual amenities and nature conservation and to accord with the objectives of Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. The premises shall be used for care home purposes and for no other purpose (including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In the interests of nature conservation and to accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework.

6. The development shall be built in accordance with the finished floor and ground levels set out on drawing no. 1426/PS/005 hereby approved unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of the visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of the buildings hereby approved, the visual amenity of the Countryside setting and to protect the health of retained trees, in accordance with Policy DM9 of the Surrey Heath Core Strategy Development Management Policies 2012.

7. The parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles associated with the care home hereby approved. Details of a parking strategy to limit parking solely to future users of the care home shall be submitted to and approved by the Local Planning Authority. The approved strategy shall be implemented prior to the occupation of the care home hereby approved.

Reason: To ensure the provision of on-site parking accommodation, in the interests of nature conservation and to accord with Policies CP11, CP14 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and PPS9.

8. Prior to the first occupation of the development hereby approved, details of fencing and any other means of enclosure shall be submitted to and approved by the Local Planning Authority. Once erected, such fencing shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and limit access to the SPA and to accord with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. Details and the proposed position of a protective reptile fencing during construction shall be submitted to and approved by the Local Planning Authority. These details shall be provided for the duration of construction works.

Reason In the interests of nature conservation and to accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. The mitigation measures as set out in Paragraphs 5.7 - 5.27 inclusive the Preliminary Ecological Appraisal Reptile Mitigation Strategy by the Ecology Consultancy, except where expanded upon within: Paragraphs 5.8 - 5.19 inclusive of the Badger and Hazel Dormouse HSA Survey by the Ecology Consultancy dated 05/02/15; Paragraphs 4.4 - 4.7 inclusive and Appendix 3 of the Ground-based Bat Tree Report January 2015 by the Ecology Consultancy dated 05/02/15; Paragraphs 3.5 - 3.30 inclusive of the Reptile Mitigation Strategy by the Ecology Consultancy dated 05/02/15; unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interest of nature conservation and to accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. No construction shall take place until a scheme for the provision and management of a buffer zone alongside the watercourse and the area of wetland habitat as shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plan showing the extent and layout of the buffer zone, details of the planting scheme and schedule, details to protect the buffer zone during development and details of any footpaths provided in close proximity to the buffer zone.

Reason: In the interests of nature conservation and to safeguard any impact on watercourses and wetlands and to accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12.
 1. No construction 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, walls, fences, 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 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, including woodland on adjoining land controlled by the applicant, 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 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.

13. No development including site clearance shall take place until a detailed arboricultural method statement has been submitted and approved in writing by the Local Planning Authority. The statement will be in accordance with British Standard 5837:2012 “Trees in Relation to Design, Demolition and Construction” and shall contain details of pruning or removal of trees, specification and location of tree and ground protection (for both pedestrian and vehicular use), all demolition processes, details of construction processes for hard surfaces.

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

14. No development shall take place until the applicant has submitted to the Local Planning Authority detailed proposals for the disposal of excavated soil arising from the construction of roads, buildings and any other works associated with the development hereby permitted. No excavation shall take place until the Local Planning Authority has given its written approval in respect to these details. Details shall include the position of disposal on the site of surplus excavated soil and details (routing) of offsite disposal. The Local Planning Authority reserves the right once details have been submitted to grant any approval subject to further conditions which may be required.

Reason: To ensure that proper provision shall be made for the disposal of excavated soil.

15. No development shall take place until a Method of Construction Statement, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding
 - (f) hours of construction
 - (g) method of minimise the transfer of dust and other pollutants onto the SSSI/SPA
 - (h) confirmation that there will be no on-site burning of material

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

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11, CP14 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

16. The proposed access onto Kings Ride shall be constructed and provided with visibility zones, in accordance with a scheme to be submitted to and approved by the Local Planning Authority and the visibility zones shall be kept permanently clear of any obstruction between the height of 1 and 2 metres above carriageway level.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

17. A highway improvement scheme relating to highway works to Kings Ride shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the development hereby approved.

Reason: In order that the development does not prejudice highway safety and promotes the use of modes of transport other than the car in accordance with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework.

18. Before the first and each subsequent occupation of the premises the subject of the application, by a care home operator, a Travel Plan, in accordance with the aims and objectives of the National Planning Policy Framework, shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the details to be submitted and thereafter retained and/or developed to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in recognition of the National Planning Policy Framework and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

19. The proposed development shall be built in accordance with the following approved plans: 1426/PS/004 Rev. A received on 27 March 2015; 1426/PS/003, 1426/PS/005, 1426/PS/010, 1426/PS/020 and 1426/PS/030 received on 9 February 2015, 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.

20. Prior to the first occupation of the development hereby approved on site details of refuse and secure cycle storage area(s) and access thereto 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: To ensure visual amenities are not prejudiced and, in relation to cycle storage, to promote the use of other modes of transport than the motor car and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

21. Prior to the construction of the development hereby approved, details of gas protection measures shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details.

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

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5

3. The Developer would be expected to instruct an independent transportation company to undertake the monitoring survey required for the Travel Plan to comply with Condition 18 above. The survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the County Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The Developer would be expected to fund the survey validation and data entry costs.
4. The Developer would be expected to enter into a Section 278 legal agreement under the Highways Act 1980 (as amended) in relation to works required under Condition 19 above.

In the event that a satisfactory legal agreement is not completed for limitations to the occupation of the care home and on the keeping of cats and dogs (except for dogs required for assisted living purposes), as set out in Paragraph 7.6.5 above, by 10 June 2015, the Authority will undertake an Appropriate Assessment and if the Authority is then 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 Special Scientific Interest (SSSI) then the application shall be Refused for the following reason:

The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, 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 (SSSI). In this respect, significant concerns remain with regard to 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 protection of 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 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework.