

LOCATION: PRINCESS ROYAL BARRACKS, BRUNSWICK ROAD,
DEEPCUT, CAMBERLEY, GU16 6RN

PROPOSAL: Application for a Non-Material Minor Amendment to vary
conditions 2 and 3 of planning permission 12/0546.

TYPE: Non Material Amendment

APPLICANT: Defence Infrastructure Organisation on behalf of Secretary of
State

OFFICER: Michelle Fielder

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY AND BACKGROUND

- 1.1 This application seeks a Non-Material Amendment (NMA) to planning permission SU/12/0546.
- 1.2 Application 12/0546 granted a hybrid application to provide a new community comprising up to 1,200 dwellings, a range of community facilities; SANGS land and associated works. The application was hybrid in so far as all matters were reserved, save for the means of access and works to convert a number of retained buildings to residential (which were detailed and received full permission).
- 1.3 Planning Policy Guidance (PPG) advises that there is no statutory definition of 'non-material' because what may be non-material in one scheme may not be in another and ultimately the LPA must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act (TCPA) 1990 (ref: Paragraph: 002 Reference ID: 17a-002-20140306).
- 1.4 This procedure is most commonly used by applicants to seek minor amendments to the plans approved as part of an application, however section 96A (3) (b) allows for planning conditions to be removed or altered, or additional conditions imposed.
- 1.5 The PPG further advises that as a NMA is not an application for planning permission the provision of the Town and Country Planning (Development Management Procedure) (England) Order 2015 relating to publicity do not apply and the LPA has discretion in whether and how they choose to seek the views of interested parties. In light of this, this application has not been subject to public consultation.

2.0 PROPOSAL

- 2.1 The proposal seeks to amend conditions 2 and 3 of the decision notice to insert the word 'residential'. The amendment is sought in order to allow the submission of infrastructure reserved matters application before the detail (a phasing plan – condition 2 and design codes – condition 3) as required by the original drafting of the conditions is agreed. Pre-application discussions indicate that the first reserved matter application will be limited to the spine road, access arrangements and village green.

This application will be in line with the scale and nature of the spine road and access indicatively approved by the outline elements of application 12/0546 and as amended by NMA 12/0546/1.

3.0 ASSESSMENT

- 3.1 The proposed revisions would not alter the quantum of development or the mix or range of land uses to be delivered under the consented hybrid planning permission. Moreover an assessment of the main points of consideration of the Committee Papers pertaining to 12/0546 shows that the insertion of the word residential into conditions 2 and 3, would not materially alter the scale and nature of the proposal the LPA previously considered to be acceptable. Legal advice has been sought on this matter and subject to a minor revision to the revised wording (as originally submitted by the applicant), it is not considered the insertion of the word 'residential' into the body of either condition would undermine or materially alter the nature of planning permission granted. The revised wording (which reflects the legal advice received) is taken forward in condition 1 of this report.
- 3.2 In addition it is noted that conditions 2 and 3 of 12/0546 were imposed to ensure a satisfactory and high quality form of development and it is not considered the amendments sought, which allow infrastructure reserved matters applications to be submitted and development commence on things like, for instance, the spine road, would undermine the conditions, SPD or approved documents in place which in themselves will allow the LPA to retain control over reserved matters applications containing residential development.
- 3.3 The amendments to the conditions would however mean that any reserved matters application not containing residential development would not have first been subject to the submission and approval of a design code. In light of the quantum of development coming forward, coupled with the range and scale of non-residential development needed to support the aspirations set out in the adopted SPD, it is considered appropriate to impose a condition requiring the submission of a design code (to be approved in writing) prior to submission of any reserved matter application not containing residential development. The wording for such a condition is given in condition 2.
- 3.4 Concerns have been raised about the revised wording allowing developers to submit numerous non-residential development based reserved matters applications, however the universal truth of developments of this nature is that residential development tends to be the driver of land values and it is the sale of the properties which releases the capital required to deliver ancillary development. On this basis there is little incentive for a developer to deliver substantial amounts of infrastructure and non-residential based development.

4.0 RECOMMENDATION

- 4.1 It is considered that the proposed variations to conditions 2 and 3 (as outlined in condition 1 below) are acceptable and would not undermine the outline / hybrid planning permission granted. It is therefore recommended that the proposed variations be approved subject to condition 2 being imposed.

5.0 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 of 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.

RECOMMENDATION

GRANT subject to the following conditions:-

1. Conditions 2 and 3 of planning approval 12/0546 be amended as outlined below:

Condition 2

2. Prior to the commencement of any development (other than the spine road, access arrangements and village green) or the submission of any reserved matters application which includes residential units, a Phasing Scheme for the delivery of the entire development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Scheme shall include an Indicative Strategic Masterplan for the development of this site identifying the phases of development and shall include details of the land uses and quantum of development to be delivered by each phase. The development shall thereafter be carried out in accordance with the approved phasing scheme unless otherwise agreed in writing with the Local Planning Authority.

Condition 3

3. Prior to the submission of any reserved matter application which includes residential units, Design Codes which are in substantial compliance with the approved parameter plans and the submitted Design and Access Statement shall be submitted for each of the Character Areas. The Design Code shall include the following:

- built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings and landmarks and vistas
- design strategies for principal buildings or land uses within the character area, including where appropriate the primary school, and the sports hub sites
- a strategy for a hierarchy of streets and spaces
- principles for the alignment, width, lighting and surface materials proposed for all footways, cycleways, roads and vehicular accesses to and within the site
- design of the public realm, including layout and design of squares, areas of public open space, areas for play, street furniture and sustainable urban drainage

- principles for determining quality, colour and texture of external materials and facing materials for roofing and walls of buildings and structures including a consideration of opportunities for using locally sourced and/or recycled construction materials
- principles for hard and soft landscaping including the inclusion of important trees and hedgerows
- on-street and off-street residential and commercial vehicular parking, off-street turning (where required) and/or loading areas
- cycle parking and storage

The development shall thereafter be carried out in accordance with the approved Design Code for that reserved matter.

Reason: To secure the appropriate and high quality of design in the development to accord with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and to accord with the objectives of the Deepcut SPD.

2. Prior to the submission of any reserved matter application which does not include any residential unit(s), but includes any non-residential building, land and infrastructure (with the exception of the spine road) a Design Code for that reserved matter, which is in substantial compliance with the approved parameter plans and the submitted Design and Access Statement shall be submitted. The Design Code shall include the following (as relevant to that reserved matter application):

- built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings and landmarks and vistas
- design strategies for principal buildings or land uses within the character area, including where appropriate the primary school, and the sports hub sites
- a strategy for a hierarchy of streets and spaces
- principles for the alignment, width, lighting and surface materials proposed for all footways, cycleways, roads and vehicular accesses to and within the site
- design of the public realm, including layout and design of squares, areas of public open space, areas for play, street furniture and sustainable urban drainage
- principles for determining quality, colour and texture of external materials and facing materials for roofing and walls of buildings and structures including a consideration of opportunities for using locally sourced and/or recycled construction materials
- principles for hard and soft landscaping including the inclusion of important

trees and hedgerows

- on-street and off-street residential and commercial vehicular parking, off-street turning (where required) and/or loading areas
- cycle parking and storage

The development shall thereafter be carried out in accordance with the approved Design Code for that reserved matter.

Reason: To secure the appropriate and high quality of design in the development to accord with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and to accord with the objectives of the Deepcut SPD.