

LOCATION: LAND TO THE REAR OF 31 WINDSOR ROAD,
CHOBHAM, WOKING, GU24 8LA

PROPOSAL: Provision of gated access to field and gravel apron.
(Amended & additional plans rec'd 06/07/16). (Additional
Information rec'd 19/07/2016).

TYPE: Full Planning Application

APPLICANT: LID Limited

OFFICER: Duncan Carty

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

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application proposal relates to the provision of a gated access and gravel apron to a field in the Green Belt to enable the use and maintenance of the agricultural field. The proposal is considered to be acceptable in terms of its impact on the Green Belt, local character and trees, residential amenity and highway safety. The application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The 1.45 hectare application site relates to a field to the rear of 31-35 Windsor Road. The site falls predominantly within Zone 1 (low risk) with the south and west edges falling within Zones 2 and 3 (medium and high risk), respectively, of the floodplain. The development site (i.e. access points and gravel apron) would fall within Zone 1.
- 2.2 The proposed access point would be from the west side of The Grange, a cul-de-sac serving a 1980's residential development of 36 bungalows for the elderly, with a proportion of the access provided across the end of the rear garden of 31 Windsor Road. 31 Windsor Road and The Grange fall within the "washed over" Green Belt settlement of Chobham. The field is also located to the rear of 31-35 Windsor Road.
- 2.3 Area A1 of TPO No. 4/76 relates to the application site and adjoining/nearby land (The Grange, 31 Windsor Road, etc.).

3.0 RELEVANT HISTORY

3.1 There is no relevant planning history for the site.

4.0 THE PROPOSAL

- 4.1 The current proposal is to provide a gated access for a field onto The Grange. The field is used by a group of local residents under the name of Lid Ltd. The access would cross third party land, with a Certificate B provided which confirms that a notice has been served on the owner of this strip of land (Persimmon Homes). The access would be angled across a sliver of residential garden land at the rear of 31 Windsor Road. The access would be provided to allow maintenance/use of the field (i.e. grass cutting and general husbandry/agricultural use).
- 4.2 The proposed access would have a 10 metre wide bellmouth, with the gates setback about 25 metres, having a width of about 6 metres. The access would be gravelled up to the gated access point. The proposal would replace the access across third party land, to which access has been blocked. The gate would be five-barred with a maximum height of 1.7 metres. The proposal would result in the loss of hedging and some small trees.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Arboricultural Officer No objections (verbal).
- 5.3 Chobham Parish Council An objection is raised on the grounds that the site falls within the Green Belt, the development is detrimental to the area, the gate is 1.5 times wider than the road and the different material (tarmac instead of paviers).

6.0 REPRESENTATION

At the time of preparation of this report, no representations have been received in support and 20 representations and two petitions, with a combined 37 signatures, have been received which raise the following issues:

- 6.1 Encroachment onto The Grange [*See Paragraphs 7.4 and 7.5*]
- 6.2 Out of keeping with surroundings [*See Paragraph 7.4*]
- 6.3 Disruption (heavy construction traffic, noise and dust) and highway safety issues during construction, particularly with no footways/pavements in The Grange and users with walking aids and mobility scooters [*Officer comment: This would not be a reason to refuse this application*]

- 6.4 Access will allow future building on the land [*Officer comment: Each application is considered on its own merits*]
- 6.5 Reduction in on-street parking capacity, particularly with The Grange providing overflow car parking to local services (dentist, doctors, chemist, post office) [*Officer comment: The impact of the proposal on the level of on-street parking capacity (in this case, two spaces) in the local area is not a reason to refuse this application*]
- 6.6 All local residents in The Grange should have been notified [*Officer comment: The neighbour notification process met the statutory requirements*]
- 6.7 Why is a 10 metre wide access required? [*Officer comment: the maximum bellmouth width is 10 metres, reducing to 6 metres at the gate access. The applicant has confirmed that this access is required to allow the machinery (which does not fold) into the site and see Paragraph 7.5*]
- 6.8 Why cannot the applicant get access from his own land (31 Windsor Road) [*Officer comment: It is clear that the applicant could not provide such an access to this field through the garden of this property*]
- 6.9 Congestion to, and increased traffic on, Windsor Road [*See Paragraph 7.5*]
- 6.10 Impact on access for service vehicles (fire engines, ambulances and refuse vehicles) [*See Paragraph 7.5*]
- 6.11 Request information on any restrictive covenants on this land [*Officer comment: This is not a planning matter*]
- 6.12 Land ownership of strip between field and highway [*See Paragraph 4.1*]
- 6.13 "Maintenance purposes" is too general a term and they should be more specific [*Officer comment: The applicant has confirmed that maintenance includes grass cutting and general husbandry*]
- 6.14 Impact on high water table (flood risk) [*See Paragraph 2.1*]
- 6.15 If maintenance is to drain the land for future development, this could have an impact on other properties [*Officer comment: Each application is considered on its own merits*]
- 6.16 Impact on protected species (badgers) [*Officer comment: The small scale nature of the proposal would have little such impact*]
- 6.17 Are trees protected? [*See Paragraph 2.2*]
- 6.18 Proposal crosses our land [*Officer comment: This has now been corrected and formal notice, which has been confirmed by the objector, provided along with Certificate B. The objector has indicated that there is no agreement in place with the applicant to provide this access which is a private matter and does not prevent the decision for this application being made. Please also see Paragraph 4.1*]
- 6.19 Access is not needed [*Officer comment: This is not a reason to refuse this application*]

6.20 Impact on services (water pipes, sewer drainage and telecommunications) and road condition from use of heavy vehicles [*Officer comment: This would be a matter for the Highway Authority*]

7.0 PLANNING CONSIDERATION

7.1 The application site falls predominantly within the Green Belt, with only a small part of the site within the washed over Green Belt settlement of Chobham. As such, the relevant policies are Policy CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and advice in the National Planning Policy Framework (NPPF). The proposal is not CIL liable.

7.2 The main considerations are:

- Impact on the Green Belt;
- Impact on local character;
- Impact on residential amenity; and
- Impact on highway safety.

7.3 Impact on the Green Belt

7.3.1 The application site is located in the Green Belt. Paragraph 81 of the NPPF indicates that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including opportunities to provide access to it. The current proposal would improve access for the users of the agricultural field for maintenance/use and the works, including the gate and apron and would not have any significant impact on the openness of the Green Belt. It is therefore considered that the development is appropriate in its Green Belt location, complying with the NPPF.

7.4 Impact on local character and trees

7.4.1 The proposal would provide a five-bar gate along side a post and rail fence. This type of traditional 1.7 metre high wooden gate would not be out of character against this fence and the local area. The gravel apron, in front of the gate, would have a very limited impact.

7.4.2 Area A1 of TPO No. 4/76 relates to the application site and adjoining/nearby land (The Grange, 31 Windsor Road, etc.) and relates to all significant trees (minimum 25mm in diameter at 1.5 metres above ground level) when the Order was made in 1976. However, the trees, including an acer, a willow, conifer and cherry trees, that are affected by the proposal are much younger trees and are therefore not protected. Replacement planting is proposed to be provided by condition.

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

7.5 Impact on residential amenity

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

7.6 Impact on highway safety

7.6.1 The proposal would provide a new access from the field onto The Grange. This is a relatively narrow (4.8 metre wide) highway, with some on-street parking which would be reduced (by 2 spaces) by this proposal. The County Highway Authority has indicated that *"the proposal has been assessed by the Highway Authority as submitted which is for an access from The Grange to a field for maintenance purposes. Should any subsequent applications be submitted in the future for development that is likely to lead to an intensification in traffic movements from the site, the Highway Authority will assess the suitability of the access to accommodate any such increase."* For the current proposal, no objections are raised by the County Highway Authority and no objections are therefore raised on highway safety grounds, with the proposal complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

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

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

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

9.0 CONCLUSION

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

10.0 RECOMMENDATION

GRANT subject to the following conditions:-

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

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

2. The proposed development shall be built in accordance with the following approved plans: LID03/16 and LID04/16 received on 7 April 2016 and LID010/16 and LID01RevB/16 received on 5 July 2016, 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. No development shall take place until details of the proposed access to The Grange is submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to its first use.

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.

4.
 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, the existing trees and hedges to be retained, together with the new planting to be carried out and the tree protection requirements for retained trees.
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**.

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.

5. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

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.

6. The field access hereby approved shall only be used as access to the field to support the agricultural use of the site, including its maintenance, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To maintain planning control of this application site in the interests of the Green Belt and to accord with Policies, CP1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. HI(Inf)13 (Highway) HI13
2. Details submitted on behalf of the applicant indicated that the proposed development will cross third party land. The applicant will need to secure the approval of this landowner prior to the commencement of the development.