

16 November 2017		
Planning Applications Committee <u>Update</u>		
Item No.	App no. and site address	Report Recommendation
4 Page 13	17/0670 Pembroke House, 148 Frimley Road, Camberley	GRANT subject to a legal agreement and conditions
<p><u>UPDATE</u></p> <p>Paragraph 6.0 (Final bullet point top of page 18) - This should read 'no.146 Frimley Road'</p> <p>Paragraph 7.9.1 – Thames Water has confirmed that the attenuated flow rate of 2l/s can be accommodated in the sewer. The Lead Local Flood Authority supports the proposal, subject to conditions.</p> <p>Condition 19 (page 34) – The applicant has requested that condition 19 be amended so that the commercial use shall not be subdivided into less than two units. This is to enable a degree of flexibility in order to respond to market demand. <i>[Officer comment: For the reasoning provided under paragraph 7.3.5 it is recommended that there is no change to this condition. It should be noted that the 2013 refusals also proposed two units]</i></p> <p><u>Amended conditions</u></p> <p>14. The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>Reason: To limit noise and disturbance in the interests of the local neighbourhood's amenities and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.</p> <p>Delete condition 20 (this is because the bench and phone box lie outside the redline plan)</p> <p><u>Additional conditions</u></p> <p>20. No works below ground shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Planning Authority. Those details shall include:</p> <ul style="list-style-type: none"> a) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. b) A construction phase plan showing how the drainage system will not be compromised during construction (to include details of how pollutants and sediments from construction will be managed to prevent being washed into the watercourse). c) Finalised drawings ready for construction to include: a drainage layout detailing the location of SuDs elements, pipe diameters and their respective levels and long and cross sections of each SuDS Element. d) An exceedance flow plan that shows where water will drain to during exceedance or 		

system failure

- e) A maintenance plan showing the maintenance regimes for each SuDS element and who will be responsible for maintaining these.

Reason: To ensure the design meets the technical standards for SuDS and the final drainage design does not increase flood risk on or off site.

21. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards.

Amended informative

12. The applicant is advised to agree an alternative location for the public bench and the phone box, or confirmation that the bench and/or phone box is no longer required. Any necessary consent from British Telecom for the phone box's relocation or removal should be sought.

5 Page 55	17/0669 Ashwood House, 16-22 Pembroke Broadway, Camberley	GRANT subject to a legal agreement and conditions
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UPDATE

Amended conditions

2. The proposed development shall be built in accordance with the following approved plans: A-4161-00-005D, 020H, 021H, 022I, 023I, 024I, 025I, 026D; A-01-005D, 020G, 021G, 022E; A-02-020F, A-02-021 (all as listed on drawings schedule AH2 V2) 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.

9. Within 6 months of first occupation of the development hereby permitted a scheme comprising the Public Realm Works shall be constructed along the site frontage to and including the amended service yard access and car park exit along the entire forecourt and footway fronting Ashwood House and entire Princess Way passage between Pembroke Broadway and Princess Way. The Public Realm works shall include replacement bus shelters and associated infrastructure, including new or re-use of as maybe agreed with the Highway Authority, and real time passenger displays. Prior to first occupation full details of temporary arrangements, with details of implementation, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework.

10. Add the following wording to the final sentence '...unless an alternative has been submitted to and approved by the Planning Authority.'

12. The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS

4142: 2014.

Reason: To limit noise and disturbance in the interests of the local neighbourhood's amenities and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

6 Page 87	17/0526 Land south of Beach House, Woodlands Lane, Windlesham	GRANT subject to conditions and legal agreement
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UPDATE

One additional objection has been received, which does not raise any additional issues than the previous objections.

7 Page 117	17/0533 Land south of Beach House, Woodlands Lane, Windlesham	REFUSE
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UPDATE

1) Report corrections

- I. Owing to a formatting error, the second and third bullet points in Para 7.4.8 should read as follows:
 - *Ensure that the provision of the affordable housing units is made in such a way that such housing shall be affordable for both initial and subsequent occupiers of the dwellings;*
 - *Timescales for the construction, completion, sale and eventual occupation of the affordable housing units*
- II. Paragraph 7.11.2 in the 17/0526 report in respect of flood risk and drainage is also applicable to 17/0533
- III. The Policy DM5 criteria referenced in refusal reason 1 at the end of the report should also be amended as highlighted:

The applicant has failed to demonstrate to the satisfaction of the Planning Authority that there is a proven local need within the Parish of Windlesham for the proposed intermediate housing, for sale below market levels but above social rent costs, to people with a local connection to the area. As such the proposal represents inappropriate and harmful development in the Green Belt. By association, the proposal would cause significant harm to the openness of the Green Belt and the purposes for including land within it. There are no very special circumstances which either alone, or in combination, outweigh the harm to the Green Belt. The proposed development is therefore contrary to Policies CPA, CP2 and DM5 (i) and (iii) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Chapter 9 of the National Planning Policy Framework.

2) Additional consultations

In response to the re-consultation following the change in the application description (as outlined in Paras 4.4 - 4.5 of the report), a total of 39 representations of support 25 additional objections have been received, which do not raise any additional issues than the previous objections.

3) Additional information

The applicant has provided a report undertaken by Wessex Economics Ltd (who was commissioned by the Council to undertake the joint Strategic Housing Market Assessment [SHMA] 2016) that seeks to demonstrate a need for Shared Ownership Housing within the Parish of Windlesham. The report refers to 2011 Census figures for the Parish and the Borough as a whole, along with the Subsidised Home Ownership need of 190 dwellings per annum for the Borough as a whole as identified in the SHMA. On this basis, the report

concludes that there is a need for 35-37 shared ownership units per annum for the Parish. The report also refers to the fact that over the 5 year period 2011/12 to 2015/16 only 48 affordable intermediate homes have been delivered in Surrey Heath as a whole, whereas the SHMA target for Subsidised Home Ownership is for 190 dwellings per annum.

Whilst the report indicates a need across the Borough for Subsidised Home Ownership and Officers accept that there has been an under-provision of affordable intermediate homes in the Borough, the applicant has not demonstrated that there is a specific existing need in Windlesham Parish. Rather, a pro-rata approach has been taken based on Census and SHMA data. Irrespective of this and as outlined in Para 7.4.9 of the officer's report, no enabling argument has been put forward to justify the provision of intermediate homes for sale and there is doubt as to whether the proposed intermediate housing can be secured for local people in perpetuity as a Rural Exception Site, as required by Policy DM5 of the CSDMP and the NPPF.

As such, the officer recommendation remains to REFUSE for reasons as already outlined in the report.

8 Page 143	17/0705 123 London Road, Bagshot	REFUSE
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UPDATE

The Council's Senior Environmental Health Officer, following a visit to the site and surrounding properties when the lighting was switched on, has objected to the proposal on the following grounds:

- The lighting design specification indicates a 20 Lux level for the car park and 40 Lux in the drive thru area. This level of illumination appears to be the level required in high usage car parks/roads where other commercial or retail units share the space. Whilst there is no absolute standard, other guidance indicates design levels of between 5 and 10 Lux to be sufficient for shared outdoor car parks which would seem to be a more appropriate level bearing in mind that the proposal relates to a stand-alone unit.
- The design achieves an average level of 23 lux in the car park and 46 Lux in the drive thru. As such, it over-achieves the standards, which may lead to unnecessary brightness. The scheme may be over designed and there is doubt that for the scale of the development, the correct design level has been selected.
- Unlike 121 London Road, the obtrusive light spill onto 125 London Road has not been assessed. The average light level of the windows here is predicted to be 20 Lux against the stated design criteria of 10 Lux which is unacceptably high.
- The lighting levels in the garden areas of 121 London Road are stated as between 0 to 1 Lux. There is serious doubt this is correct since this garden area is clearly lit by spill such that reported local practice by the outlet has been not to turn on lights in here in order to prevent disturbance.
- The assessment makes reference to the use of back baffles in order to prevent light spillage. These have only recently been fitted and whilst the report indicated that baffles completely obscure light spill, it is clear that they do not work in preventing back spill.
- If permission were to be granted, alternative fittings of lower power and/or design would be required and a compliance report could be requested. However, such compliance would not preclude the Council taking additional action to prevent artificial light nuisance under the provisions of the Environmental Protection Act 1990.

Following a site visit in the evening when the external lighting was switched on, it became apparent when viewed from surrounding residential properties that some of the nuisance came from lighting on the opposite side of the site shining across the site towards the

respective residential properties. Such impact from the lighting, it would appear, cannot be baffled.

AMENDED REFUSAL REASON:

It has not been demonstrated that the external lighting provided under this application is genuinely needed to meet minimum requirements of health and safety legislation. The external lighting, by reason of the number of light columns, their predominant location close to residential boundaries, the height and effect of illumination, is considered to be intrusive to and have an adverse visual impact on the conditions of occupiers of adjoining residential properties, resulting in an adverse impact on residential amenity and failing to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework and supporting Planning Practice Guidance.

9 Page 157	17/0653 Michael Chell Menswear, 11 -13 High Street, Camberley	REFUSE
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UPDATE

Amended drawings have been provided which retain the ground and first floor windows in the front elevation of the existing building. The Council's Conservation and Design Officer has confirmed that the amendments do not overcome his earlier objection to the proposal.

The Council's Senior Environmental Health Officer has indicated that the site benefits from a previous planning permission for residential development without conditions to limit noise disturbance to future occupiers and additional conditions may not be imposed. He indicates that in order to protect the amenity of future occupiers we should have required a noise impact assessment for that proposal since that there is considerable noise here from night time entertainment with associated activities and general road traffic movements. The same requirements would apply for this application. [*Officer comment: The requirement of the EHO could be considered by condition (if minded to approve)*].

LLFA have requested further details.

10 Page 173	17/0702 Kings Lodge Care Home, 122 Kings Ride, Camberley	REFUSE
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UPDATE

Natural England raises no objections subject to mitigation [*Officer comments: This could be secured by condition(s), if minded to approve*].

11 Page 173	17/0719 Garages at Windsor Court Road, Chobham Woking	GRANT subject to conditions and legal agreement
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UPDATE

The Senior Environmental Health Officer raises no objections and recommends a condition (see below).

A set of photos have been provided taken within and around the application site showing the levels of on-street (and other) car parking in the area, as well as car parking on the application site. The parking shown within the application site is principally provided on an informal basis; and this parking (totalling seven spaces) would be displaced by the proposal. To gain access to garages, any parking to the front of the garages (amounting to five of these spaces) would need to be undertaken by those renting the respective garages and, as

indicated in the officer report, the survey for the applicant indicates that only two of the garages on the site are rented by local residents.

ADDITIONAL CONDITION:

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;*
- (ii) an assessment of the potential risks to:*
 - human health,*
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
 - adjoining land,*
 - groundwaters and surface waters,*
 - ecological systems,*
 - archeological sites and ancient monuments;*
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).*

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a

verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

Reason: *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the National Planning Policy Framework.*

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