



**Surrey Heath Borough Council**  
Surrey Heath House  
Knoll Road  
Camberley  
Surrey GU15 3HD  
Telephone: (01276) 707100  
Facsimile: (01276) 707177  
DX: 32722 Camberley  
Web Site: www.surreyheath.gov.uk

**Department:** Democratic and Electoral Services  
**Division:** Corporate  
**Please ask for:** Lee Brewin  
**Direct Tel:** 01276 707335  
**E-Mail:** democratic.services@surreyheath.gov.uk

Tuesday, 11 October 2016

To: The Members of the **Planning Applications Committee**  
(Councillors: Edward Hawkins (Chairman), David Mansfield (Vice Chairman), Richard Brooks, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Rebecca Jennings-Evans, Jonathan Lytle, Katia Malcaus Cooper, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder, Victoria Wheeler and Valerie White)

**In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.**

Substitutes: Councillors Dan Adams, Rodney Bates, Ruth Hutchinson, Paul Ilnicki, Max Nelson and Adrian Page

#### Site Visits

**Members of the Planning Applications Committee and Local Ward Members may make a request for a site visit. Requests in writing, explaining the reason for the request, must be made to the Development Manager and copied to the Executive Head - Regulatory and the Democratic Services Officer by 4pm on the Thursday preceding the Planning Applications Committee meeting.**

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber, Surrey Heath House on **Thursday, 20 October 2016 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

---

#### AGENDA

	Pages
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>3 - 6</b>

To confirm and sign the non-exempt minutes of the meeting held on 22 September 2016.

### **3 Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

### **Human Rights Statement**

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

### **Planning Applications**

<b>4</b>	<b>Application Number: 14/0451 - Land South of Beldam Bridge Road, West End, Woking</b>	<b>7 - 34</b>
<b>5</b>	<b>Application Number: 16/0526 - Frimhurst Farm, Deepcut Bridge Road, Deepcut, Camberley GU16 6RF</b>	<b>35 - 56</b>
<b>6</b>	<b>Application Number: 16/0814 - London Road Recreation Ground, (Camberley on Ice), Grand Avenue, Camberley</b>	<b>57 - 78</b>
<b>7</b>	<b>Application Number: 16/0759 - 49 Bosman Drive, Windlesham GU20 6JN</b>	<b>79 - 96</b>

### **Glossary**

**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 22 September 2016**

---

- + Cllr Edward Hawkins (Chairman)
- Cllr David Mansfield (Vice Chairman)
  

+ Cllr Richard Brooks	+ Cllr Adrian Page
+ Cllr Nick Chambers	+ Cllr Robin Perry
+ Cllr Mrs Vivienne Chapman	+ Cllr Ian Sams
+ Cllr Colin Dougan	+ Cllr Conrad Sturt
+ Cllr Surinder Gandhum	+ Cllr Pat Tedder
- Cllr Katia Malcaus Cooper	+ Cllr Victoria Wheeler
	+ Cllr Valerie White

- + Present
- Apologies for absence presented

Substitutes:

In Attendance: Duncan Carty, Andrew Crawford, Gareth John and Jonathan Partington.

**12/P Minutes**

The minutes of the meeting held on the 25 August 2016 were confirmed and signed by the Chairman.

**13/P Application Number: 15/0934 - Woodhall, Woodhall Lane, Sunningdale, SL5 9QW**

The application was for the erection of part two storey, part single storey 6 bedroom dwelling house with basement with associated walled courtyard to include 2 part single, part two storey buildings to provide ramped basement access and 4 self-contained apartments following the demolition of existing building. (Amended plan rec'd 11/04/2016), (Additional info received 18/07/16).

This application has been referred to the Committee because it followed an earlier approval SU/12/0161 for the same development by the Committee (against the officer recommendation).

There were no updates in respect of this application.

Members noted this application had been approved in 2012 with special circumstances, but work had not commenced and the permission had now lapsed. The Committee was advised that, as there was no extant permission, the application had to be considered afresh and that the previous Committee decision carried limited weight.

**Resolved that application 15/0934 be refused for the reasons set out in the report of the Executive Head – Regulatory.**

**Note 1**

It was noted for the record that all Committee Members had been sent a statement by the applicant's agent.

**Note 2**

The recommendation to refuse the application was proposed by Councillor Mrs Vivienne Chapman and seconded by Councillor Victoria Wheeler.

**Note 3**

In accordance with Part 4, Section D, paragraph 18 of the Constitution, the voting in relation to the application was as follows:

Voting in favour of the recommendation to refuse the application:

Councillors Mrs Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Ian Sams, Pat Tedder, Victoria Wheeler and, Valerie White.

Voting against the recommendation to refuse the application:

Councillors Richard Brooks, Nick Chambers, Colin Dougan, Adrian Page, Robin Perry and Conrad Sturt.

**14/P Application Number: 16/0537 - Old Dean Recreation Ground, Wimbledon Road, Camberley**

The application was for the consent to display a non-illuminated freestanding community notice board, measuring 1m x 1.06m, and displayed at a height of 1m above ground level.

The application has been reported to Committee because the applicant was Surrey Heath Borough Council.

There were no updates submitted for this application:

**Resolved, that application 16/0537 be approved subject to the conditions as set out in the report of the Executive Head – Regulatory.**

**Note 1**

The recommendation to approve the application was proposed by Councillor Richard Brooks and seconded by Councillor Robin Perry.

**Note 2**

In accordance with Part 4, Section D, paragraph 18 of the Constitution, the voting in relation to the application was as follows:

Voting in favour of the recommendation to approve the application:

Councillors Richard Brooks, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Adrian Page, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder, Victoria Wheeler and, Valerie White.

Chairman

This page is intentionally left blank

2014/0451

Reg Date 13/05/2014

West End

**LOCATION:** LAND SOUTH OF, BELDAM BRIDGE ROAD, WEST END, WOKING  
**PROPOSAL:** Erection of 2no. five bedroom and 1no. four bedroom two storey detached dwellings with detached double garages and accommodation in the roof with landscaping and access. (Amended and additional plans/information recv'd 26/5/16)  
**TYPE:** Full Planning Application  
**APPLICANT:** Redrow Homes Ltd  
**OFFICER:** Duncan Carty

**This application has been reported to the Planning Applications Committee at the request of the Executive Head of Regulatory Services because of its strategic significance.**

**RECOMMENDATION: GRANT subject to a legal agreement and conditions**

## 1.0 SUMMARY

- 1.1 The current outline application relates to the erection of three dwellings on land to the south of Beldam Bridge Road. The proposal lies within the West End reserve site. Annex 1 shows the location of this site in relation to other reserve site proposals.
- 1.2 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, no objections are raised. A legal agreement is to be provided to secure a SAMM contribution, and the SANG contribution would be delivered through the CIL process.
- 1.3 It is considered that in the light of the recent appeal decision for SU/14/0532 (land south of Kings Road and Rose Meadow) and planning permissions SU/15/0884 and SU/16/0332) at land north of Beldam bridge Road, the site should be released for housing. No objections are raised to the current proposal.

## 2.0 SITE DESCRIPTION

- 2.1 The application site relates to a roughly triangular piece of agricultural land to the south of Beldam Bridge Road on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls gently from north to south and the majority of the significant trees are located to site boundaries of this site.
- 2.2 The site measures 0.36 hectares in area. Land immediately to the south and east of the proposed housing site is owned/controlled by the applicant and fall within the Green Belt. The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency).

### 3.0 RELEVANT HISTORY

- 3.1 There is no relevant planning history on the site but other related West End/Windlesham reserve site proposals are referred to below.

#### Land south of 24-46 Kings Road and 6 & 9 Rose Meadow:

- 3.2 SU/14/0532 Outline planning application for the erection of 84 dwellings with access from Rose Meadow (access only to be considered). Non-determination appeal allowed in December 2015.

*The Council had taken Counsel's advice in respect of this appeal decision and had concluded that there were no grounds to challenge this decision.*

- 3.3 SU/16/0554 Approval of reserved matters (appearance, landscaping, scale and layout) pursuant to outline planning permission APP/D3640/W/15/3028247 [SU/14/0532] for the erection of 84 dwellings with access from Rose Meadow. Currently under consideration.

#### Land north of Beldam Bridge Road:

- 3.4 SU/14/0594 Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space (details of access only to be considered). Non-determination appeal has been withdrawn.

- 3.5 SU/15/0884 Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space (details of access only to be considered). Approved in February 2016.

*This decision was subject to a subsequent application for High Court challenge by a local resident but subsequently rejected by the Court.*

- 3.6 SU/16/0323 Outline planning application for the erection of up to 85 dwellings with new access, car parking, landscaping and open space (details of access only to be considered). Approved in July 2016.

#### Land north and east of Malthouse Farm, Benner Lane:

- 3.7 SU/15/0455 Erection of residential development to provide 95 dwellings with vehicular/pedestrian accesses, parking, landscaping and open space. Refused in October 2015 on housing supply/spatial strategy (this objection now withdrawn on the basis of the appeal decision SU/14/0532 above), affordable housing and SAMP provision (now withdrawn due to the completion of a planning obligation securing this provision), and character grounds. Subsequent appeal hearing to be held in September 2016.

#### Land to the rear of 4-14 (evens) Kings Road

- 3.8 SU/16/0679 Residential development of 35 dwellings with associated access, car and cycle parking, refuse/recycling storage and landscaping. Currently under consideration.



Heathpark Woods, Heathpark Drive, Windlesham:

- 3.9 SU/15/0590 Outline planning application for the erection of up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG) details of access only to be agreed. Refused in March 2016 on loss of safeguarded land/spatial strategy, impact on protected species and the SPA, and affordable housing provision grounds.

#### **4.0 THE PROPOSAL**

- 4.1 The current proposal relates to the erection of 1 no four bedroom and 2 no five dwellings with garaging and its proposed access from Beldam Bridge Road. The access would be provided at roughly the midpoint of the frontage onto Beldam Bridge Road, east of the road junction with Kings Road. The dwellings would be arranged around the access with Plot 1 located to the north west corner of the site with the proposed dwelling facing east, away from properties in Rose Meadow. Plot 2 would be located to the north east corner of the site facing north (i.e. Beldam Bridge Road). Plot 3 would be located in the south corner of the site facing the flank boundary of Plot 1.
- 4.2 In its amended arrangement, the proposed dwellings would be set back a minimum of 9 metres from the road frontage (behind the existing tree screen) i.e. the side wall of Plot 1; and a minimum of 4 metres for the boundary with Rose Meadow properties i.e. the side wall of Plot 3 (corresponding to 14 metres from the main rear walls of these properties); and a minimum of 4 metres from the south west site boundary with the Green Belt i.e. the side wall of Plot 2.
- 4.3 The proposal has also been amended in respect of the design of the proposed dwellings. Plot 1 has been amended from a Highfield to a Balmoral type, which incorporates a predominant brick finish with timber clad gable detail, two storey height bay (with tile hanging detail between ground and first floor windows), and open porch with mono-pitch roof over supported by wooden posts. Plot 2 has been amended from a Wentworth type to a Blenheim type, which incorporates a predominant brick finish with two half gable/hipped roof details with hanging tile detail with small pitched roof dormer in between, two storey bay with tile hanging detail between the ground and first floor windows and a recessed porch with arched entrance. Plot 3 has been amended from a Beaumont type to a Sandringham type, which incorporates a predominant brick finish with timber frame/render detail to a gable, single storey bay and a recessed porch with arched entrance. All properties would provide windows with small lights.
- 4.4 The proposed dwellings, in their amended form, would range in maximum height from 8.5 metres (Plot 3) to 9.5 metres (Plot 1). The proposed detached garage buildings would have a maximum height of 6.5 metres.

#### **5.0 CONSULTATION RESPONSES**

- 5.1 County Highway Authority No objections, subject to conditions.
- 5.3 Arboricultural Officer No objections, subject to conditions.

5.4	Surrey Wildlife Trust	No objections, subject to the implementation of the mitigation and enhancement actions set out in the ecological report.
5.5	Natural England	No objections on the basis that the proposal meets the requirements of the SPA avoidance strategy.
5.6	Archaeological Officer	No objections, subject to the agreement of securing the archaeological work by condition.
5.7	West End Parish Council	An objection is raised on the grounds of flood risk, lack of diversity of dwelling size and loss of trees.

## 6.0 REPRESENTATION

At the time of preparation of this report, no representation in support and 34 representations raising an objection had been received which raise the following issues:

### 6.1 Principle

- Combined impact with other proposals and their piecemeal nature. Applications should be considered together [*Officer comment: Each application is to be determined on their own merits*]
- Other sites should be developed instead. The West End reserve sites need not be used [See paragraph 7.5]
- Amount of houses is in excess of the core strategy requirement (20 houses), particularly in taking into account the housing that will be delivered on appeal site (SU/14/0532) [See paragraph 7.5]
- Impact on Green Belt status of land [*Officer comment: The site is within the Countryside (beyond the Green Belt)*]
- West End does not need any more housing and has provided its fair share of housing in the past. Development, in combination with other reserve site proposals, is too large for the village [see Paragraph 7.5]
- Development proposal is premature and not sustainable [See paragraph 7.5]
- Adequate provision of housing has been/will be provided elsewhere [See paragraph 7.5]
- Development is proposed before sites allocation document is published. Noting the position set out in the HLSP 2015-2020, this site would not come forward for housing [See paragraph 7.5]
- Development is proposed before a local plan review [See paragraph 7.5]
- In housing delivery terms, the Inspector in the Local Plan review indicated that the SPA was a special constraint on housing delivery which should be taken into consideration [see Paragraph 7.5]
- The Council has demonstrated that it has more than sufficient land available for housing (8.5 years-worth) to meet 5 year target (Housing Land Supply Paper 2015) [See paragraph 7.5]

- Calculating housing supply is not an accurate way of assessing the Borough's progress in meeting required targets [See *paragraph 7.5*]
- Non-conformity with NPPF policy on sustainable development. Brownfield sites should be released before green field sites [See *paragraph 7.5*]
- NPPF's presumption in favour of development does not apply in this case. It is excluded due to Paragraph 85 of the NPPF. Safeguarding is a policy indicating development should be restricted [See *paragraph 7.5*]
- The principle for sustainable development in the NPPF does not apply where an appropriate assessment (under the Habitats regulations) is required [See *paragraph 7.5*]
- Setting a precedent [See *paragraph 7.5*]
- Site would not be sustainable (scored minus 15 in Interim Sustainability Appraisal 2013) [Officer comment: *This scoring is assessed against this Appraisal but this level of scoring for the site would not preclude its development for housing on sustainability grounds*]

## 6.2 Character and Green Belt reasons

- Out of character with dwellings much larger than surrounding properties [See *paragraph 7.6*]
- Impact on trees. Need to protect retained trees by TPO or condition [See *paragraph 7.6*]
- Loss of gap to Chobham and merging of separate communities [See *paragraph 7.6*]
- Impact on the character of the village and countryside [See *paragraph 7.6*]
- Loss of trees [See *paragraph 7.6*]
- Destruction of rural land/countryside [See *paragraph 7.6*]
- Impact on Green Belt [See *paragraph 7.6*]
- Changing local character/environment [See *paragraph 7.6*]
- Impact on West End Village Design Statement [See *paragraph 7.6*]
- Turning this part of village (with other reserve site proposals) into a large construction site [Officer comment: *This would not be a reason to refuse this application*]

## 6.3 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [See *paragraph 7.7*]
- Increased light and air pollution [See *paragraph 7.7*]
- Loss of daylight and sunlight to houses and gardens [See *paragraph 7.7*]

- Loss of privacy from overlooking. Even obscure glazed windows will need to be opened leading to overlooking [See *paragraph 7.7 and Condition 4*]
- Impact of construction process [*Officer comment: This would not be a reason to refuse this application. See Condition 10*]
- Loss from privacy from roof accommodation [See *paragraph 7.7*]
- Upper floor accommodation over detached garages could be used for commercial purposes [*Officer comment: Such a use, if this accommodation were to be so used in the future, would require separate planning permission*]

#### 6.4 Highway and transportation matters

- Impact on road infrastructure [See *paragraph 7.8*]
- Increased traffic resulting in traffic congestion and increased risk of accident at local road junctions and wider road network [See *paragraph 7.8*]
- Highway implications of dangerous access and increased traffic accessing onto a bend in a narrow, winding road and proximity to other road junctions (Kings Road) [See *paragraph 7.8*]
- If allowed, could access to adjacent site (land to the rear of 24-46 Kings Road and 6 & 9 Rose Meadow) be provided to this site [*Officer comment: The adjoining site has separate outline planning permission with the access gained from Rose Meadow*]
- No footpath access to site [See *paragraph 7.8*]
- Impact on school traffic/horses [See *paragraph 7.8*]
- Unsustainable location with a lack of local facilities [See *paragraph 7.8*]

#### 6.5 Impact on ecology

- Surprise that bat survey did not detect roosting sites [See *paragraph 7.9*]
- Impact on wildlife and their habitats – bats, birds (including birds of prey), deer, ducks, pheasants, rabbits, toads, frogs, butterflies, hedgehogs, moths, squirrels and beetles. Animals cannot be translocated because they are territorial [See *paragraph 7.9*]

#### 6.6 Impact on drainage/flood risk

- Impact on drainage (including local ditches/Bourne stream, high water table) and flooding [See *paragraph 7.10*]
- Impact on the floodplain (Zone 2 – medium risk) [*Officer comment: The site does not fall within the floodplain, it falls within a Zone 1 low risk area*]

#### 6.7 Impact on the SPA

- SANG mitigation will now be not within walking distance of the village, leading to an increase in car journeys [See *paragraph 7.11*]
- If a SANG is not proposed, this makes the scheme even less desirable [See *paragraph 7.11*]

- Impact on Brentmoor SSSI/SPA. [*Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. Also, see paragraph 7.11*]
- The site is within 5 kilometres of the SPA and not providing its own SANG. The Council's web-site indicates that SANG land is not available. The adjoining land has been indicated as available for public recreation but details of a SANG proposal on this land have not been provided [*Officer comment: The application proposal does not include the provision of its own SANG. Since the submission of this application the Chobham SANG has become available for sites of this scale to make contributions towards. Also, see Paragraph 7.11*]

#### 6.8 Other matters

- Archaeological details provided insufficient [*See paragraph 7.12*]
- Impact on local infrastructure and local/public services (school places, doctors, hospitals) which is unsustainable [*See paragraph 7.13*]
- Lack of affordable housing [*See paragraph 7.15*]
- Development is not wanted by local people. Level of local opposition should not be ignored [*Officer comment: This is noted but is not, in itself, a relevant planning matter*]
- Developer making a quick profit [*Officer comment: This is not a relevant planning matter*]
- Stress/anxiety caused by proposals [*Officer comment: This is not a relevant planning matter*]
- Devaluation of property value [*Officer comment: This is not a relevant planning matter*]
- Previous refusals for minor proposals in the local area [*Officer comment: Each application is assessed on its own merits*]

### 7.0 **PLANNING CONSIDERATIONS**

- 7.1 The housing part of the application site is located within a site which has been part of a housing reserve site, adjoining the settlement of West End, but is defined as Countryside (beyond the Green Belt).
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies CPA, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and Policy H8 of the Surrey Heath Local Plan 2000 (as saved) are relevant. In addition, advice in the West End Village Design Statement SPD 2016; Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2016-2021 (2016).

7.3 The current proposal follows the earlier planning permissions for residential developments on other parts of this housing reserve site land SU/15/0558 and SU/16/0323 (Land north of Beldam Bridge Road), and the appeal decision (SU/14/0532). These decisions are material considerations for this application. Annex 1 shows the location of this application site in the context of these earlier permissions.

7.4 Having regard to all of the above, it is considered that the principal considerations to be addressed in the determination of this application are:

- Principle for the development;
- Impact on local character and trees;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on ecology;
- Impact on drainage and flood risk;
- Impact on the Thames Basin Heaths Special Protection Area;
- Impact on archaeology;
- Impact on local infrastructure; and
- Financial considerations of development.

## 7.5 Principle for the development

### Spatial Strategy

7.5.1 Paragraph 17 of the NPPF sets out the core land-use planning principles. This includes the need to *"recognise the intrinsic character and beauty of the countryside"* and *"encourage the effective use of land by reusing land that has been previously developed (brownfield land)"*. Policy CPA of the CSDMP sets out the spatial strategy for the Borough and acknowledges that new development in the Borough will come forward largely from the redevelopment of previously developed land in the western part of the Borough.

7.5.2 Policy CP3 of the CSDMP sets out the scale and distribution of housing within the Borough up to 2028, which is to be provided within existing settlements up to 2026 and, if insufficient sites have come forward, then between 2026 and 2028, the release of identified sustainable sites within the Countryside (beyond the Green Belt). The local and national policy seeks the development of previously developed land first, with local policy indicating that development should be focused in the settlements, with any releases that are to be made in the defined countryside from 2026, if insufficient sites have come forward for development.

### Housing supply

7.5.3 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental. The NPPF considers that where relevant policies are absent, silent or out-of-date, the policies within the NPPF would take precedent, unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*. The NPPF puts the delivery of sustainable development at the heart of the decision making process.

- 7.5.4 The NPPF within its series of core principles includes the proactive delivery of housing. Paragraph 47 of the NPPF indicates that, to support this core principle, local planning authorities should *"use their evidence base to ensure that their Local Plan meets the full, objectively needs for market and affordable housing in the housing market area,...[and]...identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements within an additional buffer of 5% [20% in the case of a persistent under delivery] (moved forward from later in the plan period) to ensure choice and competition in the market for land.* The availability of a five year supply (plus buffer) of deliverable housing sites is a factor when determining applications for residential development, notwithstanding the spatial strategy set out in Paragraph 7.5.1 above.
- 7.5.5 Paragraph 49 of the NPPF indicates that: *"Housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."* Without the supply of deliverable housing sites, local policies on housing supply would be considered to be out-of-date and development which is considered to be sustainable (as defined in the NPPF) would be considered to be acceptable. It is considered that for the proposed development, when balancing the clear social and economic benefits with any potential environmental dis-benefits (see Paragraph 7.7 below), the proposal would be deemed to sustainable development (as defined in the NPPF). This is the same conclusion drawn by the Inspector for the appeal proposal SU/14/0532 and the Council for permissions under SU/15/0588 and SU/16/0323.
- 7.5.6 The application site falls within the defined Countryside (beyond the Green Belt) but also forms a part of a housing reserve site as previously defined in Policy H8 of the Surrey Heath Local Plan 2000 has been saved under the CS review.
- 7.5.7 The Council provided a Five Year Housing Land Supply Paper 2015-2020 in February 2015 (HLSP) which indicated that there is an available eight year supply of housing, based on the delivery rate of 191 dwellings per annum, as set out in the Core Strategy.
- 7.5.8 The Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA) has been provided to develop an up-to-date evidence base for the housing market area to develop the evidence of a full objectively assessed needs (FOAN) for market and affordable housing, as required by Paragraph 47 of the NPPF (see Paragraph 7.5.4 above). The SHMA requires a much higher delivery rate of 340 dwellings per annum.
- 7.5.9 The key issue is to which rate of housing delivery should be provided for this Borough. The Inspector for the appeal for SU/14/0532 (Land south of Kings Road and Rose Meadow) in allowing that proposal indicated:
- "To my mind, [Paragraph 47 of the NPPF] introduces a much greater emphasis on the delivery of housing than was at the case at the time of the adopting the [Core Strategy], albeit that this must be weighed against other policies of the Framework. Given that the [Core Strategy], even at the time of adoption, would not meet housing requirements for the plan period, this represents a clear conflict with the Framework. Furthermore, Policy CP3 outlines a strategy to reserve housing sites until after 2025 and only release them if it is established at that time that insufficient sites have come forward. This is likely to result in significant delay in addressing potential housing shortfalls that would be at odds with the Framework's important objective to boost significantly the supply of housing. For these reasons, I attach the policies of the Framework in respect of housing great weight and this justifies a departure from the development plan [i.e. Core Strategy]."*

As such, the Inspector determined that the starting point for determining a five year housing land supply was the higher untested (FOAN) figure of 340 dwellings per annum rather than the Core Strategy figure of 191 dwellings per annum. This represents a material and important change in circumstance. In a similar manner to this appeal proposal and permissions SU/15/0588 and SU/16/0323, the current application has to be assessed in the light of this re-balancing, between national and local policies, of the policy position on housing delivery.

7.5.10 The Council has provided a Five Year Housing Land Supply Paper 2016-2021 in September 2016 (HLSP) which indicated that, when assessed against the FOAN figure, there is a current under delivery of housing which equates to a 3.78 year housing land supply, including the recognised under delivery since 2011. The Council concludes that currently it does not have a five year housing land supply (against the FOAN figure).

7.5.11 Paragraph 119 of the NPPF, however, indicates that *"the presumption in favour of sustainable development (paragraph 14 [of the NPPF]) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* In the same manner as appeal SU/14/0532, and permissions SU/15/0884 and SU/16/0323, the delivery of a SANG contribution under this application (See Paragraph 7.7 below) and a SAMM contribution would similarly avoid a significant adverse effect on the SPA and the application would also not preclude the application of the presumption in favour of sustainable development (under Paragraph 17 of the NPPF) for the current proposal.

7.5.12 The application site forms a small part of the West End reserve housing site and lies between the development sites at land south of 24-46 Kings Road and 6 & 9 Rose Meadow (to the south west of the application site) and land north of Beldam Bridge Road (on the opposite side of Beldam Bridge Road), both which have outline permission for housing development. The application site is a smaller triangular piece of land that relates to the remaining part of the reserve site between these much larger sites and it is considered, when viewed in this context (see Annex 1), that the proposal would not therefore provide a piecemeal form of development.

7.5.13 It is therefore considered that the proposed development, by providing residential units in a site designated as Countryside (beyond the Green Belt) on part of a housing reserve site, is acceptable.

## **7.6 Impact on local character and trees**

7.6.1 Paragraph 7.5.11 above already recognises that unless there is a clear proven need to release countryside for housing, the intrinsic characteristics of the countryside should be protected for its own sake. However, on the assumption that this land has to be released then the following conclusions can be drawn on the merits of the proposal.

7.6.2 The West End Village Design Statement SPD 2016 indicates that the application site adjoins the Character Area 3, which the SPD confirms forms the south east corner of the village. The SPD confirms that the positives for this Character Area is the mix of housing styles, low density of development, large front gardens, meadowland visible through the existing development and the layout/design of Rose Meadow. Guideline 14 would seek to reflect the character of the area and not result in the coalescence of villages.



- 7.6.3 The proposal would result in the provision of housing on a greenfield site, which would extend the effective settlement boundary into the defined countryside. This would have some impact on the rural character of the site, with the loss of the land to residential development. However, this effect would not be so significant an impact, noting the site topography, the level of boundary screening (and scope for landscape enhancement), particularly to the north and east boundaries of the site (adjoining the public highway, Beldam Bridge Road, and the Green Belt), and the very limited distance views of the site that would be afforded from the open countryside beyond. Some limited view of the open land would be retained, and viewed between the gaps of the proposed development form. No objections are raised to the impact of the proposal on the rural character of the area.
- 7.6.4 The minimum gap between the settlements of West End and Bisley is 372 metres (at the A322 Guildford Road). The current proposal would be located a minimum of about 690 metres from the settlement of Bisley. The site is also about 2.8 kilometres from the edge of the Green Belt settlement of Chobham. It is also noted that the remainder of the land between these settlements falls within the Green Belt, with the exception of the application site for SU/14/0532. As such, it is not considered that the development proposal would result in the loss of a strategic gap between, or a coalescence of, settlements.
- 7.6.5 The proposal would provide larger, executive-type housing and the design of the dwellings would be traditional and this approach is considered to be acceptable in its local context. Each dwelling is individually designed which reflects the mixture of housing styles which helps define the adjoining Character Area.
- 7.6.6 The current proposal would provide three large dwellings arranged around a central access road. The proposal is considered to provide a spacious form of development with gaps between the dwellings and to all site boundaries. The layout is a departure from the more regimented linear built form of residential dwellings in the adjoining Character Area, being proposed on a more informal layout. However, the triangular shape and size of the site lends itself more to this type of informal layout, which also fits better within its very edge of settlement location. In addition, whilst it is separated from the adjoining part of the housing reserve site (at land south of 24-46 Kings Road and 6 & 9 Rose Meadow) by a heavy tree screen, part of the current reserved matters application scheme for that site (under SU/16/0554) includes, in part, the small grouping of dwellings around short, shared access drives in a similar type of layout form to the current proposal.
- 7.6.7 The outline consents for housing development on land north of Beldam Bridge Road (SU/16/50884 and SU/16/0323) agreed the access to the site only. Details of layout, scale and design would be reserved matters for which an application submission has not been provided to date. It is therefore not possible at this stage to fully assess the level of integration with the future development of that site, but the retained landscaping between (to both site frontages) would assist such integration.
- 7.6.8 The proposed dwellings would be set back from Beldam Bridge Road, and behind a tree screen, most of which would be retained. The Council's Arboricultural Officer has raised no objections to the proposal on tree grounds. With the exception of the gap provided for the proposed access, the views of the dwellings from the highway would be softened by the retained screening.
- 7.6.9 The proposal is considered to be acceptable on character and tree grounds, in this respect, complying with Policy DM9 of the CSDMP and advice within the West End Village Design Statement SPD 2016.

## **7.7 Impact on residential amenity**

- 7.7.1 The proposed dwellings would be two storeys in height and would be positioned so that for Plot 1, the rear wall of the dwelling would face, at an angle, the rear garden (and rear wall) of 1 Rose Meadow and the rear garden (and side wall) of 58 Kings Road and its garage would face, at an angle, the rear gardens and rear walls of 3 and 5 Rose Meadow. For Plot 3, the side wall of the dwelling, and rear wall of the integral garage, would face 5 and 7 Rose Meadow. This level of separation would limit any impact on the occupiers of these residential properties.
- 7.7.2 The rear wall of the dwelling for Plot 1 would be positioned a minimum of 16 metres from the rear boundary with 1 Rose Meadow and a minimum of 28 metres from the rear wall of this property and would be positioned a minimum of 16 metres from the rear boundary with 58 Kings Road and a minimum of 28 metres from the flank wall of this property. These levels of separation are considered to be acceptable.
- 7.7.3 The rear wall of the detached garage for Plot 1 would be set a minimum of 7.4 metres from the rear boundary of 3 Rose Meadow and 9.4 metres from the rear boundary of 1 Rose Meadow. This relationship, noting the position of rooflights in the rear roofslope facing this boundary, is acceptable. Noting the location of the raised external stair at 16 metres from the rear boundary, no adverse impact from this element of the proposal is envisaged.
- 7.7.4 The side wall of the dwelling for Plot 3 would include one first floor window facing 5 and 7 Rose Meadow, which would serve a bathroom. With limitations on opening lights and fitting and retaining of obscure glass, no material loss of privacy is envisaged. The level of separation, at about 14.6 metres, from the main rear walls of 5 and 7 Rose Meadow to the two storey element of the side wall of this proposed dwelling is considered to be acceptable.
- 7.7.5 The dwelling for Plot 2 would be positioned a minimum of 27.5 metres from the boundary with the existing residential properties in Rose Meadow and would be partly obscured by the dwellings/garaging for Plots 1 and 3 and would have no material impact on the amenity of the occupiers of these residential properties.
- 7.7.6 The proposal would lead to a minor increase in traffic noise from increased movements on adjoining streets and activity at the site. However, it is not considered that level of increase would be sufficient to make any significant impact on residential amenity.
- 7.7.7 As such, the proposal is considered to be acceptable on character and tree grounds, in this respect, complying with Policy DM9 of the CSDMP.

## **7.8 Impact on highway safety**

- 7.8.1 The proposed access to the site would be provided from the south side of Beldam Bridge Road on an inside bend on the highway. The County Highway Authority has raised no objections to the proposal subject to conditions, including the provision of access visibility.
- 7.8.2 As such, the proposal is considered to be acceptable on highway safety grounds complying with Policies CP11 and DM11 of the CSDMP.

## **7.9 Impact on ecology**

- 7.9.1 The applicant has provided an ecological appraisal report to support the application proposal. The Surrey Wildlife Trust has confirmed that the report provides sufficient information for the Council to determine this application, with the mitigation and enhancement actions set out in the report required by condition. The report indicates that two large oak trees (T36 and T37) are to be removed, and specific mitigation in respect of these trees would be required. However, these trees are now to be retained within the scheme but may require some remedial work and as such, it is considered appropriate that the required mitigation is still required.
- 7.9.2 As such, the proposal is considered to be acceptable on ecological grounds, in this respect, complying with Policy CP14 of the CSDMP.

## **7.10 Impact on drainage and flood risk**

- 7.10.1 The application site falls within an area of low flood risk (Zone 1) and relates to a development for three dwellings, falling under the threshold for involvement with the Local Lead Flood Authority (Surrey County Council). However, noting the local concerns about drainage and flood risk, it is considered prudent to require details of drainage to be agreed by condition. Under these circumstances, no objections are raised on these grounds with the proposal complying with Policy DM10 of the CSDMP.

## **7.11 Impact on the Thames Basin Heaths Special Protection Area**

- 7.11.1 The application site falls about 0.8 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the South East Plan 2009 (as saved) seeks to protect the ecological integrity of the SPA from recreational pressure, through increased dog walking and an increase in general recreational use, which occurs from the provision of new (net) residential development. Policy CP14 of the CSDMP and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA or by contributing towards SANGS provision. The threshold for delivering on-site SANG is 100 dwellings. As this proposal provides less than this threshold, it can provide towards a SANG elsewhere, so long as it falls within the SANG catchment.
- 7.11.2 The CIL charging schedule incorporates SANG funding, for schemes of the scale of the proposed development. The current proposal seeks to provide a contribution towards SANG delivery; in this case the Chobham Meadows SANG. The application site falls within the catchment (5 kilometres) of this SANG. This approach is considered to be acceptable and Natural England does not object to the proposal on these grounds.
- 7.11.3 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution is required. This contribution amounts to £2,696 and can be provided upfront or secured through a planning obligation. A legal agreement to confirm an obligation to meet this requirement is proposed and expected to be completed within one month from the Committee meeting, and no objections are raised on these grounds.

7.11.4 As such and subject to the completion of the obligation or upfront payment, the current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the CSDMP, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

## **7.12 Impact on archaeology**

7.12.1 The applicant has provided a desk based assessment for archaeology which demonstrates that the site is of currently unknown potential, with very little archaeological investigation in the vicinity. The assessment recommends trial trench evaluation in order to ascertain the prospective archaeology and enable decisions to be made regarding any required mitigation measures. The Archaeological Officer agrees with this conclusion and raises no objections, subject to the imposition of a condition concerning the need to provide further archaeological work.

7.12.2 As such, the proposal is considered to be acceptable on archaeological grounds, in this respect, complying with Policy DM17 of the CSDMP.

## **7.13 Impact on local infrastructure**

7.13.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable and the final figure would need to be agreed following the submission of the necessary forms. On the basis of the information submitted to date, the amount of CIL payable would be in the region of £195,350. Informative would be added to the decision advising the applicant of the CIL requirements.

## **7.15 Impact on the delivery of affordable housing**

7.15.1 Paragraph 174 of the NPPF states that local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. Paragraph 50 states that where local planning authorities have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial equivalent of broadly equivalent value can be robustly justified. Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires, for the proposed quantum of development, a contribution towards affordable housing provided elsewhere in the Borough.

7.15.2 In November 2014, the Government issued a Written Ministerial Statement (WMS) indicating that affordable housing contributions should not be sought on developments of 10 units or less (provided that the gross floor space of any such development does not exceed 1,000 square metres). Whilst the aim of this was to assist small and medium housebuilders, the statement effectively applied to all housebuilders. The WMS was subject to a successful legal challenge by West Berkshire District Council and Reading Borough Council, but the decision by the High Court was subsequently reversed by the Court of Appeal on 11th May 2016. As a result, the WMS was reinstated from the 11th May 2016. Updated guidance was then issued in the Planning Practice Guidance (paragraph ID23b-013-20160519).

7.15.3 The WMS is therefore a material planning consideration in the determination of planning applications and it is necessary to determine how much weight should be attached to this. Since the issuing of the WMS there have been a number of appeal decisions whereby some common themes have become evident. This includes the need to produce evidence to continue to apply local policy; and, any such evidence is insufficient to outweigh the WMS unless it is demonstrated that the affordability issues are atypical compared to national, regional and local circumstances. On the basis of this officers are of the opinion that Surrey Heath's affordability issues are not atypical to regional and local circumstances and that there is not a tested argument to justify outweighing the WMS. The applicant has also provided local evidence and justification in support of the application which reaffirms the Council's position.

7.15.4 Consequently, no affordable housing or a financial contribution in lieu of on-site provision can be sought with this development. This application has been considered on its own merits and on the basis of the evidence available at the time of consideration. As the starting point, each application that triggers the threshold for affordable housing must continue, therefore, to address the requirements of Policy CP5. Hence, an Affordable Housing Statement in addition to any viability information will continue to be required.

7.15.5 As such, the proposal is considered to be acceptable on these grounds, in this respect, complying with Policy CP5 of the CSDMP.

#### **7.16 Financial considerations**

7.16.1 In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

### **8.0 CONCLUSION**

8.1 As with the earlier planning permissions SU/15/0588 and SU/16/0323 which followed the allowed appeal SU/14/0532 on nearby sites, no objections are raised to the principle of the development. No objections are raised upon the impact of the proposal on local character, trees, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, drainage and flood risk and, local infrastructure. The proposal is acceptable in terms of its impact on the Thames Basin Heaths Special Protection Area, with a contribution for SANG delivery elsewhere in the Borough provide through the CIL scheme. Subject to the completion of a legal obligation to provide a SAMM contribution, no objections are raised to the proposal.

8.2 The application is therefore recommended for approval, subject to the completion of the aforementioned legal obligation or upfront payment prior to the determination of this application.

## **9.0 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 proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **10.0 RECOMMENDATION**

**GRANT subject to a receipt of a satisfactory legal agreement to secure a contribution towards SAMM provision, or upfront payment, by 30 November 2016 and 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: R.0334\_02\_3G, R.0334\_17, R.0334\_19, R.0334\_20-1 REV A, R.0334\_20-2 REV A, R.0334\_21-1 REV A, R.0334\_21-2 REV A, R.0334\_22-1 REV A, and R.0334\_22-2 REV A received on 26 May 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. Notwithstanding the details shown on Drawing No. R.0334\_15 REV A, no development 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. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. 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 and the advice within the West End Village Design Statement SPD 2016..

4. Before first occupation of Plot 1 of the development hereby approved the first floor window(s) in the flank elevation facing 5 and 7 Rose Meadow, shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings at first floor level shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5.
  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, 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 other than small, privately-owned domestic gardens, 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 5 years.
  4. 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. No development including demolition 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. The statement should also contain details of arboricultural supervision and frequency of inspection along with a reporting process to the Tree Officer. All works to be carried out in strict accordance with the approved details.

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.

7. The development shall be implemented in accordance with the recommendations set out in Section 9 of the Ecological Appraisal by Hankinson Duckett Associates dated November 2013 unless the prior written approval has been obtained from the Local Planning Authority.

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

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of heritage and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. 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) a method to keep the highway clean during site clearance and construction;
- and
- (h) confirmation that there would be no on-site burning of material on the site

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 or residential amenity or long term retention of retained trees on the site, nor cause inconvenience to other highway users and to accord with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.



10. The proposed access onto Beldam Bridge Road shall be provided with visibility zones, in accordance with Drawing No. C82916-D-001 Rev. C with the visibility zones kept permanently clear of any obstruction between the heights of 0.6 and 2 metres.

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.

11. Details of a footway link between the proposed access and the road junction of Kings Road and Beldam Bridge Road shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the development hereby approved.

Reason: In the interests of highway safety and to comply with Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. The garage buildings hereby permitted should be used for private domestic purposes only in connection with the use of the respective properties as single family dwelling houses.

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

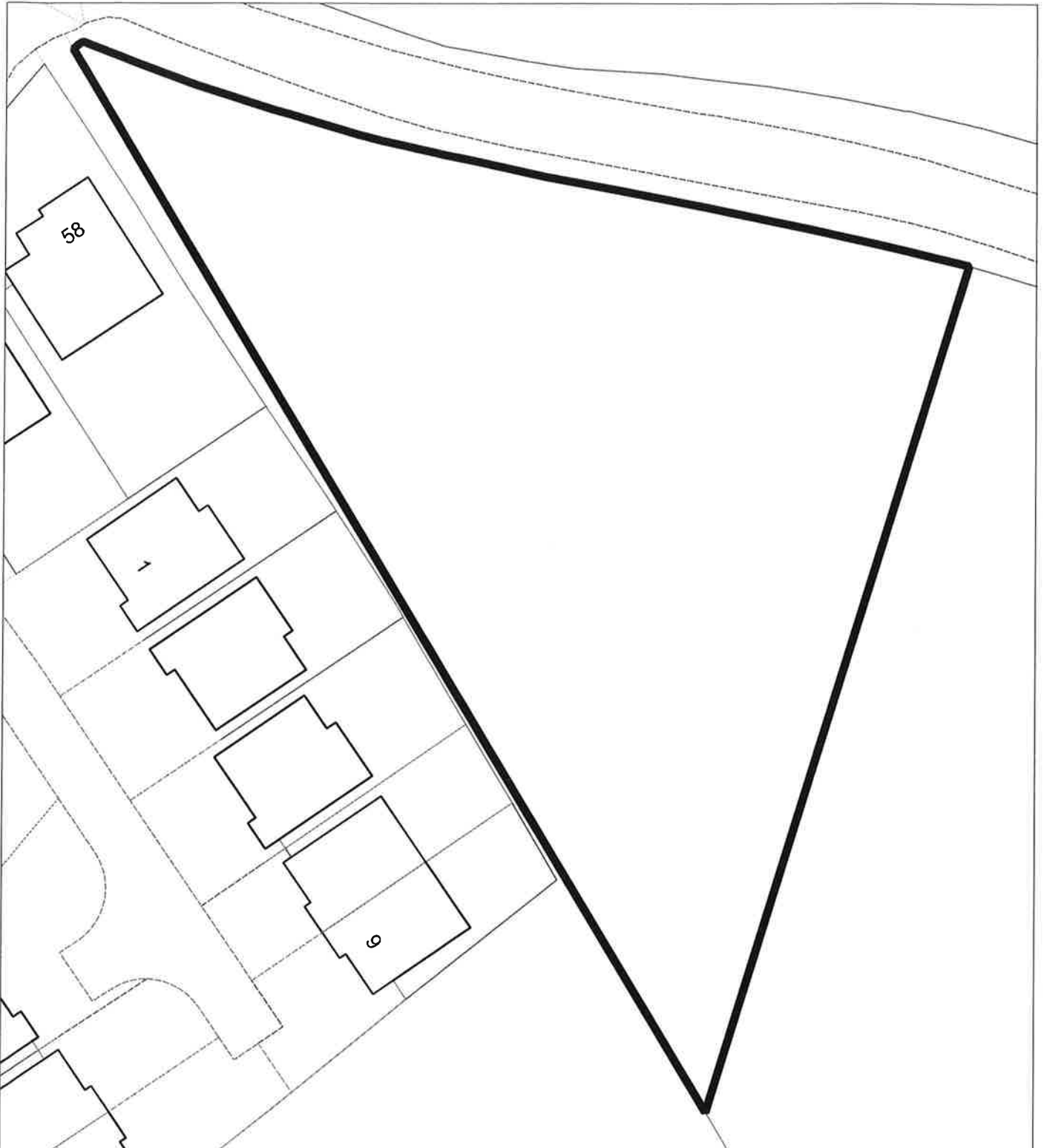
#### Informative(s)


1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. Party Walls (etc) Act 1996 DE3
4. CIL Liable CIL1

**In the event that a satisfactory legal agreement, or upfront payment, has not been received by the 30 November 2016 to secure a SAMM contribution, the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-**

- 1 In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or payment of the SAMM payment in advance of the determination of the application, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).

This page is intentionally left blank



<b>Title</b>	Planning Applications		<b>Page</b>	1 of 4
<b>Application number</b>	14/0451		<b>Scale @ A4</b>	1:500
<b>Address</b>	LAND SOUTH OF, BELDAM BRIDGE ROAD, WEST END, WOKING		<b>Date</b>	03-10-2016
<b>Proposal</b>	Erection of 2no. five bedroom and 1no. four bedroom two storey detached dwellings with detached double garages and accommodation in the roof with landscaping and access. (Amended and additional plans/information recv'd 26/5/16)			
<small>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 1005879 2016</small>				

This page is intentionally left blank

Site Plan



Plot 1 – Front Elevation



Plot 2 – Front Elevation



Plot 3 – Front Elevation



Application site



View from Beldam Bridge Road



This page is intentionally left blank





This page is intentionally left blank

2016/0526

Reg Date 23/05/2016

Mytchett/Deepcut

**LOCATION:** FRIMHURST FARM, DEEPCUT BRIDGE ROAD, DEEPCUT, CAMBERLEY, GU16 6RF

**PROPOSAL:** The continued use of the existing industrial centre (use classes B1, B2 and B8) and movement between these uses. (Retrospective). (Additional Plan Rec'd 21/09/2016).

**TYPE:** Full Planning Application

**APPLICANT:** Mrs Halford  
FFIC Ltd

**OFFICER:** Emma Pearman

**RECOMMENDATION: REFUSE****1.0 SUMMARY**

- 1.1 The application relates to the continued use of part of the industrial centre at Frimhurst Farm for flexible use classes B1, B2 and B8. The existing use of land and buildings at the site for industrial and employment purposes is currently unauthorised, notwithstanding Unit 5 and Compound F3 which have an agreed lawful use by virtue of Certificates of Lawful Development for Existing Use (SU13/0882 and SU13/0826 respectively).
- 1.2 A similar application 15/0849 was refused in January, and an appeal is currently ongoing in respect of this, and the Enforcement Notices issued in October 2015 for part of the D and E areas, with a joint Inquiry scheduled for 8<sup>th</sup> November 2016. The differences between this application and the previous application is that a revised access has now been removed from the proposal, with the existing access proposed to still be used; and the D and E areas which are the subject of Enforcement Notices have also been removed from the application site boundary, and as such the applicant now seeks permission only for a smaller area of the site.
- 1.3 It is considered that the re-use of buildings within the historic core of the site is acceptable, as stated in previous applications on this site, as shown on Annex 1. Additionally much of the area outside this historic core is also likely to be exempt from enforcement action given the period of time it has been in situ. However this application includes areas of the site outside the historic core which have not been in situ in excess of 10 years and as such it is considered that this represents harmful and inappropriate development in the countryside. While the site does provide some economic benefits, it is not considered that these outweigh the harm to the countryside for the site as a whole. The County Highway Authority has also objected to the proposal, stating that it has not been demonstrated by the applicant that the impact of the proposed development can be adequately accommodated on the adjacent public highway, and have raised concerns about the suitability of the existing access. It is therefore considered that permission should be refused.

**2.0 SITE DESCRIPTION**

- 2.1 Frimhurst Farm is located between the settlements of Frimley Green and Deepcut within a rural location characterised by woodland and mature landscape features. The site is located to the west of Deepcut Bridge Road and is served by an access in close proximity to Deepcut Bridge to the south. It is located in Countryside Beyond the Green Belt as identified by the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

- 2.2 The site benefits from a long access that leads into the site approximately 90 metres away from the public highway. To the eastern edge of the site, in close proximity to the site access are fairly large warehouse buildings divided into business units. Beyond this area are large compound areas characterised by a large number of informal buildings including portacabins, shipping containers and other free standing structures. This area is also tenanted and as such divided into compound units characterised by a mixture of mesh wire and wood panel fencing. The commercial tenants sore various types of building materials, machinery, scrap metal and other forms of industrial material.
- 2.3 The site access runs through the centre of the site and also serves Frimhurst Farm Cottages. The area surrounding the site is of a wooded rural character although the vegetation immediately surrounding the site is in poor form.

### 3.0 RELEVANT PLANNING HISTORY

- 3.1 The site was originally a farm with the agricultural buildings concentrated to the east and open fields to the west. In the 1990s the site was re-used for commercial purposes. Between 1998 and 2006 the site expanded significantly to the west with commercial activity. By 2009 further buildings had been erected and hardstanding laid and there was an associated intensification in site activity. Since 2009 the following applications have been received:
- 3.2 SU/09/0843 Formation of a driveway and access onto Deepcut Bridge Road  
*Refused 07/06/2010 due to the adverse impact upon the character and setting of Basingstoke Canal Conservation Area and the wooded countryside location by providing an urbanising feature within the rural location.*  
*Dismissed at Appeal APP/D3640/A/10/2141599*
- 3.3 SU/12/0809 Application for a Lawful Development Certificate for the existing Class B1 use of units 1, 1A, 2, 3, 4 and 8.  
*Not Agreed 25/03/2012*
- 3.4 SU/13/0822 Application for a Lawful Development Certificate for the existing Class B1(c) use of unit 5.  
*Agreed 24/01/2014*
- 3.5 SU/13/0826 Application for a Lawful Development Certificate for the existing Class B8 use of compound F3.  
*Agreed 20/01/2014*
- 3.6 SU/14/0605 Application relating to the continued use of the existing Industrial Centre for use classes B1, B2 and B8 and movement between these uses as well as a revised vehicular access onto Deepcut Bridge Road  
*Refused 18/11/2014 due to the impact of the areas west of compound F1 resulting in a proliferation and intensification of commercial uses and activity into former undeveloped land and having an adverse impact on the countryside; and, the proposed access would also be harmful to the countryside.*

- 3.7 SU/15/0849 The continued use of the existing Industrial Centre (Use Classes B1, B2 and B8) and movement between these uses as well as a revised access onto Deepcut Bridge Road (Part Retrospective).

Refused 15/01/2016 for the following reasons:

1. *The proposed development by reason of the compound areas created to the west of compound F1 (comprised of hardstanding, wire mesh fencing and industrial storage of materials and containers) results in a proliferation and intensification of commercial uses and activity that encroaches into former undeveloped land and has an adverse impact on the rural and intrinsic character of the countryside, contrary to the objectives of the countryside as set out in Policies CPA, CP2, DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies as well as the policies contained within the National Planning Policy Framework 2012.*
2. *The proposed access by reason of its urbanising and intrusive design and siting within a rural location would have an adverse impact on the rural landscape and intrinsic character of the countryside. This visual harm would not be offset by the stopping up of existing access and would therefore be contrary to the objectives set out in Policies CPA, CP2 and DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies as well the policies contained within the National Planning Policy Framework.*

The applicant has appealed this decision.

- 3.8 16/0528 Certificate of Lawful Existing Use for the use of the E areas (E1B, E2, E3, E4A and E4B) as B8 (Storage and Distribution)

*Not yet determined*

- 3.9 Enforcement Notices (Material Change of Use and Operational Development) were served on the 30th October 2015, relating to the areas west of compound F1, and the applicant lodged an enforcement appeal which has now been co-joined with the planning appeal for 15/0849. A Public Inquiry has been scheduled for November 2016.

#### **4.0 THE PROPOSAL**

- 4.1 The application proposes a retrospective change of use of part of the site to an industrial centre comprising B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. The application site boundary excludes those areas which are subject to an enforcement notice (D5, D6, D7, E1B, E2, E3, E4A and E4B). The applicant seeks a flexible permission allowing change of use between these three use classes.
- 4.2 In support of this proposal the applicant has submitted the following information:
- Planning, Design and Access Statement
  - Flood Risk Assessment
  - Plan showing 'Historic Core' and Plan showing layout

- Photos
- Traffic Survey
- Highways Vehicle Tracking plan.

## 5.0 CONSULTATION RESPONSES

5.1	Surrey County Highway Authority	Objection – it has not been demonstrated that the impact of the proposed development can be adequately accommodated on the adjacent public highway.
5.2	Council's Arboricultural Officer	No objection subject to condition.
5.3	Surrey Wildlife Trust	Not able to fully comment given that no ecological report has been provided.
5.4	Council's Heritage and Conservation Officer	No objection – satisfied the structures do not harm the setting of the Basingstoke Canal conservation area.
5.5	Basingstoke Canal Authority	No response received.
5.6	Mytchett, Frimley Green and Deepcut Society	Objection – site is on rural land, antisocial in terms of noise, causes damage to the environment – trees, wildlife, pollution, they work outside normal working hours, causes HGV movements on small roads, has a negative effect on properly run business centres, has a negative impact on the canal SSSI.
5.7	Local Lead Flood Authority	No objection – low risk and existing drainage system not being altered.
5.8	Council's Environmental Health Officer	No objection – subject to conditions regarding a Noise Impact Assessment, working hours and vehicle movements. No evidence of serious pollution and if there was likely to be dealt with under statutory nuisance legislation.
5.9	Council's Economic Development Officer	No objection – there is a shortage of B2 and B8 units within Surrey Heath and Frimhurst Farm supports niche businesses.
5.10	Canal and River Trust	No comments to make – falls outside statutory consultation regime.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 25 letters of objection have been received (many of these are identical).

The issues raised in objection to the application are as follows:

### Impact on Countryside/location [see section 7.3]

- They have established it on designated rural land, within an area of outstanding natural beauty, adjacent to the Basingstoke Canal SSSI
- Pollution of Basingstoke Canal with waste, sewage, diesel, noise and light pollution
- Impacts on visitors to the area including the Basingstoke Canal and revenue visitors bring to economy
- Detrimental to the rural nature of Deepcut
- Entirely inappropriate in this location

### Economy [see section 7.4]

- Has impact on other locally run industrial centres that are unable to fill vacancies

### Highway Safety and Parking [see section 7.5]

- Causes additional road movements by HGVs, in a rural area with small roads already overcrowded and overburdened, causing unacceptable damage to roads
- HGVs cause safety issues with cyclists

### Residential amenity [see section 7.6]

- Have caused residents upset in the past through antisocial noise caused by the activities of the units and outside working hours
- Not appropriate for industrial noise in this rural area
- Causes noise, vibration and air pollution

### Trees/Ecology [see section 7.7]

- Have caused and continue to cause damage to the environment (trees, shrubs, local wildlife) and impact on flora and fauna of Canal itself

### Other matters

- Public opinion very strongly against the presence and spread of the site *[Officer comment: Noted, however, the application has to be considered against existing planning policies with objections taken into account also]*
- Owners write to residents and make promises they do not keep for example cutting down trees *[Officer comment: Cannot be taken into account as part of the application]*
- Owners have no regard for local environment *[Officer comment: The impact on the environment has been considered as part of the application].*

## **7.0 PLANNING CONSIDERATION**

7.1 The application is to be considered against policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are CP1, CP2, CP8, CP14, DM1, DM9, DM11, DM13 and DM17. The National Planning Policy Framework (NPPF) is also a relevant consideration.

7.2 The main issues to be considered are:

- Impact on the Countryside beyond the Green Belt;
- Impact on local economy;
- Highway impacts;
- Residential amenity; and,
- Other matters including heritage, ecology, flooding and drainage, landscaping and CIL.

### **7.3 Impact on the Countryside Beyond the Green Belt**

7.3.1 Paragraph 17 of the NPPF states that core planning principles include conserving and enhancing the natural environment, recognising the intrinsic beauty and character of the countryside, and encouraging the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value.

7.3.2 The supporting text to Policy CP1 states in paragraph 5.6 that inappropriate development within the Countryside will include proposals that cause harm to its intrinsic character and beauty, landscape diversity, heritage and wildlife. Policy CP2 states that development is required to ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 reflects this advice, indicating that development should respect and enhance the rural character of the environment.

7.3.3 The application site began use as a farm until the early 1990s when commercial businesses began to operate from the site. It is the case, however, that the scale of the site has expanded substantially from what was the historic core of the pig farm. The historic core of the site is considered to be the areas/buildings which were part of the original farm (excluding the open fields). The applicant has submitted a plan called Appendix 1 – Historic Core but it is not considered that all of the areas marked in this plan can be considered to be the historic core. Officers have produced a plan [See Annex 1] based on aerial photos, and the planning history, of what is considered to be the historic core of the site, which is largely the areas to the east of compound F1, although the use of this part of the site has intensified since it was a farm. Lawful Development Certificates are in place for F3 and Units 5A and 5B within this area.

7.3.4 Policy DM1 supports the re-use of existing buildings within the historic core of the site, and previous planning applications, 15/0849 and 14/0605, deemed that the commercial re-use of the agricultural buildings within the historic core of the site was acceptable, and once again this is considered to be the case. However, the development beyond the historic core is considered to be inappropriate in this countryside location and has caused harm incrementally, over time, to the rural and intrinsic characteristics of the countryside.



- 7.3.5 The Planning Authority had sufficient evidence to ascertain that a breach had occurred for those areas west of compound F1 to serve Enforcement Notices, so only those areas were served with a notice, which are outside the application site boundary of this application. The current available evidence shows that most of the areas within the application site boundary, which are beyond the historic core [see Annex 1], are likely to have been in use in excess of 10 years and as such it does not appear to be expedient to take enforcement action, and in the officer's opinion it is considered beneficial to regularise these areas through a full planning application such as this, rather than through certificates of existing lawful use. Unlike a certificate which can only determine whether a use was lawful, a planning application allows greater controls to be imposed on the site through the imposition of conditions.
- 7.3.6 However, since the issue of the Enforcement Notices, available evidence now shows that there are some areas which are known as D2, D3A, D3B, D4A, D4B, D4C and E5, which clearly have not been at the site in excess of 10 years. No enforcement notices were served on this part of the site previously, however the Council will consider whether it is expedient to now do so. Aerial photos of this part of the site in 2006 and preceding that date show open fields which were formerly part of the farm [see aerial photos in Annex 2], and as such the compounds and built development in this part of the site represent encroachment into the countryside. This part of the site is clearly outside what can be referred to as the 'Historic Core' [see Annex 1] and as such it represents inappropriate development in the Countryside. The site cannot be considered to be previously developed land (PDL) given that it was previously in agricultural use, and this part of the site in any case did not have any development present until these compounds were erected sometime after 2006. As such this encroachment has cumulatively had a harmful impact on the rural and intrinsic characteristics of the countryside.
- 7.3.7 It is therefore considered that the re-use of the buildings within the historic core of the site for B1, B2 and B8 purposes is considered to be acceptable. The remainder of the site is considered to be inappropriate development in this countryside location, however much of the site beyond the historic core has been in situ for more than 10 years and as such it is not expedient to pursue enforcement action. However, this application includes an area which is clearly outside the historic core and has not been in situ for more than 10 years. As such the proposal is considered to be harmful to the countryside and contrary to Policies CP1, CP2, DM1 and DM9 of the Core Strategy as well as the NPPF.

## **7.4 Impact on local economy**

- 7.4.1 Paragraph 28 of the NPPF supports the diversification of agricultural and other rural businesses. Policy DM1 (Rural Economy) supports the re-use, adaptation or conversion of buildings for economic purposes, subject to 6 criteria. Criterion (iii) is of most relevance and this requires the scale and use of any diversification or economic purpose including cumulative impact to not conflict with wider countryside objectives. Moreover, supporting paragraph 6.14 of Policy DM1 recognises that conflicts between economic objectives and maintaining the character and function of the countryside can arise, but in these circumstances, development for economic purposes will not be permitted where it is considered to be an inappropriate form of development or where its scale and use conflicts with wider countryside objectives.
- 7.4.2 The applicant states that the site (as a whole, including areas subject to enforcement action) supports 42 businesses and employs 239 people. They state that the vast majority of businesses at the site have local coverage and additional information submitted shows that the tenants at the site have been located there for between 2 – 28 years. The applicant maintains that Frimhurst serves as a location for half of Deepcut's 84 businesses and so makes an important contribution to the local economy.

- 7.4.3 The Economic Development Officer has been consulted and has confirmed that Frimhurst Farm accounts for half the businesses in Deepcut, and all of those on the site can be classified as 'micro', employing up to 9 people. He states that many of the businesses just use the site as storage and work remotely and there are a number of niche businesses based on site which have been attracted by the low rents and would be unlikely to be able to afford the charges on more developed sites. The majority of the units on the farm qualify for rate relief because of their small size, and the consequence of the Chancellor's autumn statement means that only one business will be liable for rates from 1<sup>st</sup> April 2017. He has also stated that the Local Enterprise Partnership published a study earlier this year on the availability, type and demand of commercial property across the local region, and it was reported that there was a shortage in B1, B2 and B8 units. A more local report considering Surrey Heath, Hart and Rushmoor produced in 2015 stated that in the period up to 2031 the demand for B class uses will increase and in particular there is likely to be a shortage of B2 and B8 uses.
- 7.4.4 It is therefore considered that the site does serve a useful purpose in terms of offering space from which small local businesses particularly can be based or store equipment etc. As set out in the report to the previous application 15/0849 however, the applicant has stated the regularisation of the site is necessary as they are keen to secure funding to upgrade the site, though have not set out what impact this funding may have on rental charges. Additionally, objectors have cited vacancies in local sites in more sustainable locations, offering the same use, which are currently vacant. Notably, the applicant has again not supplied any information in terms of supply, vacancies and rental charges of other similar units in the area in support of their application.
- 7.4.5 The applicant states that Policy CP8 and CP13 support the B1, B2 and B8 uses at the site. Policy CP8 states that on "other employment sites", redevelopment to provide small flexible B1 units will be promoted, however this site cannot be considered to be an "other employment site" as there is no lawful use as an employment site, and there is no redevelopment of existing PDL. Policy CP13 states that outside Core Employment Areas and Camberley Town Centre, development for Class B uses will generally be restricted to extensions, alterations or additions to existing buildings or operations in employment use, redevelopment of an existing building or operation in employment use, or specific sites allocated for employment use or mixed use development in a Site Allocations DPD. Again this site is not an existing operation in employment use given that it is not lawful, and while the conversion of the existing buildings may be supported, the site has already had extensions that have substantially spread beyond this area.
- 7.4.6 It is considered therefore, as stated in section 7.3 above, that the re-use of buildings within the historic core of the site for B1, B2 and B8 purposes is considered to be acceptable, and much of the site outside the historic core is exempt from enforcement action. However a balance must be struck between the economic and environmental objectives as set out in the NPPF and Policy DM1, and a line has to be drawn to prevent the continuous encroachment of the site into the countryside. As such, while there are clear economic benefits from the site, the scale and intensification of the site has increased substantially from the size of the original pig farm [see aerial photos in Annex 2] and this application includes areas outside the historic core that have not been in situ for in excess of 10 years. It is not considered that accepting the use of most of the site as B1, B2 and B8 justifies allowing even further extensions into the countryside, and therefore the cumulative encroachment into the countryside is not considered to be fully outweighed by the economic benefits the site provides.

## **7.5 Highway Impacts**

- 7.5.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.5.2 No change is proposed to the existing access road from Deepcut Bridge Road, close to the bridge, which would continue to be utilised as the single access to the site. It should be noted that given that there is no planning permission for the site, the existing access has never been assessed as being suitable for the traffic that operates from the site, nor information provided previously to the Local Planning Authority as to the numbers of vehicles accessing the site. The Environmental Health Officer has recommended a condition that each HGV is limited to two movements to and from the site per day, and restriction on the hours of loading and unloading vehicles, for amenity purposes.
- 7.5.3 The County Highway Authority were consulted and requested further information on the likely increase in traffic movements to and from the site once the use has been formalised, the available visibility splays from the existing access in both directions, and the provision of tracking plots/swept path analysis for entry and exit to the site for the sizes and types of vehicles that will be used. In response to this the applicant provided a traffic survey which showed over the course of one day that there were 157 movements (including tenants, deliveries, staff and other) in the morning and 117 movements in the afternoon. The applicant states that there will be no increase in movements or changes to the access as application seeks to regularise the existing use only. The applicant also provided a plan showing visibility of the site and tracking for an HGV.
- 7.5.4 The County Highway Authority did not consider that the plan was sufficiently detailed or provided enough information to accurately assess the proposal and requested further information which the applicant declined to provide. The County Highway Authority has said that while the site benefits from Vehicle Operating Licences, the County Highway Authority has objected to the issue of these licences, and the Traffic Commissioner has a smaller remit of issues that can be taken into account. As such the issue of Vehicle Operating Licences does not indicate that the existing access is suitable. The County Highway Authority has therefore raised objection to the proposal, stating that the access is single width with inadequate geometry and does not provide simultaneous entry and exit for two vehicles, that there is restricted visibility and large vehicles would require land beyond the carriageway to access the site. As such it has not been sufficiently demonstrated by the applicant that the impact of the proposed development can be adequately accommodated on the adjacent public highway, given that the County Highway Authority do not have sufficient information to assess what, if any, adjustments to the access might be necessary to accommodate the vehicles.
- 7.5.5 It is noted that there are lawful development certificates on the site in respect of Unit 5 and Compound F3 and planning permission for the telecoms mast at E1A, and as such the existing access would continue to be utilised by the occupiers of those units. However, these form a very small part of the site as a whole, and the remainder of the site is currently unlawful, and while the applicant states that those units that have been there in excess of 10 years would continue to use the access, this application is a full planning application and not a Certificate of Lawful Use and as such highway matters can be considered. It is therefore considered reasonable to uphold the objection by the County

Highway Authority and given that insufficient information has been provided to demonstrate that the existing access is suitable for the use, it is considered that the proposal is not acceptable in terms of its impact on highways and access and as such is contrary to Policy DM11 in this regard.

## **7.6 Residential amenity**

- 7.6.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.6.2 The nearest neighbouring properties to the site are the residential property to the front of Frimhurst Farm, adjacent to the existing accesses and the Frimhurst Farm Cottages to the north. Further away are the homes on Lake Road, the other side of the Basingstoke Canal; the gardens of which lie over 70m from the northern edge of the site. The previous applications 15/0849 and 14/0605 found that the distances between the properties and the site would not have a significant adverse impact on the amenities of the occupiers of these properties, notwithstanding views into the site during the winter months. There has been nothing submitted as part of this application which would change that conclusion and the proposed access has been removed from the application which was closer to these properties.
- 7.6.3 Concern has been raised locally about the noise and air pollution arising from the site, as well as working hours. The Environmental Health Officer has been consulted and has stated that a noise impact assessment will be required by condition to assess the impact on local residential properties and from the traffic associated with the site, which should also propose any mitigation measures necessary. He has also recommended a condition controlling working hours and the number of vehicles accessing the site (two movements per vehicle per day), and a condition to restrict the hours of use for loading and unloading goods vehicles. In terms of Air Quality he had commented in respect of the previous application that pollution from road vehicles drops off quickly with distance from source and as such the impact would be minimal.
- 7.6.4 It is therefore considered that the proposal is acceptable in terms of its impact on residential amenity, subject to conditions, and is in line with Policy DM9 and the NPPF in this regard.

## **7.7 Other matters**

- 7.7.1 Policy CP14A of the CSDMP seeks to conserve and enhance biodiversity. The application site is approximately 120m south of a Site of Nature Conservation Importance on the northern side of Lake Road and 50m south of the Basingstoke Canal SSSI. The applicant has not provided an Ecological Assessment with this application, however no additional development is proposed from that existing so it is not considered that protected species are likely to be affected any further by the proposal to regularise the use. However, large areas of open countryside have been built upon and as such enhancements to biodiversity could be provided to go some way to compensate for the loss of habitat. Surrey Wildlife Trust has stated that an ecological report should again have been provided and it is considered that had this application been acceptable in other respects then this would have been asked for before determination of the application, though if Members choose to approve it, given that there is not likely to be further impact

on protected species then it could be requested by condition. Surrey Wildlife Trust has raised concern this time about potential pollution of the canal, as have residents. However no comments have been received from the Environment Agency in this respect and the Canal and River Trust have stated that the development is too minor to be within their remit. Environmental Health have not raised objection in respect of contamination and have said that there is no evidence of pollution at this time and it is not likely to be more than the previous use of the site as a farm. If there were any incidences of pollution it is likely to be dealt with under statutory nuisance legislation.

- 7.7.2 Policy DM10 of the CSDMP states that in order to manage flood risk, development within Flood Zone 1 on an area of 1ha or more will not be supported unless it can be demonstrated that the proposal would reduce risk to and from the development or at least be risk neutral. The applicant has submitted a short Flood Risk Assessment, which has been considered by the Local Lead Flood Authority. They have stated that the site is considered to be low risk, and as the drainage is not changing from existing then it is considered to be acceptable in this regard. As such, it is considered the proposal would comply with the intent of Policy DM10.
- 7.7.3 Policy DM17 of the CSDMP states that development which affects any Heritage Asset should first establish and take into account its individual significance, and seek to promote the conservation and enhancement of the Asset and its setting. The proposal is close to the Basingstoke Canal Conservation Area, which is located approximately 55m to the north. The Council's Heritage Officer has been consulted however has not objected stating that the buildings although of utilitarian form, would not harm the setting of the conservation area.
- 7.7.4 Policy DM9 requires that trees and other vegetation worthy of retention is protected and high quality hard and soft landscaping provided where appropriate. The Council's Arboricultural Officer has been consulted, however given that this application is for the regularisation of the site only, no impact on existing vegetation is envisaged. However, given the clearance of large areas of open countryside to make way for the existing structures, it is considered appropriate that a landscaping scheme to provide additional planting could be required by condition if the proposal was acceptable in other respects.
- 7.7.5 Class B uses are not CIL liable and as such the proposal is not required to contribute towards infrastructure or other development funded by CIL.

## **8.0 CONCLUSION**

- 8.1 It is considered that the site contributes positively to the local economy and the principle of the re-use of buildings within the historic core for economic purposes is acceptable. Those buildings outside the historic core also contribute to the local economy and although the proliferation of the site has over time harmed its character and landscape quality, much of this area is now likely to be exempt from enforcement action through the passage of time. However, areas which are outside the historic core and which have not been in situ for over 10 years have been included within the application site boundary, and these areas represent inappropriate development in the countryside, harmful to the intrinsic rural character and quality of the countryside. It is not considered that the economic benefits of the site outweigh the harm to the countryside for the application site as a whole, nor that the acceptability of the historic core justifies further extensions than those already existing.

- 8.2 Additionally, insufficient information has been provided in this case to demonstrate to the satisfaction of the County Highway Authority and the Local Planning Authority that the existing access is suitable for the vehicles that currently access the site. The County Highway Authority has raised concerns with a number of aspects of the existing access. As such it is considered that the application is not acceptable in terms of its impact on highways and access.
- 8.3 It is therefore considered that the application is contrary to Policies CP1, CP2, DM1, DM9 and DM11 and as such permission should be refused.

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

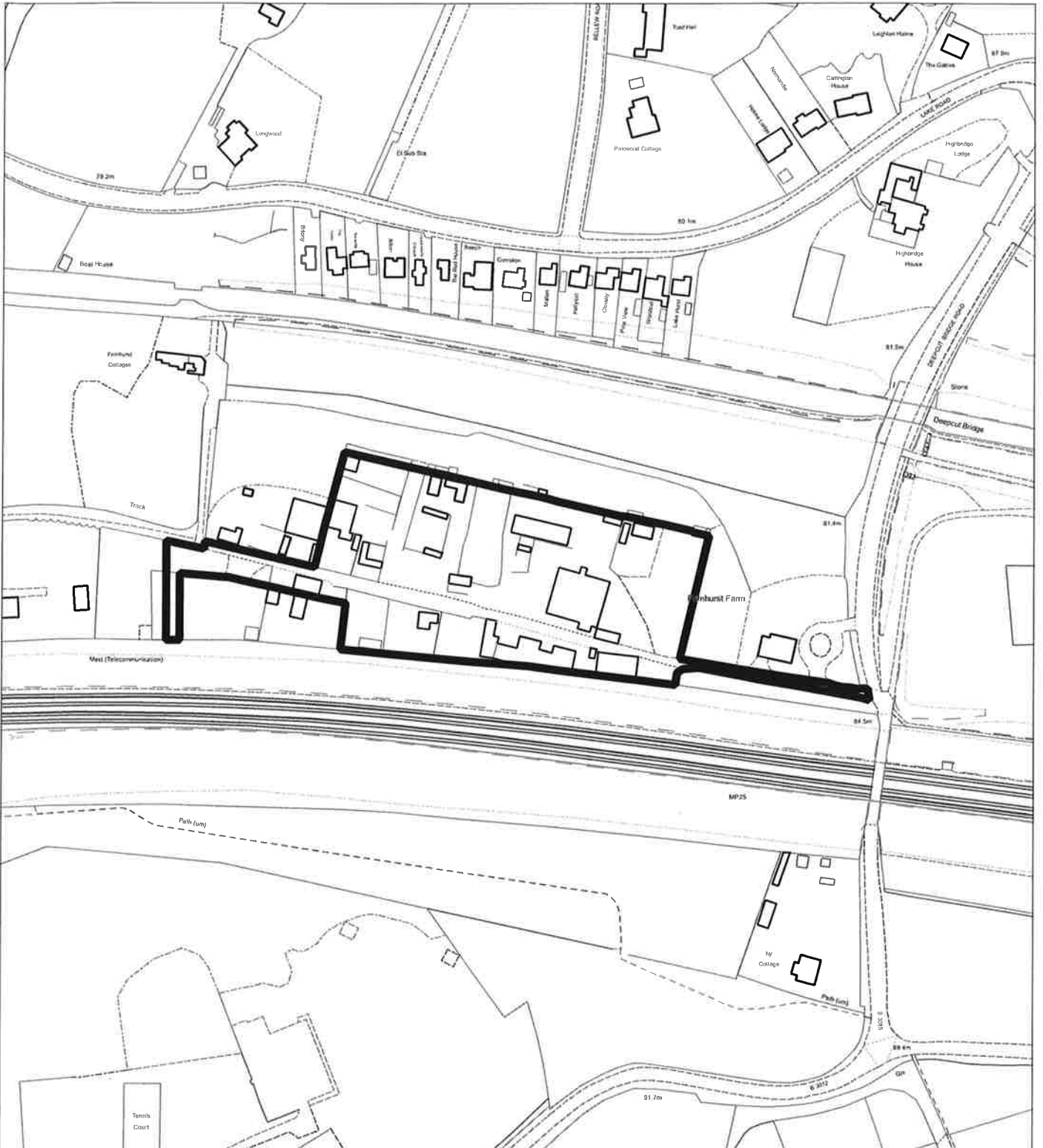
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:



- 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.

#### RECOMMENDATION

REFUSE for the following reason(s):-

1. It has not been satisfactorily demonstrated by the applicant that the impact of the proposed development can be adequately accommodated on the adjacent public highway, nor that the existing access to the site is suitable for the proposed use by virtue of its width. As such the proposal is considered to be contrary to Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
2. The proposed development by reason of the compound areas known as D2, D3a, D3b, D4a, D4b, D4c and E5 (comprised of hardstanding, fencing and industrial storage of materials, containers and other structures) results in a proliferation and intensification of commercial uses and activity that encroaches into former undeveloped land and has an adverse impact on the rural and intrinsic character of the countryside, contrary to the objectives of the countryside as set out in Policies CP1, CP2, DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies as well as the policies contained within the National Planning Policy Framework 2012.

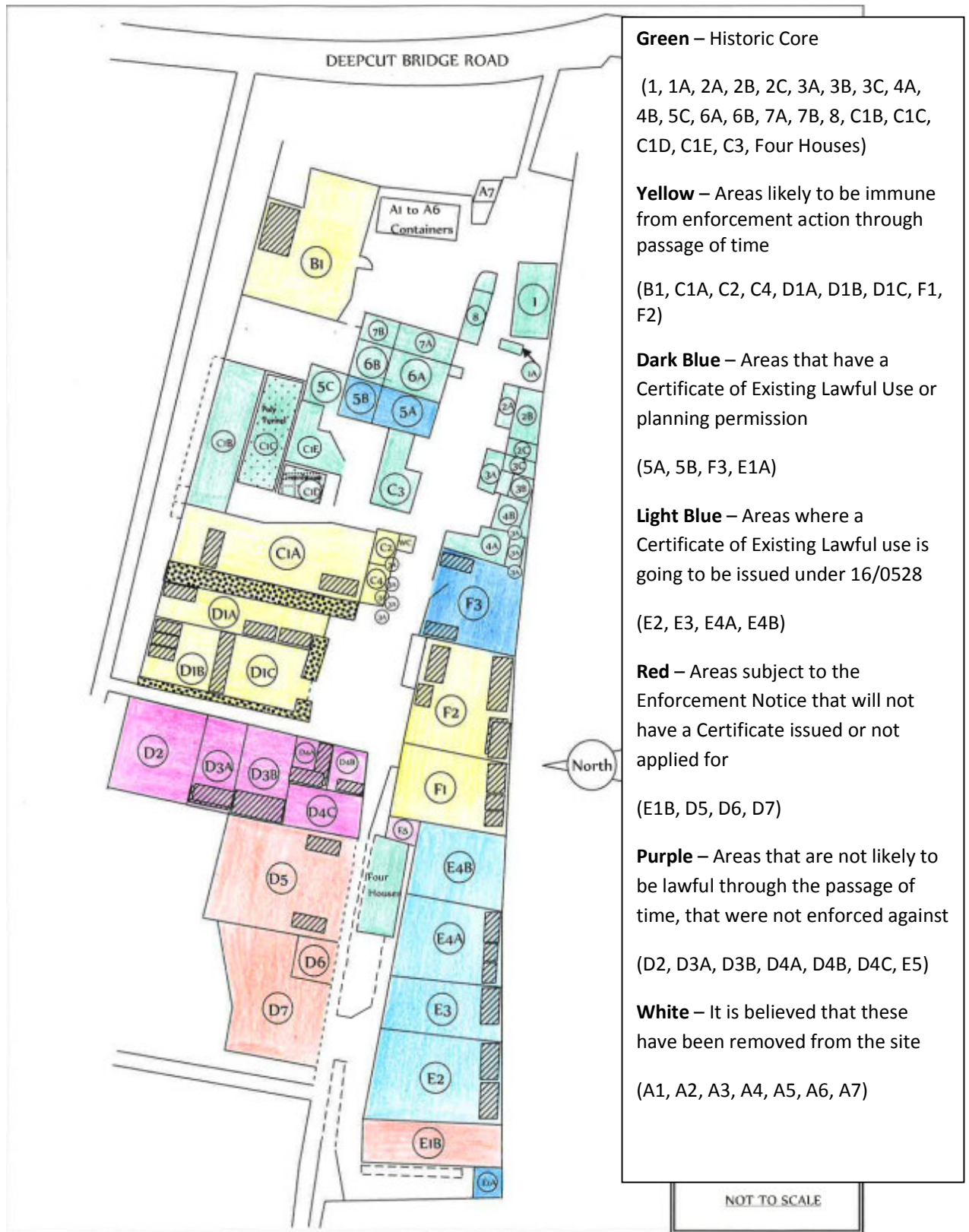


<b>Title</b>	Planning Applications		<b>Page</b>	3 of 4
<b>Application number</b>	16/0526		<b>Scale @ A4</b>	1:2,500
<b>Address</b>	FRIMHURST FARM, DEEPCUT BRIDGE ROAD, DEEPCUT, CAMBERLEY, GU16 6RF		<b>Date</b>	03-10-2016
<b>Proposal</b>	The continued use of the existing industrial centre (use classes B1, B2 and B8) and movement between these uses. (Retrospective).			
<p>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</p> <p style="text-align: center;">Page 47</p>				

This page is intentionally left blank



Annex 1 – Plan of site indicating Council’s view of status of units



**Green** – Historic Core

(1, 1A, 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B, 5C, 6A, 6B, 7A, 7B, 8, C1B, C1C, C1D, C1E, C3, Four Houses)

**Yellow** – Areas likely to be immune from enforcement action through passage of time

(B1, C1A, C2, C4, D1A, D1B, D1C, F1, F2)

**Dark Blue** – Areas that have a Certificate of Existing Lawful Use or planning permission

(5A, 5B, F3, E1A)

**Light Blue** – Areas where a Certificate of Existing Lawful use is going to be issued under 16/0528

(E2, E3, E4A, E4B)

**Red** – Areas subject to the Enforcement Notice that will not have a Certificate issued or not applied for

(E1B, D5, D6, D7)

**Purple** – Areas that are not likely to be lawful through the passage of time, that were not enforced against

(D2, D3A, D3B, D4A, D4B, D4C, E5)

**White** – It is believed that these have been removed from the site

(A1, A2, A3, A4, A5, A6, A7)

NOT TO SCALE

This page is intentionally left blank



2013

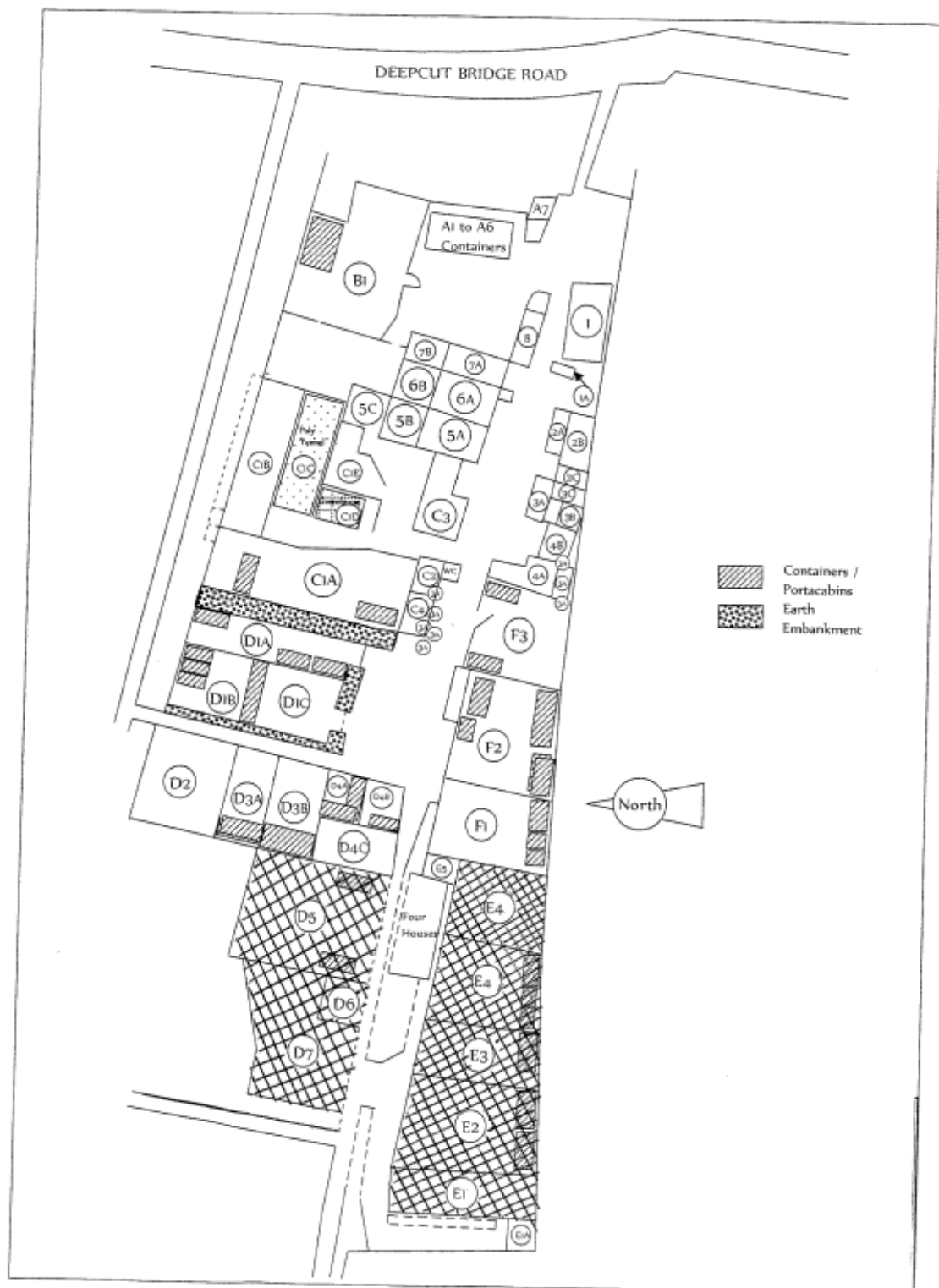
2009

2006

1998

This page is intentionally left blank

Plan of Frimhurst Farm – the application site for this application excludes those areas that are hatched (which are subject to the current Enforcement notice)



Plan 'B'

16/0526 – FRIMHURST FARM, DEEPCUT BRIDGE ROAD, DEEPCUT

Looking west from access road, with Unit 1 on left and Unit 8 on right



Looking east towards access from the centre of the site



Looking west towards the D3/D4 areas



Access road looking east towards Deepcut Bridge Road



Looking north along Deepcut Bridge Road from access road





2016/0814

Reg Date 02/09/2016

St. Michaels

**LOCATION:** LONDON ROAD RECREATION GROUND, (CAMBERLEY ON ICE), GRAND AVENUE, CAMBERLEY

**PROPOSAL:** Installation and operation of a temporary ice rink and associated structures for a Christmas Market on the tennis court and old putting green areas to be held annually for a 5 year period (2016 to January 2021) between November to January (including construction and dismantling periods) and open daily to the public until 9pm, excluding Christmas Day. To include a skate lodge/café/bar marquee, chalets/trader huts, children funfair rides, a bandstand, toilet trailers and ancillary floodlighting and festoon lighting, and perimeter fencing with pedestrian access off Grand Avenue and event traffic management measures. (Amended Plan - Rec'd 28/09/2016). (Additional information rec'd 06/10/2016).

**TYPE:** Full Planning Application

**APPLICANT:** Mr James Hitchen  
Event By Event

**OFFICER:** Jonathan Partington

**This application has been reported to Committee because it is a Council sponsored event and it has also been called in by Cllr. E. Hawkins and Cllr. Dougan.**

**RECOMMENDATION: GRANT subject to conditions**

## 1.0 SUMMARY

- 1.1 The proposal is for the installation and operation of an annual temporary ice rink and Christmas Market. The event would be held between November - January and open to the public every day until 9 pm, except Christmas Day when it would be closed. For a full summary of the proposal see section 4 below.
- 1.2 Section 7 of this report considers the planning merits of the proposal. The report concludes that this proposal would bring benefits to the Christmas economy and be a positive community experience within the Borough. It is considered that the development would not be harmful to trees, the character and residential amenities of the area. The Council's Environmental Health Officer raises no objections and impacts caused by noise and lighting can be mitigated by the imposition of conditions. An Event Management Plan has been provided in support of the application, and in liaison with the Safety Advisory Group (SAG), which includes the police, safeguarding measures can be put in place to prevent general disturbance and anti-social behaviour. The Traffic Management Plan proposes a series of robust measures to reduce the impacts on the highway. These measures have the support of the County Highways Authority. The application is therefore recommended for approval subject to conditions.

## **2.0 SITE DESCRIPTION**

- 2.1 The site is situated at the southern end of the London Road Recreation Ground and comprises 0.45 hectares including the tennis courts and pavilion. The application site area also extends to the east to include the existing footpath off Grand Avenue. The bowls green is immediately to the west and Southwell Park is the southern boundary.
- 2.2 The site lies within the Edwardian Mosaic Character Area and the immediate area is predominantly residential. Opposite the site, on the southern side of Southwell Park Road, is the New Apostolic Church, the road junction to Frances Hill Drive and two detached dwellings (nos. 21 & 23 respectively). To the east no. 30 Southwell Park Road adjoins the eastern site boundary and no. 46 Grand Avenue the southern site boundary i.e. adjacent to the footpath. Dwellings are also along the eastern side of Grand Avenue and opposite the pedestrian entrance to the site including the terraced row of nos. 35-43 Grand Avenue.
- 2.3 The site is well screened with a combination of shrubbery and privet hedging and there is a mature copper beech tree along the Southwell Park Road boundary. There is also green palisade fencing along the recreation ground boundaries and gated pedestrian entrances from both Grand Avenue and Southwell Park Road.

## **3.0 RELEVANT HISTORY**

- 3.1 There is no planning history relevant to this application.
- 3.2 On the 1<sup>st</sup> July 2016 the Council's Licensing Department received a licensing application. No representations were made by the Planning Authority. Following a hearing the Premises Licence was issued on the 1<sup>st</sup> September 2016, subject to 29 conditions. This Licence is valid for one year only expiring on 1st January 2017.

## **4.0 THE PROPOSAL**

- 4.1 The application is for the installation and operation of a temporary ice rink and associated structures for a Christmas Market on the tennis court and old putting green areas held for a 5 year period (2016 - January 2021) between November - January annually (including construction and dismantling periods) and open daily to the public between 11am - 9pm, except Christmas Day when it will be closed.
- 4.2 This year the applicant intends to open to the public on 1 December 2016 and close on 1 January 2017. The set up period is anticipated to take 2 weeks (commencing this year on 14 November) and the dismantling period 1 week i.e. clear site by 8 January 2017. The working hours during the build/close down process will be 8 am to 6pm Monday – Friday and 8 am – 1pm on Saturdays with no works Sundays or bank holidays.
- 4.3 The applicant's aim is for a family focused event with the inspiration taken from European Christmas Markets. The proposal would include a skate lodge/café/bar marquee styled on a winter lodge; 25 trader huts decorated as German chalets; 3 children funfair rides; a bandstand; and, ancillary floodlighting and festoon lighting. The ice rink and main marquee would be sited at the southern end of the site, adjacent to Southwell Park Road. The bandstand would be centrally located, trader stalls would be scattered throughout the site and the funfair rides located at the northern end of the site.

- 4.4 Part of the existing tennis court fencing will be temporarily removed to facilitate the event plus a section of the palisade fence along Southwell Park Road for loading purposes. Perimeter fencing is proposed with pedestrian access only available off Grand Avenue and with parking restrictions imposed in the immediate vicinity (Suspended parking for emergency vehicles and deliveries only will be along Southwell Park Road). Emergency access gates will also be provided.
- 4.5 The planned attendance is 1,000 persons on site at any one time. A comprehensive Event Management Plan has been submitted in support of the application. During normal operation, there will be no security checks at the gate and the public will be free to flow although the fencing will ensure that the attendees keep to the designated routes. Security will also be present and door staff will be using clickers to continually monitor and control the capacity. All juveniles will be expected to attend with an adult, with ID checks undertaken where necessary. The event control will utilise the existing pavilion. Public conveniences will be provided adjacent to the pavilion. There will be an on-site welfare and medical area and procedures in place. The applicant does not anticipate additional emergency services resources but these services will be relied upon if any incidents arise outside of the control of the organisers. During the event the site will be protected by security 24/7.
- 4.6 A Traffic Management Plan (TMP) has been submitted in support. The TMP is in draft format, subject to agreement by the County Highways Authority, and includes various measures to alleviate the impacts on the highway. These measures are fully detailed and considered in section 7 of this report. A Noise Impact Assessment and lighting specifications have also been submitted.

## 5.0 CONSULTATION RESPONSES

- |     |                             |  |
|-----|-----------------------------|--|
| 5.1 | County Highways Authority   | Raises no objection subject to a condition requiring implementation of the Traffic Management Plan.  |
| 5.2 | Environmental Services      | No objection, subject to conditions relating to opening hours; control of level of noise from music and temporary plant and equipment; control of lighting; and, waste and ice disposal. |
| 5.3 | Council's Tree Officer      | No objection on the basis of revised plans to reposition plant away from the mature copper beech and subject to tree protection measures condition.                                      |
| 5.4 | Emergency Planner           | No comments made.  |
| 5.5 | Health & Safety Executive   | No comments to make.   |
| 5.6 | Police                      | No comments received.  |
| 5.7 | Environment Agency          | No comments received.  |
| 5.8 | Council's Drainage Engineer | Request for information on freezing process and drainage of excess water.  |

## 6.0 REPRESENTATIONS

- 6.1 The application was advertised in the local press and individual letters of notification were sent out. At the time of drafting this report 10 letters of objection had been received, including a letter from the Southwell Park Residents' Association, summarised below:
- Conflict with the current recreation facility and be contrary to adopted policy [*Officer comment: See paragraph 7.3.1*]
  - Inappropriate location as the site is surrounded by residential properties and not a showground. Fail to respect and enhance the quality of the environment, contrary to adopted policy [*Officer comment: See paragraph 7.4*]
  - Aims to enhance commercial interests of the town centre at the expense of residents peaceful enjoyment of their homes [*Officer comment: See paragraph 7.5*]
  - Traffic congestion already bad, particularly at Christmas, and this proposal will worsen the situation. For example, cars sometimes queue along Grand Avenue to enter the multistorey and proposed right hand turn restriction [*Officer comment: See paragraph 7.6*]
  - Extra traffic will raise serious safety issues, in particular the obstruction or slowing down of emergency vehicles [*Officer comment: See paragraph 7.6*]
  - Unconvinced that visitors, particularly those with young children, will walk from the officially designated car parks [*Officer comment: See paragraph 7.6*]
  - Extensive parking on surrounding roads would inconvenience residents by blocking exits to residential properties [*Officer comment: See paragraph 7.6*]
  - Parking for residents already difficult due to restrictions, especially if you have visitors [*Officer comment: See paragraph 7.6*]
  - Loud noise and disturbance, which will be difficult to monitor and control. The range of conditions imposed by the Environmental Health Officer is an admission that controlling noise will be a significant challenge. The apparent unwillingness of Environmental Health to monitor is unsatisfactory. [*Officer comment: See paragraph 7.5.6*]
  - Impact from cooking smells [*Officer comment: See paragraph 7.5.9*]
  - Proposal will potentially attract anti-social behaviour fueled by alcohol and be unneighbourly with visitors potentially lingering in the area after close down time, or urinating in the alleyway opposite to the Grand Avenue entrance (this occurred during the Fun Run event). Request, therefore, that local area is regularly patrolled and if necessary cleaned by the event organisers [*Officer comment: See paragraph 7.5.7*]
  - Increase litter in local area [*Officer comment: See paragraph 7.5.7*]
  - Fail to respect neighbouring privacy levels [*Officer comment: See paragraph 7.5*]
  - Object to length of temporary period. A full review should occur after 1 year, not after 5. This would enable further consultation with residents as to whether such an event

should be held again. The advice at the Executive Meeting was that this would be a single event to then be reviewed *[Officer comment: The application has to be considered on its merits, as submitted. The applicant has submitted for 5 years consistent with the lease agreement with the Council. However, irrespective of the planning process and the lease the Premises Licence is only valid for one year. Without a new Premises Licence the applicant would not be able to re-open for Christmas 2017]*

- Wear and tear on the grass recreation ground between the proposed site and the Arena *[Officer comment: The main playing field will be fenced off from the site]*
- Concern over management of the large number of people expected to attend *[Officer comment: See paragraph 4.5 relating to Event Management Plan]*
- Bowling green is included and the special grounds would be at considerable risk *[Officer comment: The bowling green is not included and will be fenced off]*
- No detailed provision for the storage, disposal and recycling of waste or ice *[Officer comment: See paragraph 7.7.2]*

## **7.0 PLANNING CONSIDERATION**

7.1 The National Planning Policy Framework; Policies CP2, CP8, CP10, CP11, CP13, DM9, DM11 and DM15 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP) are of most relevance.

7.2 The main issues to consider in determining this application include:

- The principle of the development;
- The impact on the character of the area and trees;
- The impact on residential amenities (including noise, general disturbance, lighting, and odours);
- Highway impacts; and,
- Other matters (including drainage and waste disposal, and health and safety issues).

### **7.3 The principle of the development**

7.3.1 London Road Recreation Ground is an important part of the Borough's green infrastructure. Policy DM16 of the CSDMP states that the Council will encourage new and enhanced opportunities for formal and informal recreation including promotion of dual use facilities. Ice skating is therefore consistent with this policy by making a secondary recreational use of the courts during the winter season when demand for outdoor tennis is likely to be significantly less. Since 2013 the Council's Leisure Services Department has not monitored tennis court usage all year round. However, usage has been very minimal. For 2012-2013, when usage was monitored the courts, were used a total of 15 times across Nov/Dec i.e. 10 times one year and 5 times another year. The proposal therefore complies with Policy DM16.

- 7.3.2 Policy CP10 of the CSDMP seeks to consolidate and enhance measures to improve shopping, business, leisure, cultural and community activities in Camberley Town Centre. The Christmas shopping period is a particularly vital time for the retail health of any town centre and this proposal is more likely to make the town centre the destination of choice for shoppers i.e. visitors to the proposal may well combine the visit with shopping in the centre beforehand or, for example, spend the rest of the evening in the town. Consequently this proposal is likely to contribute positively to the local economy and vitality and viability of the town centre, so complying with Policy CP10.
- 7.3.3 By association this proposal will also contribute to employment by providing seasonal jobs (10 full-time employees and 50 part-time employees) and supporting employment in the town centre, so complying with Policy CP8 of the CSDMP.

#### **7.4 The impact on the character of the area and trees**

- 7.4.1 Whilst the works would have an effect upon the character and appearance of the area, given that this would only be temporary it is not considered that the development would conflict with Policy DM9 (ii) or (iv). The works would be self-contained and not be of a scale or permanence to be damaging to the appearance of the area, nor the characteristics defined by the Edwardian Mosaic Character Area referred to in the Western Urban Area Character Supplementary Planning Document i.e. guiding principles EM1 – EM5.
- 7.4.2 On request of officers the layout has been amended to relocate the chiller compound away from the mature copper beech tree, adjacent to Southwell Park Road. The compound is now proposed to be located adjacent to the bowling green. The Tree Officer supports this amended layout and raises no objection to the impact of the development on trees (or the adjacent magnolia grandiflora). This is subject to fencing protection around trees which visitors will walk past i.e. namely along the footpath leading to the pavilion from Grand Avenue. A condition can be imposed with the precise location of the fencing agreed with the Tree Officer prior to the event. In addition to trees, immediately north of the tennis courts are flower beds. The Council's Leisure Services Department has confirmed that for these beds autumn bedding will be cancelled and be left earthed. They will be covered with decking of plywood over the top and then after the event they will be replanted with summer bedding as normal. In the officer's opinion the proposal therefore complies with Policy DM9 (iv) of the CSDMP which seeks to protect trees and other vegetation worthy of retention.

#### **7.5 The impact on residential amenities**

- 7.5.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (iii) of the CSDMP requires that development respects the amenities of occupiers of neighbouring property and uses.
- 7.5.2 The closest neighbours to the application site include nos. 21, 23 and 30 Southwell Park Road and nos. 35-37 and 46 Grand Avenue. All other dwellings in the vicinity are a sufficient distance away from the site and would not be seriously affected by a loss of privacy or overlooking from activities within the site. Following a pre-application meeting the applicant was requested to amend the layout to lessen the impacts on the immediate neighbours. This included re-siting the location of the ice rink and marquee to ensure that this was not adjoining any neighbour's boundary. Consequently they have been sited centrally and closer to the bowling green and where feasible trader huts have been pulled away from boundaries.
- 7.5.3 No. 46 Grand Avenue would be most affected by attendees entering and exiting the event.

This dwelling is partially screened from the recreation ground but its flank and rear first floor windows including a rear and side balcony is highly visible. Four trader stalls, are proposed in relative close proximity to these windows and so this is likely to result in more people congregating at this point and increasing the impacts on this neighbour's amenities. In order to lessen the impacts and on request of the officer, the applicant has amended the layout to re-site these facilities further west and closer towards the pavilion. Beyond this no. 46 would not be significantly affected by the main ice rink activity area. This is because No.46's rear garden has a depth of approximately 40 metres with the majority of it well screened by higher level vegetation. Between the rear boundary of this garden and the main application site there is also a recreation ground storage compound which further assists in lessening the impacts.

- 7.5.4 No. 30 Southwell Park Road is the only other neighbouring property that adjoins the site and the only property that adjoins the main activity area. This dwelling is well screened from the site by mature vegetation. It has limited windows on its flank boundary including a high level ground floor window and a side dormer. Closest to this neighbour would be a cluster of trade stalls. However, there is a buffer of approximately 10 metres between these trade stalls and this neighbour's side boundary. The ice rink itself would be some 24 metres away from this neighbouring dwelling, at its closest point. Consequently, given these distances and relationships it is considered that this neighbour would not be adversely affected by the proposed layout.
- 7.5.5 Nos. 21 and 23 Southwell Park Road, on the opposite side of the road, would be closest to the ice rink marquee. However, there is a separation distance of approximately 18 metres between the front of the closest property no. 21 and the site boundary. No. 23 is set further back than no. 21 and the separation distance here increases to approximately 24 metres. These distances, coupled with the partial screening by vegetation, are considered to be sufficient to prevent any adverse impact. The ice rink itself would be opposite the Frances Hill Drive and closest to the church so lessening its impacts on the nearest neighbours.
- 7.5.6 Paragraph 123 of the NPPF requires developments to mitigate for effects of noise from developments on health and quality of life through the use of conditions. A Noise Assessment has been submitted with this application together with the applicant recommending conditions, which formed part of the Licensing Hearing. The Council's EHO has considered the scheme and raises no objection to noise subject to conditions controlling the noise levels from live and amplified music; noise emitted from temporary plant and equipment, including amusement rides; and, control of delivery/collection times. In respect of noise levels this will be based upon local background levels, which the applicant will need to agree with the EHO prior to opening the ice rink. Typically these levels will be recorded at least 3-4 times during the day and be averaged out, however, the EHO may decide to increase these recordings. Each baseline level will be measured for 10 minute periods and need to be recorded from at least four locations to include 23 Southwell Park Road; 30 & 32 Southwell Park Road; and, 43 & 46 Grand Avenue. In the event that complaints are received then these conditions will enable action to be taken, if the noise levels exceed the agreed thresholds for more than 15 minutes. This may involve the EHO undertaking testing or an external company on behalf of the Council. These recommended conditions marry up with those conditions imposed under the premises licence.
- 7.5.7 Whilst noise or disturbance from the development i.e. from the application site can be controlled, outside the site the Planning Authority cannot impose control. However, in the officer's opinion the applicant's Event Management Plan and Traffic Management Plan measures will significantly assist in mitigating the impacts. Condition 25 of the Premises Licence also assists by stating the following:

*Local residents\* shall be advised of any use of the premises no less than one month before any event takes place and a manned contact telephone number provided for the event's*

*management staff to swiftly deal with complaints, queries or concerns both before, during and after the event. (\* i.e. residential premises in Southern Road, Lower Charles Street, Grand Avenue, Southwell Park Road, Firwood Drive, France Hill Drive, The Avenue (between junction with London Road and the southernmost junction of Heatherley Road).*

In addition, the applicant has already consulted with the Safety Advisory Group (SAG) and will continue to do so to make sure this is a safe event which does not cause nuisance to the local residents or wider town. The SAG typically comprises representatives from the emergency services, County Highways, EHO, parking and licensing plus the event organisers. A second SAG for this proposal is currently in the process of being arranged. Despite these measures, in the event that crime or anti-social behaviour still occurs then this would be a police matter. Any comments received from the police will be reported at the Committee Meeting.

- 7.5.8 Paragraph 125 of the NPPF requires decisions to limit the impact of light pollution from artificial light on local amenity. A total of 6 floodlights are proposed, none of which would exceed 2 metres in height, and the majority of which would be around the ice rink and marquee. The applicant has provided technical specifications of this lighting and festoon lighting and on the basis of these details the EHO raises no objection subject to conditions relating to switch off times and the footprint of lighting not extending into the curtilage of any adjacent property. Again these recommended conditions marry up with the premises licence conditions.
- 7.5.9 Concern has also been raised about odours from cooking smells. However, the trade stalls are mainly located centrally within the site and would be located a sufficient distance away from the nearest residents. In the event that odour from trade stalls became a significant issue and a statutory nuisance then the Council's EHO has advised that this issue would need to be dealt with under the Environmental Protection Act powers. However, given the relative short period of time and the temporary nature of the proposal he is of the opinion that this is unlikely to be an issue.

## **7.6 Highway impacts**

- 7.6.1 Policy DM11 of the CSDMP resists development which would adversely impact on the safe and efficient flow of traffic movement, unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented. Policy DM11 requires all development to ensure safe and well designed access and egress and layouts for all highway users.
- 7.6.2 The Traffic Management Plan (TMP) submitted in support of the application includes various measures to mitigate the effect on the highway, including temporary event signage on the local roads directing visitors to public car parks in the town centre and a no right turn restriction on the junction between Southwell Park Road, Firwood Drive and Charles Street. The TMP proposes town centre parking concessions for ice rink visitors. Marketing literature is intended to highlight these concessions and pedestrian routes to the venue will be provided. It is also proposed to have painted footprints leading pedestrians from the car parks to the site. Grand Avenue, Southwell Park Road, Frances Hill Drive, The Avenue and Heatherley Road are currently subject to Controlled Parking Zone (CPZ) from 8 am to 6 pm Monday to Saturday. A Temporary Traffic Order (TTO) has been requested to extend this from 8.00 am until 9.00 pm Monday – Sunday inclusive. In addition to the existing parking team patrols a civil enforcement officer will patrol to ensure all restrictions are being adhered to during the event. A zero tolerance approach will be taken to vehicles parked on yellow lines or in permit and time limited bays.
- 7.6.3 On the basis of the TMP measures the County Highways Authority raises no objection to the proposal concluding that it would not prejudice highway safety nor inconvenience other



highway users. A condition is recommended to ensure adherence with the TMP. An informative is also recommended by the CHA as precise details will need to be agreed with the Highway Authority and Surrey Police prior to the event. This will include: a swept path analysis to ensure buses and HGVs can adequately negotiate the temporary layout; agreement on the precise position of the water-filled barrier to take account of the swept-path analysis and existing pedestrian route on Charles Street together with an extension of the barrier further eastwards towards the pedestrian crossing; and, a detailed signage scheme inclusive of any official signs provided by the AA. Any further updates or details on these matters will be reported at the Committee Meeting.

- 7.6.4 Objectors express concern over congestion already experienced in the nearby roads during the Christmas period. However, in the officer's opinion, implementation of the TMP measures above may actually assist in alleviating these impacts. For example, by preventing the right hand turn and extended restricted parking hours. Moreover, in practice this proposal by itself is unlikely to generate a significant uplift in traffic as many visitors may well combine the trip with Christmas shopping or other Christmas festivities within the town centre.
- 7.6.5 It is accepted that local residents are more likely to have family members and other visitors to their homes during the Christmas period. The extended parking restrictions will therefore undoubtedly impact on this. However, compared with the existing situation the additional impact would only be for an additional 3 hours per day and include Sundays, and given the close proximity of the site to the town centre where alternative parking is available, in the officer's opinion this inconvenience is not considered to be so serious.

## **7.7 Other matters**

- 7.7.1 Whilst not shown on the plans SSE on behalf of the Council will be installing an electricity power upgrade building adjacent to the tennis courts. The location of this building will not conflict with the layout and event operation. This power upgrade is not exclusively required for this application, but also for the recreation ground year round and for the long term. For example, during Picnic in the Park this summer there were power outages. The size of the housing will be 2.5 m by 2.8 m with height 2.3 metres. The building will be green and the intention is to conceal by landscaping. The Council's Tree Officer has confirmed that the building would not be harmful to the copper beech tree, in close proximity. In the officer's opinion these works are small scale and constitute permitted development under Part 12 of the Town and Country Planning (General Permitted Development) Order 2015.
- 7.7.2 On the basis of the EHO comments, the applicant has been requested to provide full-details of the on-site storage facilities for trade waste including details of the bin storage to be used and the arrangements for disposal of waste. In addition, on request of the EHO, Drainage Engineer and Tree Officer the applicant has been requested to provide detail on the process of ice disposal to ensure the safe disposal of the used ice in the interests of prevention of leaching of glycol liquid into the soil to avoid contamination and to safeguard vegetation. Moreover, on request of the Drainage Engineer, full details have been requested on the freezing process to ensure there is no possibility for flooding or failure, particularly during construction and close down; and, explanation on how excess water will be drained. The ice rink and ice dump will be bunded to prevent run off but a full update on all these matters will be provided at the Committee Meeting.

## **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:

- 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 communicated with the applicant through the process to advise progress, timescale or recommendation.

## **9.0 CONCLUSION**

- 9.1 In the officer's opinion the proposal would support the local economy but this would not be at the expense of the local neighbourhood with sufficient safeguards in place to protect and minimise the effects upon residential amenities. The proposal would not prejudice highway safety nor inconvenience other highway users with the support of the County Highways Authority. The application is therefore recommended for approval.

## RECOMMENDATION

GRANT subject to the following conditions:-

1. The permission hereby permitted shall only be for a temporary 5 year period (2016 to January 2021) to be held annually between November to January (including construction and dismantling periods), unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain control in the interests of the residential amenities and character of the area and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

2. The proposed development shall be built in accordance with the following approved plans and details: Site location plan, layout plan (sht- 1 V6), Rink & Marquee Layout Plan, 07052232 - SPEC Revision 5, trader stall dimensions (Redhill), Appendices A & B of Traffic Management Plan, LE Flood Lights, RS Festoon Cables, Victorian Bandstand Hire Company plans and HTS marquee specifications PAR-2000/300/648 unless the prior written approval has been obtained from the Local Planning Authority.

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

3. The development hereby permitted shall only be open to the public between 11am - 9pm Monday - Sundays including Bank Holidays, with the exception of Christmas Day when it shall be closed.

Reason: To retain control in the interests of the residential amenities of the area

and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

4. The set-up and take-down of the event shall only take place during normal permitted construction hours (i.e. Monday – Friday 08:00- 18:00hrs, Saturday 08:00 – 13:00hrs and no work allowed on Sunday and Bank Holidays).

Reason: To retain control in the interests of the residential amenities of the area and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

5. No more than 1,000 visitors shall be on the premises at any one time.

Reason: To retain control in the interest of the residential amenities of the area and to comply with Policy DM9 of the Surrey Heath Core Strategy Development Management Policies Document 2012.

6. The Music Noise Level from live music, as defined in the Noise Council; Code of Practice on Environmental Noise Control at Concerts, shall be no more than 15dBLAeq (15 minutes) above the existing background level LA90 (10 minutes) when measured at 1 metre from the closest boundary of any nearest residential receiver.

Reason: To avoid adverse noise impacts in the interests of the local residents and to comply with paragraph 123 of the National Planning Policy Framework and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

7. The level of amplified music from the ice rink and any public address system, when not used for emergency purposes, measured as a five minute LAeq, shall be no more than 10 dBA above the existing background level LA90 (10 minutes), when measured at 1 metre from the closest boundary of any nearest residential receiver.

Reason: To avoid adverse noise impacts in the interests of the local residents and to comply with paragraph 123 of the National Planning Policy Framework and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

8. Noise emitted from any temporary plant and equipment, including amusement rides, shall be no more than 10 dBLAeq (15 minutes) above the existing background level LA90 (10min) when measured or predicted at 1 metre from the closest boundary of any nearest residential receiver.

Reason: To avoid adverse noise impacts in the interests of the local residents and to comply with paragraph 123 of the National Planning Policy Framework and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

9. There shall be no deliveries/collections or other operational servicing in connection with the proposed use between 23:00 hours and 07:30 hours on any day, unless otherwise agreed in writing by the Local Planning Authority

Reason: To retain control in the interests of the residential amenities of the area

and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

10. The footprint produced by artificial lighting of the application site shall not extend into the curtilage of any adjacent residential property; and, no lighting associated with the development, other than security lighting, shall operate outside the hours of 09:00 and 21:30, unless required for emergency purposes.

Reason: To retain control in the interests of the residential amenities of the area and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and paragraph 125 of the National Planning Policy Framework.

11. The development hereby approved shall not be first brought into use unless and until the Traffic Management Plan has been implemented broadly in accordance with the submitted details and the detailed requirements of the County Highways Authority and thereafter the Traffic Management Plan shall remain operational for the lifetime of the development hereby approved.

Reason: The above condition is required in order that the development should not prejudice highway safety nor should it inconvenience other highway users in accordance with Policy DM11 of Surrey Heath's Core Strategy and Development Management Policies 2012.

12. The three trade stalls located in the northwest corner of the site, i.e. adjacent to the planters, shall not house any facilities which produce heat or fumes.

Reason: In the interests of the health of three mature lime trees that overhang this area and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

13. Prior to the opening of each annual event the applicant shall arrange a site meeting with the Council's Tree Officer to confirm and agree the correct positioning of tree protection fencing which shall be chestnut pale fencing supported by tree stakes. Thereafter the protection shall be retained throughout the period of operation.

Reason: To protect trees in accordance with Policy DM9 of the Surrey Heath Core Strategy Development Management Policies Document 2012.

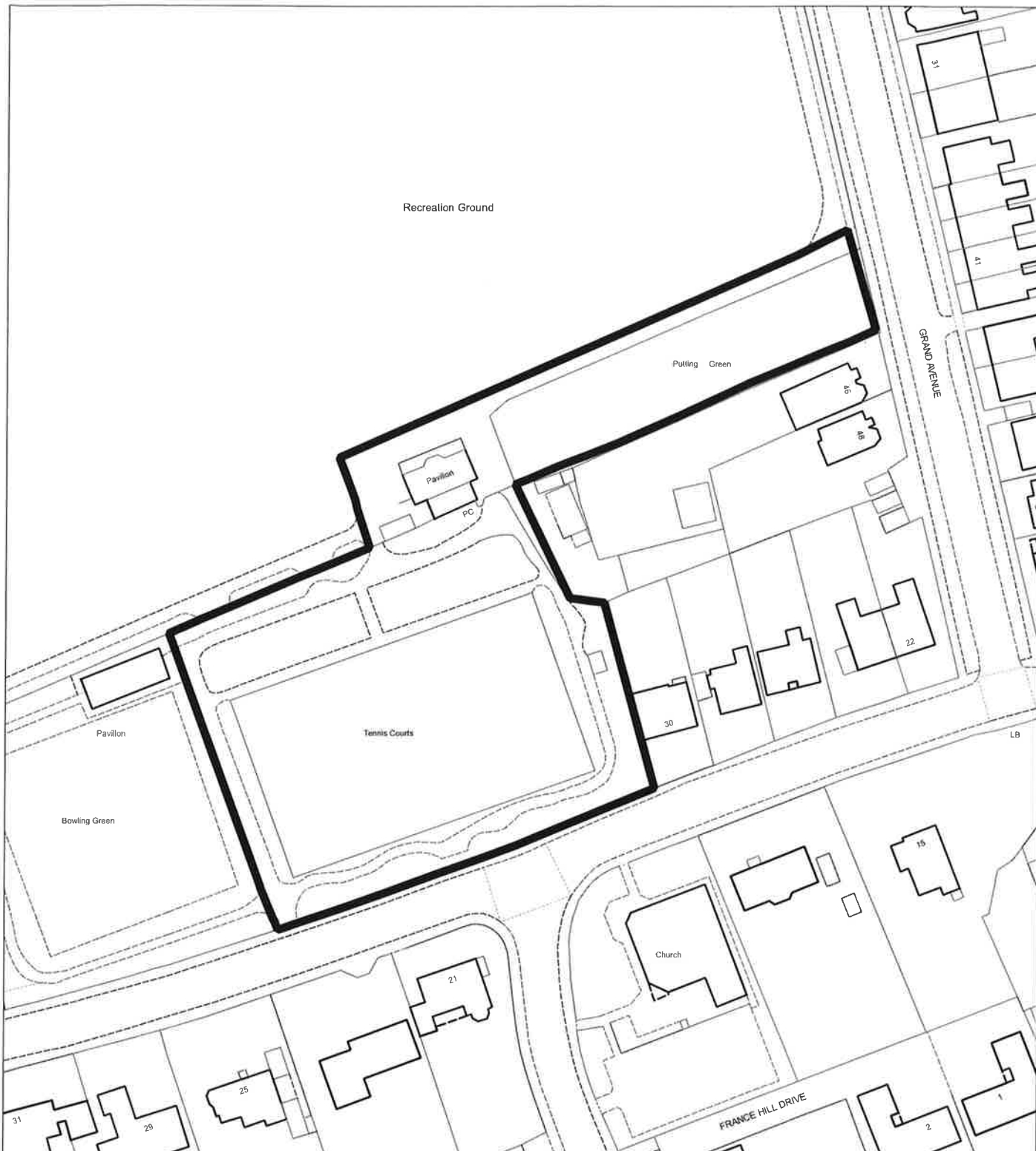
#### Informative(s)

1. The applicant is advised that the traffic management details submitted with the planning application are acceptable in principle, however, the precise details will need to be agreed with the County Highways Authority and Surrey Police prior to its implementation. Such details to be agreed include
  - A swept path analysis to ensure buses and HGV's can adequately negotiate the temporary layout;
  - The extension of the water-filled barrier further eastwards towards the pedestrian crossing;
  - The exact positioning of the water-filled barrier to take account of the swept-path analysis and existing pedestrian refuge on Charles Street; and,

A detailed signage scheme inclusive of any official signs provided by the AA.

2. The applicant is advised that conditions 4 - 10 above are consistent with the Premises Licence. In line with this licence and for the purposes of the noise conditions, measuring points of the nearby residential receivers for the local background levels shall include at least 4 of the following locations: 23 Southwell Park Road; 30 and 32 Southwell Park Road; and, 43 and 46 Grand Avenue. The local background levels will need to be agreed with the Council's Environmental Health Department prior to the ice rink being opened to the public.

This page is intentionally left blank



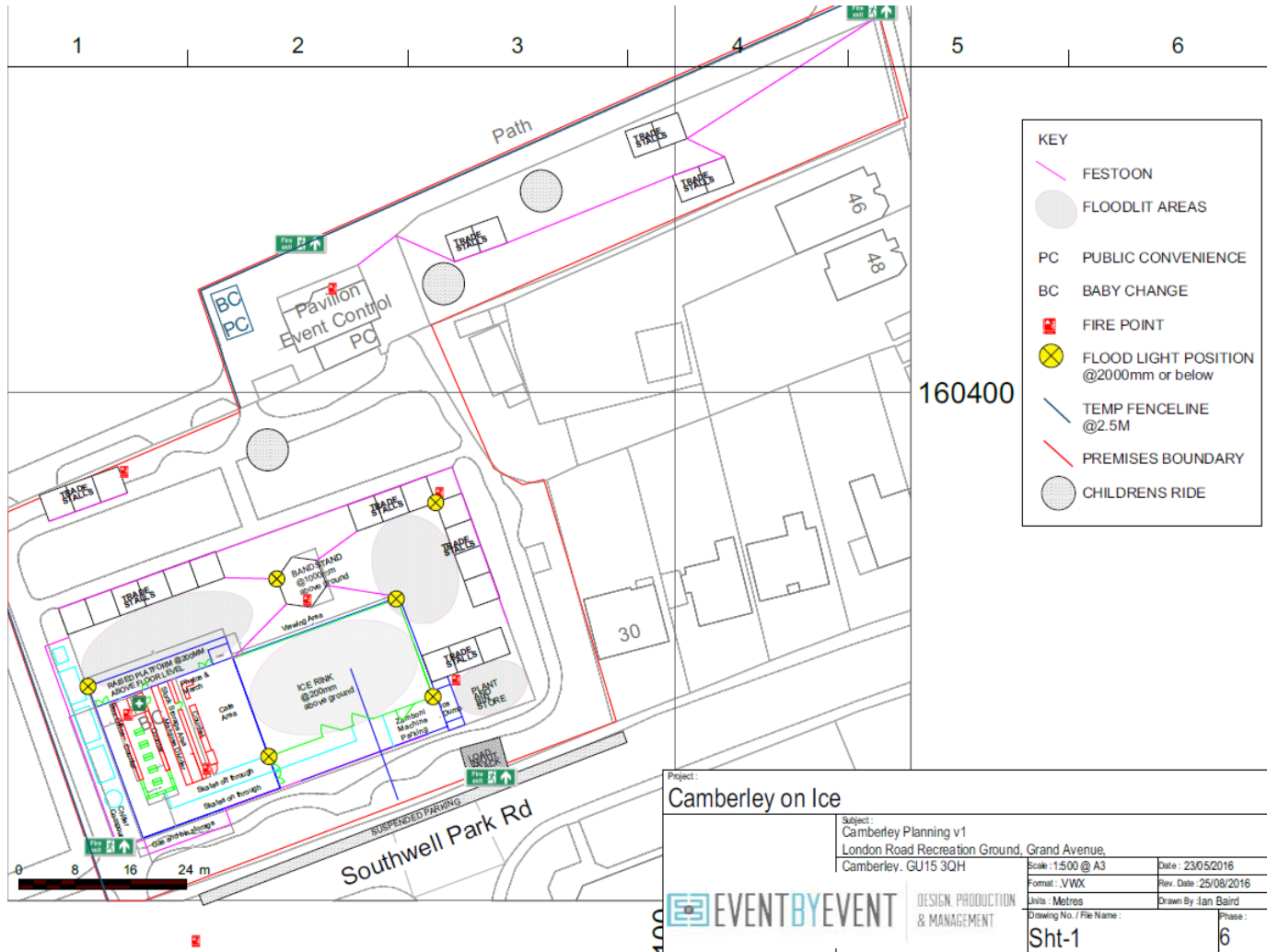
<b>Title</b>	Planning Applications		<b>Page</b>	4 of 4
<b>Application number</b>	16/0814		<b>Scale @ A4</b>	1:1,000
<b>Address</b>	LONDON ROAD RECREATION GROUND, (CAMBERLEY ON ICE), GRAND AVENUE, CAMBERLEY		<b>Date</b>	03-10-2016
<b>Proposal</b>	<p>Installation and operation of a temporary ice rink and associated structures for a Christmas Market on the tennis court and old putting green areas held for a 5 year period (2016 to January 2021) between November to January annually (including construction and dismantling periods) and open daily to the public until 9pm except Christmas Day. To include a skate lodge/café/bar marquee, 25 sheds to be used as chalets/trader huts, children funfair rides, a bandstand, toilet trailers and ancillary floodlighting and festoon lighting, and perimeter fencing with</p>			
<p>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018579 2016</p>				

This page is intentionally left blank



16/0814 – LONDON ROAD RECREATION GROUND (CAMBERLEY ON ICE), GRAND AVENUE, CAMBERLEY

Proposed Layout

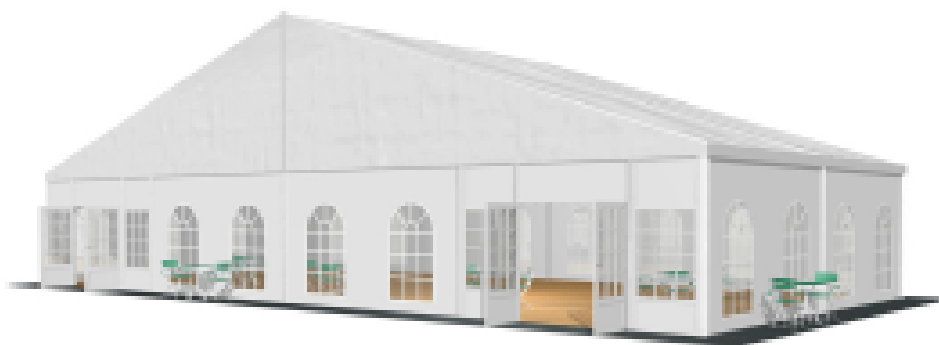
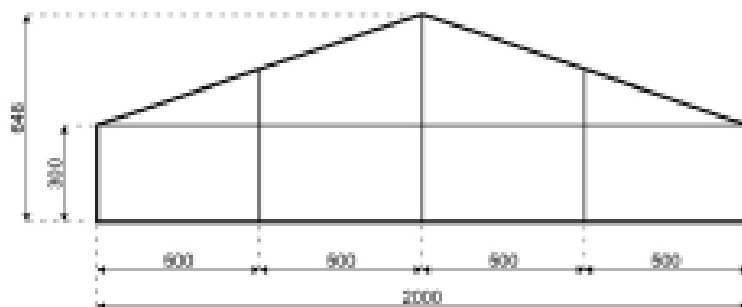
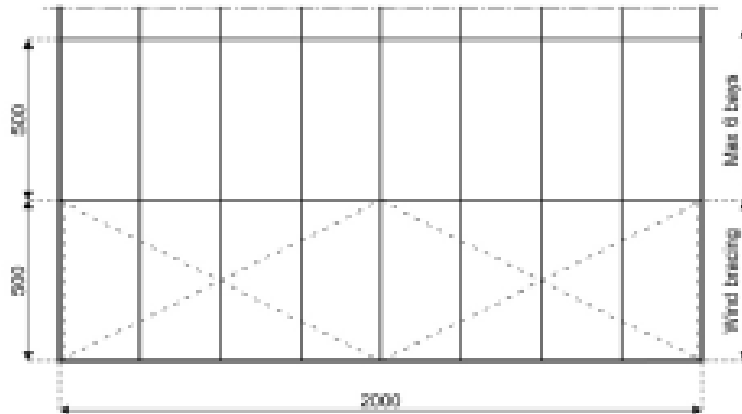


Trader stall dimensions



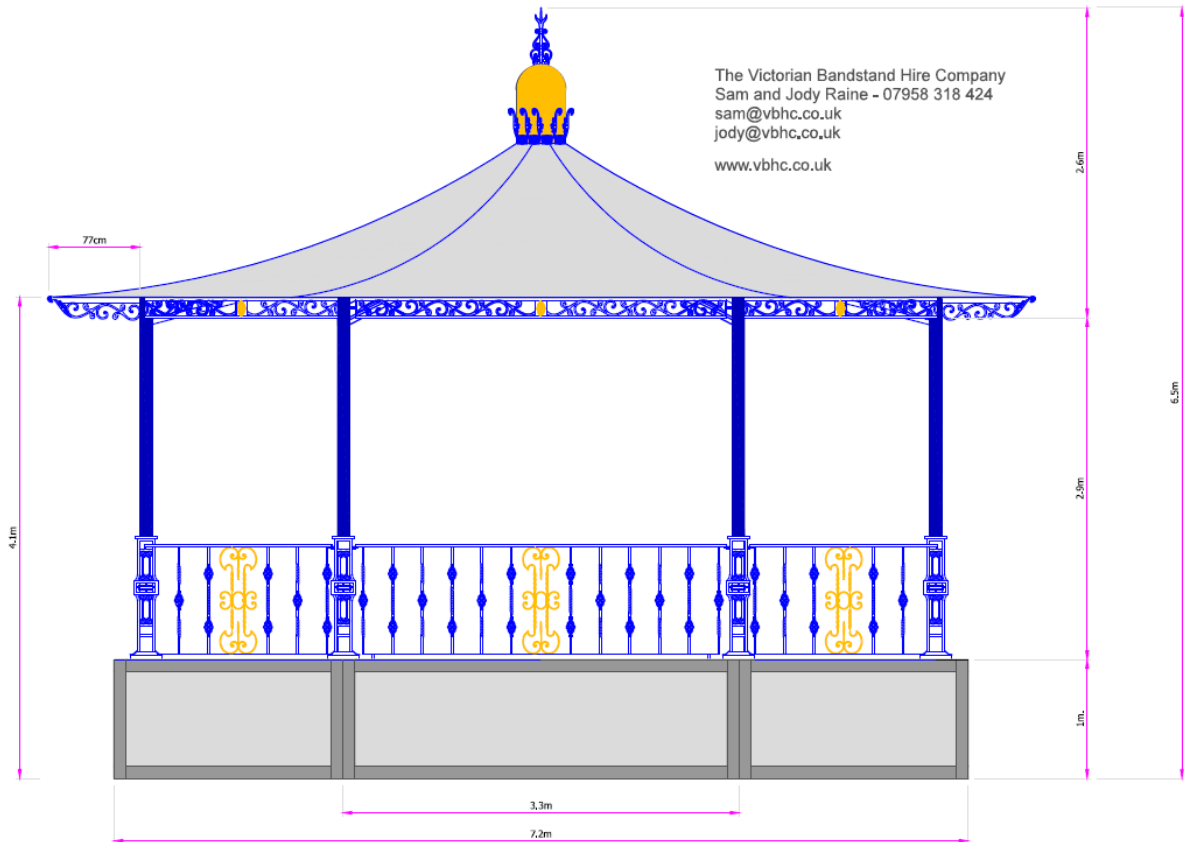
- Cabin Width- 4 m
- Cabin Depth- 4 m
- Eaves Wall Height- 2.1m
- Ridge height- 2.5m

Marquee Plan & Elevations



16/0814 – LONDON ROAD RECREATION GROUND (CAMBERLEY ON ICE), GRAND AVENUE, CAMBERLEY

Bandstand specifications



Fairground ride example



16/0814 – LONDON ROAD RECREATION GROUND (CAMBERLEY ON ICE), GRAND AVENUE, CAMBERLEY

View towards no.46 Grand Avenue



View from proposed entrance towards the pavilion



16/0814 – LONDON ROAD RECREATION GROUND (CAMBERLEY ON ICE), GRAND AVENUE, CAMBERLEY

View of site from southern side of Southwell Park Road



View from within the site towards the New Apostolic Church, Southwell Park Road



This page is intentionally left blank

2016/0759

Reg Date 22/08/2016

Windlesham

**LOCATION:** 49 BOSMAN DRIVE, WINDLESHAM, GU20 6JN  
**PROPOSAL:** Division of existing 6 bedroom dwelling to form 2 two bedroom dwellings with associated parking and garden space.  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr Bertram  
 John Charles Property Investments  
**OFFICER:** Emma Pearman

**This application would normally be determined under the Council's Scheme of Delegation, however, it is being reported to the Planning Applications Committee at the request of Councillor Sturt.**

**RECOMMENDATION: GRANT subject to conditions**

## 1.0 SUMMARY

- 1.1 This application is for the division of an existing property, shown as 6-bedroom on the plans, into two 2-bedroom properties. An almost identical application (16/0320) was before the Committee in June, which was refused by Members against the officer's recommendation, as it was considered that the sub-division of the site to create a separate additional dwelling would result in a density of the use that was out of keeping with the neighbourhood. The difference between the two applications being only that the previous plans showed the existing property as 4-bedroom and now it is shown as 6-bedroom with the rooms internally having been reconfigured. Since the refusal of 16/0320, the applicant applied for a Certificate of Lawful Use to convert the property into a House of Multiple Occupation (HMO) (16/0687), however, this application was later withdrawn by the applicant.
- 1.2 The existing property has had a large two-storey extension to the northern side and it is proposed to use this extension as a separate property. A number of objections have been raised by local residents. However, the proposal will not give rise to any additional built development and given its design and secluded location within the road it is not considered that there would be any significant harm to character. The proposal is also considered acceptable in other regards. It is considered that a condition can be imposed to prevent segregation of the front driveway area which would prevent it being obvious externally that it was divided.
- 1.3 There was already a door on the northern side elevation which will be used as the front door to one of the properties, and the rear garden has been divided into two by the erection of a close-boarded fence. The ground floor has already been divided into two, however the first floor is still open as one property, and as it has two staircases, both sides of the ground floor are still fully accessible from the inside. Concern has been raised by residents at the time of the previous application, that the conversion was underway without planning permission. The Enforcement Officer subsequently visited the site and stopped any further works. As the interior has not been completely divided, and no planning permission is required for the interior works that have taken place, nor for erection of a fence in the garden, it is not considered that at present any unlawful works have taken place as the conversion is not complete and the property is not yet in use as two separate dwellings.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located on the northern side of Bosman Drive, and is bordered by the A30 London Road to the north, within the settlement area of Windlesham as identified by the Surrey Heath Core Strategy Proposals Map. The property is semi-detached with 47 Bosman Drive attached to the south, though most surrounding dwellings are detached, other than two other pairs of semi-detached dwellings to the west. The property has an area of hardstanding to the front which is bordered by tall vegetation to the eastern boundary, and a fence with mature trees to the northern boundary. There is a side gate and wall between the front elevation of the property and the northern boundary.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 SU16/0687 - Certificate of Proposed Lawful use for change of use of existing dwelling (C3) to form a 6-bedroom house of multiple occupation (C4)

*Application withdrawn 28/09/2016*

- 3.2 SU16/0320 – Division of existing four-bedroom dwelling to form two 2-bedroom dwellings with associated parking and garden space.

Officers recommended approval but the application was refused 01/07/2016 by the Planning Committee for the following reason:

- 1. The sub-division of the site to create a separate additional dwelling would result in a density of use that would be inappropriate development, not in keeping with the established neighbourhood and harmful to the character of the area, contrary to Policies CP2 and DM9 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

The applicant has appealed against this decision.

- 3.3 SU 01/0153 – Erection of a first floor side extension and single storey front extension

*Granted 11/04/2001*

Condition 3 of this permission reads as follows:

*3. The existing dwelling and the development hereby approved shall at all times be occupied as a single and integral dwelling unit within the existing curtilage.*

*Reason: To maintain planning control of this property and to ensure that the additional accommodation is not in any way severed from the main dwelling to provide a self-contained dwelling unit to the detriment of the character of the area.*

- 3.4 SU 99/0767 – Erection of a rear conservatory

*Granted 17/08/1999*

- 3.5 95/0251 – Erection of a single storey side extension incorporating a double garage

*Granted 09/06/1995*



## 4.0 THE PROPOSAL

- 4.1 This proposal is for the division of the existing dwelling into two 2-bedroom dwellings. No further changes are proposed from the development already undertaken. The door on the northern side elevation would be used as the entrance to one of the properties, and the garden already has a fence dividing it into two. The existing hardstanding to the front is not proposed to be divided but will provide a parking area for both dwellings.

## 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objection.
- 5.2 Windlesham Parish Council Objection - inappropriate development of the site and not in keeping with the established neighbourhood.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 11 letters of objection have been received which raise the following issues:

### Principle of development [see section 7.3]

- No justification for sub-dividing property on grounds of market demand
- There is demand for 4-bedroom houses

### Character [see section 7.3]

- Was designed as a single family house
- Should be refused on same grounds as previous application
- Creating a terrace would change the character of the road
- Overdevelopment of the site – plot is too small for two dwellings
- Previous planning application SU01/0153 included a condition preventing severing the extension from the main dwelling so as not to cause harm to the character of the area, this should be upheld.

### Amenity [see section 7.4]

- Would be overlooking and loss of privacy.

Highways, access and parking [see section 7.5]

- Not enough parking already
- Will increase the cars parked at the property which may result in parking on the street and increased risk of accidents

Other matters

- Developer has purchased other properties in the road *[Officer comment: Not a planning consideration, each application is considered on their own merits]*
- Deeds on the properties prevent use other than a private dwellinghouse in one residential occupancy only *[Officer comment: Private covenants are not a planning consideration]*
- Developer only doing this for profit *[Officer comment: Not a planning consideration]*
- This is same as previous application that was refused *[Officer comment: The floorplans show a 6-bedroom house instead of 4-bedroom, internal changes do not require planning permission, unless the house had been fully split into two]*
- Permission was granted in principle with application 16/0320 and then overturned by Members *[Officer comment: Officers make recommendations to Members for applications going to Committee and Members make the decision, as such there was no permission in principle or overturning of a decision]*
- Developer has also applied to turn it into an HMO *[Officer comment: This application has now been withdrawn]*
- Developer has said he will withdraw appeal if this is approved
- Would devalue other properties in the street as the semi-detached properties would become a terrace / impact on property values *[Officer comment: Not a planning consideration]*
- Work has already started and this should be taken into account when making the decision *[Officer comment: The Enforcement officer visited the site and has stopped works; erecting the fence and internal changes do not require planning permission and as such it was considered that there had been no unlawful works undertaken. This is not in any case something that can be taken into account in the decision process]*
- Impact on utility services and drains *[Officer comment: Not a planning consideration this would be covered by Building Control; additionally the extension would already be connected to utility services]*
- Design could be varied to be 3-bed leading to more pressure on services *[Officer comment: Internal changes would not require planning permission and are not considered likely to lead to a noticeable increase in pressure on services]*
- May lead to more conversions of properties *[Officer comment: Each application would be considered on its own merits]*

- The “existing” plans are inaccurate as property was marketed and sold as a 5-bedroom house not a 4-bedroom house [*Officer comment: Internal changes do not require planning permission and may have changed since it was marketed*]
- The garage has been converted into a playroom already [*Officer comment: This would not have required planning permission*]
- Work is already creating noise and dust and large vehicles are blocking driveways [*Officer comment: Disruption during construction is not a planning consideration*]
- Property has been empty since last July though planning statement says it was occupied [*Officer comment: This is not considered relevant to the consideration of the application*]
- The appearance of the property has already changed as the garage has been converted and windows made smaller [*Officer comment: These changes would not have required planning permission*].

## **7.0 PLANNING CONSIDERATION**

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policy CP6 (Dwelling Size and Type), Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety). It will also be considered against the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Principle of the development and impact on character;
- Impact on residential amenity;
- Highways, parking and access; and,
- Impact on infrastructure and the Thames Basin Heaths SPA.

### **7.3 Principle of the development and impact on character**

7.3.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes, and to boost significantly the supply of housing. The Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. In this case, the proposal would result in an additional residential unit, which accords with the aims of the Framework.

7.3.2 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.

7.3.3 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density. Policy CP6 states that housing mix for new developments should be approximately 10% 1-bed, 40% 2-bed, 40% 3-bed and 10% 4+bed properties.

- 7.3.4 Within the settlement area such as this site is located, the principle of residential development is acceptable, and Surrey Heath has a shortage of housing at the present time. Policy CP6 shows that within Surrey Heath there is the greatest need for 2- and 3-bed houses and a lesser requirement for 4+ bed houses. As such the principle of converting a larger property into two 2-bed properties is considered to be acceptable.
- 7.3.5 Bosman Drive features almost exclusively detached properties, other than three sets of semi-detached properties on the northern end, of which 47 & 49 Bosman Drive is one. The extension to the property is already in place, having previously been permitted through two planning applications as set out in paragraphs 3.1 and 3.3 above, and is not in itself considered to cause any harm in character terms. As such the issue is whether converting that existing extension to a separate dwelling will cause any harm to character.
- 7.3.6 Changing this extension into a separate dwelling would result in a row of terraced properties in this location which is not a feature seen anywhere else in the road. However this would not be obvious from the exterior. The extension is set back from the main front elevation of 47 & 49 Bosman Drive and would have the front door on the side, and does appear as an extension rather than a dwelling as it does not have the same appearance as the other dwellings in the road. However, it is in a very secluded location within the road which is assisted by its set back from the front elevation, and would not appear any different from the front than it does at present. The size of the two dwellings would not appear significantly different from that of the other semi-detached properties in the road, with number 49 itself appearing almost identical to number 47. The front door on the side elevation would not be visible from the street and nor would the fence dividing the rear garden so it would not be obvious that this is a separate dwelling. Additionally a condition could be imposed to prevent any segregation of the front driveway area which would make it more obvious that it was separate.
- 7.3.7 With regard to the issues raised by local residents, it is not considered that dividing one larger dwelling into two smaller dwellings would cause such a noticeable increase in occupancy such that it would overcrowd or spoil the character of the area. With regard to the plot size, the current rear garden is larger than that of the surrounding dwellings and as such the rear gardens of both new properties would not be significantly different in size from those of surrounding dwellings. The plot is already supporting the extension and as such this application will not result in any additional built development on the site resulting in a cramped development or any greater overdevelopment than has already occurred.
- 7.3.8 With regard to the condition on SU01/0153 that prevented segregation from the existing dwelling in order to prevent any harm to character, a check of the history of this application does not reveal any consideration or discussion of this point and as such the condition was likely to have been imposed to prevent segregation without a further application and consideration of the likely issues arising. This application now considers those issues, as did the previous application 16/0320. The condition does not prevent an application being submitted and considered and if permission was granted, would override the previous condition.
- 7.3.9 It is therefore considered that the principle of the development is acceptable, and given that there would be no change in the external appearance of the buildings from existing, and the secluded location of the dwelling which would not result in an obvious terrace of properties, it is considered that there would not be any significant harm to the character of the area caused by the proposal, and as such it is considered to be in line with Policies CP6 and DM9. Given the strong presumption in favour of sustainable development and to boost significantly the supply of housing, it is considered that the development would be supported by the NPPF. It is considered however that given the already large increase in

the built form of 49 Bosman Drive from the size of the original dwelling that a condition is necessary to remove permitted development rights from both of the proposed properties to prevent a further increase in built form and intensification of the site.

#### **7.4 Impact on residential amenity**

- 7.4.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.4.2 The nearest neighbour to the properties is 47 Bosman Drive which is attached to 49 on the southern side. Converting 49 into a smaller dwelling would not result in any change to the amenities of the occupiers of number 47, given that there is no additional built development. Changing the extension into a separate dwelling also would not give rise to any additional impacts on amenity from existing. The situation in terms of overlooking of rear gardens of 47 and 43 to the rear would not change from existing and would result in a usual pattern of overlooking between neighbouring dwellings.
- 7.4.3 It is considered that sufficient amenity space would be provided for the occupiers of both new properties, and this amenity space would not be significantly different in size from that of surrounding dwellings. It is not considered that the intensification of the residential use and associated possible increase in occupancy is such that it would give rise to harm in terms of noise.
- 7.4.4 It is therefore considered that the proposal is acceptable in terms of amenity and in line with Policy DM9 and the NPPF in this regard.

#### **7.5 Highways, parking and access**

- 7.5.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.5.2 There is a front driveway at the property which comprises a single-track width slope up from the road which opens out to a wider parking area. The applicant has demonstrated on the block plan that there is space for at least four cars on to park on this driveway to the front of the property, and it is proposed that this area would be shared between the two properties. There will be no change to the driveway area from existing. Concern has been raised about an increase in the number of cars parked on the road as a result of the proposal. However, the County Highway Authority's parking standards require 1.5 spaces per unit for 2-bedroom houses and by providing 2 spaces per unit this would be in excess of the required amount. It is also considered that a condition can be imposed to ensure the retention of this area for parking only. Significant concern has been raised about the level of parking with the new development. However, it is considered that a family house of this size could have several cars associated with it and it is not necessarily the case that two 2-bedroom houses would result in a larger number of cars.

7.5.3 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. As such it is not considered that the proposal is likely to cause any significant impacts in terms of highways, access and parking, and as such the proposal is in line with Policy DM11 in this regard.

## **7.6 Impact on infrastructure and the Thames Basin Heaths SPA**

7.6.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. However, conversion of one dwelling into two does not give rise to any CIL liability given that there is no increase in floorspace.

7.6.2 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the SHCS states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).

7.6.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available.

7.6.4 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment of £224 which takes into account the existing floorspace. This has been paid by the applicant. It is therefore considered that the proposal complies with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

## **8.0 CONCLUSION**

8.1 The proposed development is considered to be acceptable in terms of the principle of development, in character terms and impact on residential amenity, highways and impact on infrastructure and the Thames Basin Heaths SPA. It is therefore considered that permission can be granted, subject to conditions.

## **9.0 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.

## **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: Proposed Ground Floor 1550-P114A and Proposed First Floor and Roof Plan 1550-P115A both received 22.8.16 and Proposed Elevations 1550-P116 received 3.8.16, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no gates, fences or walls shall be erected under Schedule 2, Part 2, Class A of that Order other than replacement of existing fences/walls along the existing boundaries defining the curtilage of 49 Bosman Drive as shown in red on the Location Plan 1550-P110 received 3.8.16 and along the boundary between the rear gardens of 49 and 49A Bosman Drive as shown on the Proposed Ground Floor Plan 1550-P114A received 22.8.16.

Reason: To prevent any obvious sub-division of the driveway which could cause harm to the character of the area, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no extensions or outbuildings to either of the proposed residential dwellings to be known as 49 and 49A Bosman Drive shall be erected under Class A or Class E of Schedule 2, Part 1 of that Order without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control of the enlargement or other alterations to the development in the interests of character and amenity, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

5. The parking area to the front of the properties as shown on Block Plan 1550-P110 received 3.8.16 shall be retained as such at all times unless the prior approval has been obtained in writing from the Local Planning Authority.

Reason: To ensure that sufficient parking remains for the two proposed dwellings so as not to cause a nuisance on the highway, in line with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

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





<b>Title</b>	Planning Applications		<b>Page</b>	2 of 4
<b>Application number</b>	16/0759		<b>Scale @ A4</b>	1:500
<b>Address</b>	49 BOSMAN DRIVE, WINDLESHAM, GU20 6JN		<b>Date</b>	03-10-2016
<b>Proposal</b>	Division of existing 6 bedroom dwelling to form 2 two bedroom dwellings with associated parking and garden space.			
<small>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</small>				

This page is intentionally left blank

16/0759 - 49 BOSMAN DRIVE, WINDLESHAM

The front elevation of the dwelling – the two storey extension to the right would form the new dwelling with the front door on the side elevation



Another view of the front elevation, with 47 Bosman Drive on the far left



16/0759 - 49 BOSMAN DRIVE, WINDLESHAM

The rear elevation of the two dwellings, showing the boundary fence which has already been erected to separate the proposed 49 and 49A Bosman Drive



The side elevation of the dwelling showing the front door of proposed 49A Bosman Drive and the gate to the rear garden



The driveway which is proposed to be shared between the dwellings



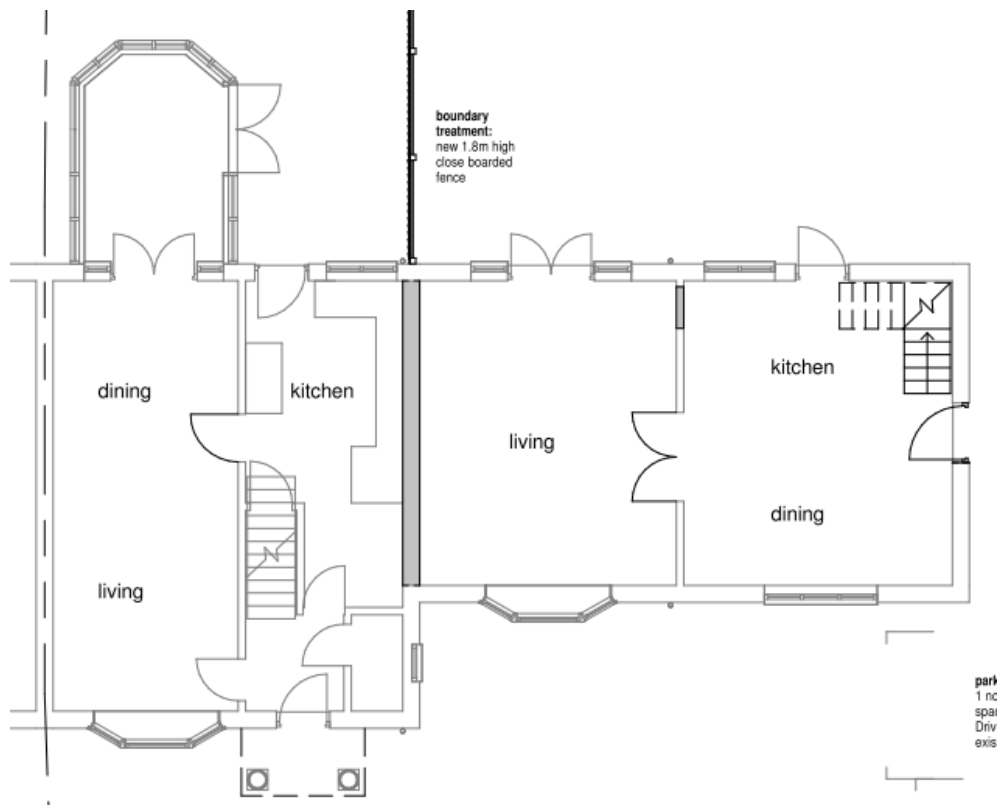
The site in its wider context within Bosman Drive



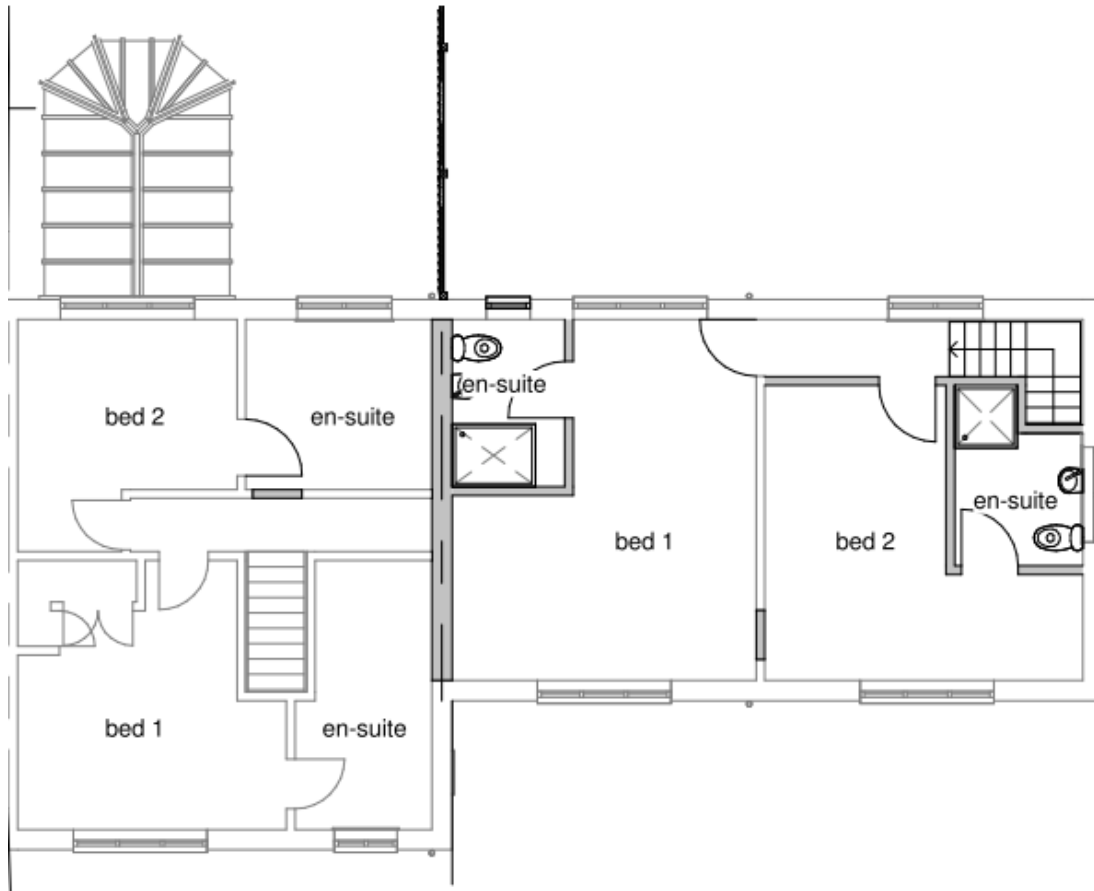
Proposed Block Plan



Proposed ground floor plan



Proposed first floor plan



Proposed front elevations



Proposed rear elevations



Proposed northern side elevation

w frames and sills - gloss paint finish



1 07.0 North elevation - as existing  
P103 1 : 100



**APPLICATIONS FOR PLANNING PERMISSION & RELATED APPLICATIONS FOR  
CONSIDERATION BY THE PLANNING APPLICATIONS COMMITTEE**

**NOTES**

**Officers Report**

Officers have prepared a report for each planning or related application on the Planning Committee Index which details:-

- Site Description
- Relevant Planning History
- The Proposal
- Consultation Responses/Representations
- Planning Considerations
- Conclusion

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in the report.

**How the Committee makes a decision:**

The Planning Applications Committee's decision on an application can be based only on planning issues. These include:

- Legislation, including national planning policy guidance and statements.
- Policies in the adopted Surrey Heath Local Plan and emerging Local Development Framework, including Supplementary Planning Documents.
- Sustainability issues.
- Layout and design issues, including the effect on the street or area (but not loss of private views).
- Impacts on countryside openness.
- Effect on residential amenities, through loss of light, overlooking or noise disturbance.
- Road safety and traffic issues.
- Impacts on historic buildings.
- Public opinion, where it raises relevant planning issues.

**The Committee cannot base decisions on:**

- Matters controlled through other legislation, such as Building Regulations e.g. structural stability, fire precautions.
- Loss of property value.
- Loss of views across adjoining land.
- Disturbance from construction work.
- Competition e.g. from a similar retailer or business.
- Moral issues.
- Need for development or perceived lack of a need (unless specified in the report).
- Private issues between neighbours i.e. boundary disputes, private rights of way. The issue of covenants has no role in the decision to be made on planning applications.

**Reports will often refer to specific use classes. The Town & Country Planning (Use Classes) Order 1995** (as amended) is summarised for information below:

<b>A1. Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
<b>A2. Financial &amp; professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
<b>A3. Restaurants and Cafes</b>	For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes.
<b>A4. Drinking Establishments</b>	Public houses, wine bars or other drinking establishments (but not nightclubs).
<b>A5. Hot Food Takeaways</b>	For the sale of hot food consumption off the premises.
<b>B1. Business</b>	Offices, research and development, light industry appropriate to a residential area.
<b>B2. General Industrial</b>	Use for the carrying on of an industrial process other than one falling within class B1 above.
<b>B8. Storage or Distribution</b>	Use for the storage or as a distribution centre including open air storage.
<b>C1. Hotels</b>	Hotels, board and guest houses where, in each case no significant element of care is provided.
<b>C2. Residential Institutions</b>	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
<b>C2A. Secure Residential Institutions</b>	Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
<b>C3. Dwelling houses</b>	Family houses or houses occupied by up to six residents living together as a single household, including a household where care is provided for residents.
<b>C4. Houses in Multiple Occupation</b>	Small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
<b>D1. Non-residential Institutions</b>	Clinics, health centres, crèches, day nurseries, day centres, school, art galleries, museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training areas.
<b>D2. Assembly &amp; Leisure</b>	Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used).
<b>Sui Generis</b>	Theatres, houses in multiple paying occupation, hostels providing no significant element of care, scrap yards, garden centres, petrol filling stations and shops selling and/or displaying motor vehicles, retail warehouse clubs, nightclubs, laundrettes, dry cleaners, taxi businesses, amusement centres and casinos.