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Tuesday, 4 December 2018

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

**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 David Allen, Ruth Hutchinson, Paul Ilnicki, Rebecca Jennings-Evans, Oliver Lewis and John Winterton

#### 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, Knoll Road, Camberley, GU15 3HD on **Thursday, 13 December 2018 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

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#### AGENDA

	Pages
<b>1 Apologies for Absence</b>	
<b>2 Minutes of Previous Meeting</b>	<b>3 - 8</b>

To approve as a correct record the minutes of the meeting of the Planning Applications Committee held on 15 November 2018.

### **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: 18/0632- Gordon's School, Bagshot Road, West End, Woking, GU24 9PT</b>	<b>9 - 36</b>
<b>5</b>	<b>Application Number: 18/0491- Units 1-5 Admiralty Way, Camberley, GU15 3DT</b>	<b>37 - 66</b>
<b>6</b>	<b>Application Number: 18/0709- Bourne Holdings, Broadway Road, Windlesham, Lightwater, GU18 5SH</b>	<b>67 - 86</b>

**\* indicates that the application met the criteria for public speaking**

### **Glossary**

**Minutes of a Meeting of the Planning Applications Committee held at the Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 15 November 2018**

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+ Cllr Edward Hawkins (Chairman)  
+ Cllr Valerie White (Vice Chairman)

- |                             |                         |
|-----------------------------|-------------------------|
| - Cllr Nick Chambers        | + Cllr Max Nelson       |
| + Cllr Mrs Vivienne Chapman | - Cllr Adrian Page      |
| - Cllr Colin Dougan         | + Cllr Robin Perry      |
| + Cllr Surinder Gandhum     | + Cllr Ian Sams         |
| + Cllr Jonathan Lytle       | - Cllr Conrad Sturt     |
| - Cllr Katia Malcaus Cooper | + Cllr Pat Tedder       |
| + Cllr David Mansfield      | + Cllr Victoria Wheeler |
- + Present  
- Apologies for absence presented

\*Cllr Oliver Lewis was present from Minute from 35/P

Substitutes: Cllr Oliver Lewis (in place of Cllr Colin Dougan)

Officers Present: Ross Cahalane, Michelle Fielder, Gareth John, Neil Praine and Eddie Scott

**32/P Minutes of Previous Meeting**

The Minutes of the meeting held on 18 October 2018 were confirmed and signed by the Chairman.

**33/P Application Number: 18/0605 - Land West of 94, Bagshot Green, Bagshot, GU19 5JT**

The application was for the erection of 3 one bedroom and 2 two bedroom affordable Passivhaus dwellings, with associated parking, garden areas and landscaping, following demolition of existing garages. (Amended plans recv'd 1/8/2018, 03/10/2018 and 08.10.2018), (Amended plans rec'd 09.10.2018)

This application would have normally been determined under the Council's Scheme of Delegation. However, it had been reported to the Planning Applications Committee at the request of Cllr Valerie White due to her concerns in respect of; the removal of existing parking, level of proposed parking and highway safety. Cllr White also raised concern in respect of over development of the site, loss of light/sunlight and loss of privacy.

Members were advised of the following updates on the application:

“Update to report - Paragraph 7.4.8 states that no trees are proposed to be removed or pruned on the site. The Monterey Cypress tree adjacent 94 Bagshot Green is proposed for removal, the tree is not protected by a Tree Preservation Order and its location close to the adjacent dwelling is unsustainable in the long term. The Arboricultural Officer confirms that the tree is also coming to the end of its life and its removal is recommended in line with good arboricultural management across the site. On that basis no objections are raised.

During the member site visit, questions were asked about the Council’s progress toward delivering its affordable housing targets. The following table illustrates the affordable housing completions for 2016/17 and 2017/18

	<b>Net completions (no.)</b>	<b>Net completions (%)</b>	<b>Core Strategy Target (% of total completions )</b>
<b>All affordable housing 2017-2018</b>	36	16%	35%
<b>All affordable housing 2016-2017</b>	30	13%	35%

It is important to note that a significant quantity of applications now come through as prior notifications for the conversion of offices, or in some cases light industrial or retail uses, to residential accommodation. Such applications cannot require developers to provide affordable housing.

The Government also issued a Written Ministerial Statement in November 2014 indicating that affordable housing should not be sought on sites of 10 units or less, which was subsequently included within the National Planning Policy Guidance (PPG). This has hindered delivery of affordable housing in the Borough. In addition, the National Planning Policy Framework (NPPF) was updated in July 2018 and now states,

*“Provision of affordable housing should not be sought for residential developments that are not major developments...”*

In respect of residential development, ‘major developments’ are sites of 10 or more new homes or sites over of 0.5 hectares or more. Therefore, this has reduced the number of applications where the Council can seek affordable housing.

Furthermore, developers can put forward viability cases as part of any planning application and this can have the effect of reducing the amount of affordable housing a site delivers. Accordingly, the Council has not met its policy target of 35% of total housing completions being affordable units. Increasing supply is therefore a weighty consideration.”

As this application had triggered the Council's Public Speaking Scheme, Mr Mark Richards, on behalf of Mr D Appleton, spoke in objection to the application. Ms Emily Hadden, the agent, spoke in support of the application.

The Committee was concerned as to the proposed dwellings' lack of amenity space and their overbearing effect. Furthermore the Committee felt the proposals were severe overdevelopment of the site which would result in cramped residential units. The bulk and height of the scheme were also causes for concern.

An alternative motion to refuse the application for the reasons set out below was proposed by Councillor Valerie White and seconded by Councillor David Mansfield. The recommendation was put to the vote and carried.

**RESOLVED that**

- I. Application 18/0605 be refused for the following reasons:**
  - **Overbearing effect**
  - **Concerns in regard to the quantum of amenity space**
  - **Overdevelopment of the site**
  - **Concerns as to the bulk of the proposal.**
- II. The reasons for refusal be finalised by the Executive Head of Regulatory after consultation with the Chairman and Vice Chairman of the Planning Applications Committee and the Case Officer.**

**Note 1**

It was noted for the record that a Member site visit had taken place on the application.

**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 refuse the application for the reasons stated above:

Councillors Mrs Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Jonathan Lytle, David Mansfield, Max Nelson, Robin Perry, Ian Sams, Pat Tedder, Victoria Wheeler and Valerie White.

**34/P Application Number: 18/0033 - Kings Court & Land to front of Kings Court, 91-93 High Street, Camberley, GU15 3RN**

The application was for the change of use of existing building to provide 23 x 1-bed and 7 x 2-bed apartments and extensions to existing building to provide a further 25 x 1-bed and 26 x 2-bed apartments and 2 retail units, with associated parking, access and layby, roof garden, bin and cycle storage, following part demolition of existing building. (Amended plan rec'd 04/07/2018.)

Members were notified of the following updates on the application:

“UPDATE

Application deferred”

The officer recommendation to defer the application to a later meeting was proposed by Councillor Edward Hawkins and seconded by Councillor Valerie White, and put to the vote and carried.

**RESOLVED that application 17/0427 be deferred to a later meeting.**

**35/P Application Number: 18/0004: Cambridge Hotel, 121 London Road, Camberley, GU15 3LF**

The application was for the erection of a part three storey part four storey building containing 21 flats (3 studios, 8 one beds and 10 two beds), including conversion of Cambridge Hotel building with its ground floor as a flexible Class A1 (Retail), A3 (Restaurant/Cafe) or Class A4 (Public House) Use and demolition of two storey/single storey part of hotel building and attached nightclub with parking, bin and cycle storage. (Amended Plans/Additional Information - Rec'd 19/04/2018.)

Members were advised of the following updates on the application:

“Officers have had sight of the letter dated 14 November written on behalf of the applicant, emailed to the Chairman of the Planning Applications Committee on the same date. This letter summarises the proposal and the officer’s report and introduces no new material considerations.”

Furthermore the Planning Case Officer verbally advised the Committee that an additional condition was added to the Officer’s recommendation. An additional pre-occupation condition would be agreed with the Chairman and Vice Chair of Planning Applications Committee in order to agree the precise location and size of the refuse store of the flexible commercial space. The location and size of the space would be dependent on the A1, A3 or A4 use and the requirements of the future tenant.

Some Members were concerned that the plans were of an inappropriate scale and the designs did not compliment the historic Cambridge Hotel frontage, which was a non-designated heritage asset. It was also stated that the lack of soft landscaping and the minimal distance between the proposed new building and the A30 was unsympathetic to the proposal’s prime position as the gateway to the Town Centre.

**RESOLVED that application 18/0004 be granted subject to the conditions set out in the officer’s report as amended as per the Planning Officer’s Verbal Update.**

**Note 1**

It was noted for the record all members of the Committee had received correspondence from the agent in regard to the application.

**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 grant the application:

Councillors Mrs Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Oliver Lewis, Jonathan Lytle, Max Nelson, Robin Perry.

Voting against the recommendation to grant the application:

Councillors David Mansfield, Ian Sams, Pat Tedder, Victoria Wheeler and Valerie White.

Chairman

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2018/0632

Reg Date 12/07/2018

West End

**LOCATION:** GORDONS SCHOOL, BAGSHOT ROAD, WEST END,  
WOKING, GU24 9PT

**PROPOSAL:** Erection of a new sports hall including changing facilities, cafe, first aid room and storage and an outdoor all weather sports pitch with associated fencing, floodlighting, landscaping and revised access routes utilising existing vehicular access from Bagshot Road (A319). (Additional information recv'd 13/7/18).

**TYPE:** Full Planning Application

**APPLICANT:** Mrs Meikle  
The Gordon Foundation (Gordon's School)

**OFFICER:** Ross Cahalane

**RECOMMENDATION: GRANT subject to conditions and referral to the Secretary of State as a Departure from the Development Plan.**

## 1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of a new sports hall including changing facilities, cafe, first aid room and storage and an outdoor all weather sports pitch with associated fencing, floodlighting, landscaping and revised access routes utilising existing vehicular access from Bagshot Road (A319).
- 1.2 The proposal has the support of Sport England, subject to a community use agreement to be submitted under a planning condition, along with the County Highway Authority and Lead Local Flood Authority, Surrey Wildlife Trust and the Council's Environmental Health Officer.
- 1.3 Although the proposed all-weather sports pitch (AWP) and proposed sports hall building would all be appropriate facilities to support a curricular need for the school, the building would be harmful to Green Belt openness and conflict with the purposes of including land within it. As such, the proposal would be an inappropriate and harmful development in the Green Belt. However, it is considered that very special circumstances exist to outweigh the identified harm. The application is therefore recommended for approval.
- 1.4 Under the Town and Country Planning (Consultation) (England) Direction 2009 this proposal represents a departure from the Development Plan, because it is major development (greater than 1000 sq m) within the Green Belt. Under this Direction and if Members agree with the recommendation to grant, the application must therefore be referred to the Secretary of State. This gives the SoS the opportunity to either make no comments or use call-in power and make the decision on the application. The Planning Authority cannot grant permission until the expiry of 21 days from the date the SoS confirms receipt of the consultation.

## 2.0 SITE DESCRIPTION

- 2.1 The 1.24ha application site forms part of the grounds of Gordon's School, which was originally established in 1885. The site is located within the Green Belt and is split by Bagshot Road, with a footbridge link over the road. The main school buildings are located on the south side of Bagshot Road.

2.2 Playing fields, car parking and ancillary buildings on the north side of the road. The playing fields are used for rugby, football and cricket, with the addition of all-weather sports pitches to the east near the boundary with Windlesham Road. The site is well screened from the surrounding roads by boundary hedging and mature trees. A public footpath (FP 130) runs across the site of the proposed AWP from the A319/A322 roundabout junction to the west to Windlesham Road to the east.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 There are a number of planning applications relating to this long established school, those most relevant to the proposal site are listed below:

3.2 92/0007 Erection of new teaching accommodation and ancillary facilities, extensions to existing boarding houses, school sports pavilion and changing facilities, alteration to access, car parking arrangements and landscaping strategy.

*Decision: Granted (sports pavilion not implemented)*

3.3 01/0433 Outline application for the erection of new teaching accommodation and ancillary facilities to include the erection of a three storey girls house, a detached sports pavilion, a single storey science building, three replacement combined cadet force huts, detached accommodation for chaplain and head teacher, single storey extensions to classrooms, administration building, boarding accommodation and 6th form building and creation of an all weather pitch.

*Decision: Granted (sports pavilion not implemented)*

3.4 05/0153 Variation to condition 2(a) attached to Outline planning permission 2001/0433 dated 7/03/02 to extend the period in which an application for approval of the reserved matters could be made from 3 years to 6 years.

*Decision: Granted*

3.5 08/0389 Reserved matters application pursuant to Outline Application SU/01/0433 and application SU/05/0153 for the erection of a sports pavilion. (Design, external appearance and landscaping to be considered).

*Decision: Granted (not implemented)*

3.6 10/0494 Construction of an all-weather sports pitch and associated fencing 3 metres to 5 metres high.

*Decision: Granted (implemented – to east of application site)*

3.7 10/0754 Erection of no.6 floodlight columns of 13 metre height to illuminate all weather pitch and no.3 further floodlight columns of 10 metre height to illuminate adjacent tennis courts.

*Decision: Refused – appeal allowed (implemented)*

3.8 18/0753 Removal of condition 2 of 10/0494 (all weather sports pitch) that limits its use to Gordons School and not the general public.

*Decision: Pending*

3.9 The school has been recently advised that any further applications for extensions or redevelopment of parts of Gordon's School should be submitted as part of a comprehensive master plan to enable a holistic assessment of the impact of development on the Green Belt and the heritage asset. This issue is discussed further in below.

#### **4.0 THE PROPOSAL**

4.1 Planning permission is sought for the erection of a new sports hall including changing facilities, cafe, first aid room and storage and an outdoor all weather sports pitch with associated fencing, floodlighting, landscaping and revised access routes utilising existing vehicular access from Bagshot Road (A319).

4.2 The proposed sports hall would have a total floorspace of 1,187sq m, consisting of two main curved roof forms with front and rear gable ends, and would have and would have a maximum depth of approx. 42m, maximum width of approx. 35m, eaves heights ranging from approx. 3m – 11m and maximum height of approx. 11.5m. The proposed building is a “4 badminton court size” sports hall as set out by Sport England Guidance, with associated changing facilities, cafe, first aid room and storage. Landscaping is proposed to integrate the building within its surroundings.

4.3 The proposed all weather sports pitch (AWP) would be “3G” standard and 106m x 70m in size replacing an existing rugby pitch, to increase the amount of play the pitch can sustain. This AWP could also facilitate football games. The submitted cross-sections show the proposed floodlights serving the AWP to have a maximum height of approx. 15m, with the proposed perimeter fencing being 6m in height.

4.4 The existing vehicular access to the site off Bagshot Road (A319) would be utilised and remodelled on the approach to the proposed facilities to provide two marked disabled parking pays adjacent the AWP, a loading bay/drop off area between the AWP and the sports hall and dedicated pedestrian paths to facilitate level access points and connectivity across the wider school grounds.

4.5 In support of the application, the applicant has provided the following information, and relevant extracts from these documents will be relied upon in Section 7 of this report:

- Planning Statement
- Design and Access Statement
- Sports Facility Report
- Landscape Visual Impact Assessment and Proposed Strategy
- Arboricultural Survey and Report
- Transport Statement
- Ecology surveys/reports
- Flood Risk Assessment and Drainage Plan
- External Lighting Plans
- Energy Demand Statement and BREEAM Assessment

- 4.6 Section 3.12 of the Planning Statement outlines the specific benefits for both the school and the local community that would arise from the proposed sports facilities. The key points are summarised in Section 7.12 (Very Special Circumstances) of this report below.
- 4.7 A concurrent Section 73 application (18/0753) seeking removal of condition 2 of 10/0494 (existing all weather sports pitch) that limits its use to Gordons School and not the general public has also been submitted. This has not been determined yet, as the Council's Environmental Health Officer has requested a noise impact assessment that demonstrates compliance with the noise limits as set out under the Sport England Design Guidance Note for Artificial Grass Pitch Acoustics – planning implications 2015.

## 5.0 CONSULTATION RESPONSES

- |     |   |  |
|-----|---|--|
| 5.1 | Sport England                                     | No objection raised, subject to condition [See Section 7.3]  |
| 5.2 | Council Arboricultural Officer:                   | No objection raised, subject to conditions [See Section 7.5] |
| 5.3 | Council Environmental Health Officer:             | No objection raised [See Section 7.6]                        |
| 5.4 | Surrey County Council Highway Authority:          | No objection raised, subject to conditions [See Section 7.7] |
| 5.5 | Surrey Wildlife Trust:                            | No objection raised, subject to condition [See Section 7.8]  |
| 5.6 | Surrey County Council Lead Local Flood Authority: | No objection raised, subject to conditions [See Section 7.9] |
| 5.7 | Surrey County Council Countryside Access Officer: | No objection [See Section 7.11]                              |
| 5.8 | West End Parish Council:                          | No objection   |

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, no representations have been received.

## 7.0 PLANNING CONSIDERATION

- 7.1 The application site is located in the Metropolitan Green Belt, to the north of and detached from the settlement area of West End as outlined in the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). The proposal is considered against the principles of Policies CP1, CP2, CP12, CP14, DM9, DM10, DM11, DM14 and DM16 of the CSDMP, and the revised National Planning Policy Framework 2018 (NPPF).

7.2 The main issues to be considered are:

- Whether the development is appropriate in the Green Belt;
- Impact on playing pitch provision and need;
- Impact on local character and trees;
- Impact on amenities of neighbouring properties;
- Impact on access, parking and highway safety;
- Other matters; and,
- Very Special Circumstances.

### **7.3 Whether the development is appropriate in the Green Belt**

7.3.1 The revised NPPF 2018 attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The purposes of the Green Belt include checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment (Paragraphs 133-134 of the NPPF).

7.3.2 Paragraphs 145 and 146 of the NPPF indicate that development involving the construction of buildings in the Green Belt would be inappropriate except in a number of cases including the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces; and the provision of appropriate facilities for outdoor sport and recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, including the safeguarding of the countryside.

7.3.3 Paragraph 146 also indicates that other forms of development, such as engineering operations, are also not inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it. In this case, the provision of 3G artificial surface would not be inappropriate development, having no greater impact upon the openness of the Green Belt.

7.3.4 The ancillary facilities within the proposed sports hall building would comprise two changing rooms for the sports hall and the AWP, two locker rooms, small entrance reception/office room, internal circulation/viewing areas, shower and toilet facilities, first aid room and plant and storage rooms. The proposal would also provide supporting café and kitchen facilities. It is considered that the proposed development as a whole would form the provision of appropriate facilities for outdoor sport and recreation as outlined in the NPPF.

7.3.5 Turning to the impact on the openness of the Green Belt and its purposes, the Design and Access Statement advises that the proposed building would provide an internal floorspace of 1187 square metres (comprising a 690m<sup>2</sup> sports hall and ancillary facilities on the ground floor, with no mezzanine accommodation proposed), and would have a correspondingly significant width, depth and mass of built form up to a maximum sloping roof height of approx. 11.5m. The proposed building would constitute a new building in the Green Belt, which, by definition, is harmful. In addition, this quantum of built form would be harmful to openness.

7.3.6 The proposal would also result in a significant change in the rural character and appearance of the site from one which is predominantly open, natural and undeveloped to a site with a

semi-urban appearance. The fencing would have an enclosing effect and the floodlighting, whilst individually slim in profile, would cumulatively add to the sense of enclosure and harm provided by the fencing. The site is largely screened from the surrounding highways and tree cover, and a site plan has been submitted to demonstrate that the proposed floodlighting illumination would be contained significantly within the wider application site.

7.3.7 However, it remains that the proposed sports hall building does not meet any of the exceptions under Paragraph 145 of the NPPF and is therefore considered to represent inappropriate and harmful development in the Green Belt. The following paragraphs consider whether any other harm exists before considering whether there are "very special circumstances" which outweigh the identified harm.

#### **7.4 Impact on playing pitch provision and need**

7.4.1 Policy DM15 of the CSDMP indicates that existing formal recreation facilities (including sports facilities) will be protected unless it can be demonstrated that appropriate replacement facilities are to be provided. In this case, an existing grass pitch used for rugby and cricket is to be replaced with a synthetic all-weather pitch to be used for rugby and football. The proposed new building would provide is a "4 badminton court size" sports hall as set out by Sport England Guidance, with associated changing facilities, cafe, first aid room and storage.

7.4.2 The Planning Statement advises that the needs of the school have changed over time, due to a number of factors including changes in curriculum and the Government Strategy for Education in respect of "extended school day" provision. It is also stated that both the proposed sports hall and all-weather pitch would also be made available for community use outside of school operation times, anticipated to be during holiday periods, evenings and weekends. The Sports Facility Report, covering the whole of the Gordons School site, refers to the Sport England Playing Fields Policy and Guidance, and also outlines that the sports hall would have sufficient space for the following sports:

- one club-level basketball court;
- four indoor/practice cricket wickets;
- gymnastic training space suitable for community use;
- one five-a-side/futsal pitch for club/community use;
- one pitch korfball/handball community use pitch;
- one club-level netball pitch;
- athletics practice space suitable for premier, club and community levels; and
- one volleyball pitch to premier, club or community standard.

7.4.3 Sport England has commented that the proposed replacement of the existing grass field for a 3G pitch would result in the loss of a cricket pitch. However, there is an alternative playing field capable of cricket use at the southern end of the school site, and Sport England has commented that if a planning condition is imposed requiring a community use agreement to ensure that the community benefits arising from the mixed-use sports facilities are secured, these benefits would outweigh the reduction of the cricket capacity to comply with Sport England policy.

7.4.4 Furthermore, the Surrey Heath Playing Pitch Strategy Assessment Report May 2016 also indicates that there is an oversupply of grass pitches but an undersupply of synthetic (3G)

pitches in the Borough, with a priority being the creation of further 3G pitch provision. It is considered that there remains a deficit of such provision in the Borough, and the current proposal would assist in addressing this deficit.

- 7.4.5 In light of all the above and subject to a planning condition requiring a community use agreement, it is considered that the proposal would comply with Policy DM15 of the CSDMP.

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

- 7.5.1 Policy DM9 (Design Principles) promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. Policy CP2 of the CSDMP indicates that development should respect and enhance the quality of the natural and rural environment. The National Planning Policy Framework also seeks to secure high quality design, that also takes account of the character of different areas. Development which fails to integrate into its context, promote or reinforce local distinctiveness and fails to take the opportunity to improve the character and quality of the area and the way it functions should be refused (paragraphs 59, 61 and 64 of the NPPF). Policies CP2 (iv) and DM9 (ii) of the CSDMP reiterate this requirement.
- 7.5.2 The proposed external materials would consist of vertical timber cladding, aluminium curtain glazing, standing seam metal roof and red bricks. The proposal would provide a large building on this site and although it would be sited at a lower ground level than surrounding buildings, its maximum height of 11.5m would still be noticeably higher than these buildings and would undoubtedly have a more urbanising effect. However, in this location and setback not in view from the public domain, no harm to the wider streetscene is envisaged. A planning condition can be imposed to ensure that the precise external material specifications are appropriate for the character of the surrounding area.
- 7.5.3 The provision of 15m high floodlighting and 6m high fencing around the AWP would also have an urbanising effect, but any resulting harm to the wider rural character of the area would also be limited as it would not be widely visible from outside the site. The proposed building and floodlighting and perimeter fencing around the AWP would be visible from Public Footpath No. 130, which runs across the site of the proposed AWP from the A319/A322 roundabout junction to the west to Windlesham Road to the east. However, Surrey County Council's Countryside Access Group has raised no objection to the proposal. The applicant has provided a Visual Impact Assessment which concludes that although the proposed development would have a moderate impact upon Public Footpath No. 130, this impact would be mitigated by the proposed replacement planting and the impact would be downgraded to negligible as the walker exits the school grounds. In light of the above, it is not considered that the proposed development would have an adverse impact upon the rural character and setting of the public footpath and surrounding area.
- 7.5.4 An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan have been provided. 12 individual trees (including one grade A oak tree and a number of B grade trees), six groups and part of one group will need to be removed in order to construct the proposed development. The Council's Arboricultural Officer has commented that whilst their loss to the canopy cover of the area and impact on the wider landscape would be regrettable, the proposed development could be an opportunity to not only mitigate the loss of these trees but to also enhance the landscape profile of the area for the long term. The report advises 54 new trees to be planted as part of a broader landscaping scheme. The

Arboricultural Officer has commented that the loss of the 12 significant trees must be replaced with far larger stock than that proposed. Locations can be agreed prior to planting

and may be remote from the proposed development if it would enhance landscaping elsewhere. This could be secured by an additional landscaping condition. On this basis, Arboricultural Officer has raised no objection to the proposed development.

## **7.6 Impact on amenities of neighbouring properties**

- 7.6.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
- 7.6.2 No specific hours of operation have been proposed, although the supporting documents advise that the proposed sports hall and all-weather pitch would be made available for community use outside of school operation times, anticipated to be during holiday periods, evenings and weekends. The Planning Statement advises that the school receives regular enquiries from netball, cricket and football clubs seeking training space and facilities, along with a local football club who currently have no home. The proposed building may therefore lead to increased noise and disturbance from the use of the new sports hall building, along with the increased use arising from the provision of the proposed AWP.
- 7.6.3 The Council's Environmental Health Officer (EHO) has commented that the noise from the proposed AWP will not lead to an excess of 50 decibels from the nearest residential gardens during daytime hours. This noise limit is set out under the Sport England Design Guidance Note for Artificial Grass Pitch Acoustics – planning implications 2015. The EHO has also commented that the proposed lighting scheme is compliant with the Institute of Lighting Professionals guidance on intrusion, glare and sky glow. The EHO has therefore raised no objection. The use of the existing AWP and floodlighting to the east is limited by planning condition to 08:00 – 21:00 Mondays to Saturdays and 10:00 to 20:00 on Sundays and Bank Holidays. This condition was imposed by the Inspector in allowing the appeal against refusal of the 10/0754 floodlighting scheme now implemented. For consistency, it would be considered necessary and reasonable to impose this time restriction as a condition for the current proposed facilities.
- 7.6.4 The proposed sports hall building would be sited approx. 17m from the nearest residential dwelling elevation to the east on the far side of Windlesham Road, with considerable tree cover in between. This is considered sufficient to avoid adverse harm in terms of loss of light, privacy or overbearing impact.
- 7.6.5 It is considered that the proposed development as a whole would be sited at sufficient distance from other neighbouring boundaries and habitable windows to avoid adverse harm to residential amenity.
- 7.5.6 The proposed development is therefore considered to be in accordance with the amenity considerations of Policy DM9 of the CSDMP, as it sufficiently respects the amenities of occupants of neighbouring properties.

## **7.7 Impact on access, parking and highway safety**

- 7.7.1 Policy DM11 (Traffic Management and Highway Safety) 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 and mitigate such impacts to acceptable levels can be implemented.

- 7.7.2 The existing vehicular access to the site off Bagshot Road (A319) would be utilised and remodelled on the approach to the proposed facilities, including an increased road width to 4m. Two marked disabled parking spaces adjacent the AWP, a loading bay/drop off area between the AWP and the sports hall, and dedicated pedestrian paths to facilitate connectivity across the wider school grounds are also proposed. The transport statement includes track paths for emergency and refuse vehicles to demonstrate that there would be sufficient access and turning space at the loading bay/drop off area. It is also stated that the proposed facilities will primarily be used by the existing school population, although the new all-weather sports pitch will also be booked out to local sports teams for practice in managed timeslots during evenings and weekends. An existing 27 space car park is located within the school grounds to the north of Bagshot Road. A larger car park is located to the west and although it is unmarked, it is understood that this has capacity for an additional 139 vehicles.
- 7.7.3 The County Highway Authority (CHA) has been consulted and has raised no objections on safety, capacity or policy grounds, subject to conditions.

## **7.8 Other matters**

- 7.8.1 The development site falls within Flood Zone 1, the lowest probability category for flooding from rivers, and part of the site is located within an area of low risk from surface water flooding. A flood risk assessment and drainage strategy has been provided. Surrey County Council as the Lead Local Flood Authority has raised no objection, subject to planning conditions requiring detailed designs of the surface water drainage scheme and a verification report undertaken by a qualified drainage engineer.
- 7.8.2 The application site itself is not subject to any statutory or non-statutory nature conservation designation. However, the proposed development is within the Thames Basin Heaths Special Protection Area (SPA) 400m buffer zone. An ecology statement has been provided, summarising the various ecological surveys that have been undertaken since 2016. Surrey Wildlife Trust was consulted and raised no objection, subject to compliance with the recommendations of the Preliminary Ecological Appraisal, and a planning condition requiring the submission of a Sensitive Lighting Management Plan. On this basis, it is not envisaged that the proposed development would lead to harm or loss of protected species or other features of interest for biodiversity, in compliance with Policy CP14 of the CSDMP.
- 7.8.3 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. However, as the proposal does not relate to development in Use Class C3, or A1 - A5, the development is not CIL liable.
- 7.8.4 A public footpath (FP 130) runs across the site of the proposed AWP from the A319/A322 roundabout junction to the west to Windlesham Road to the east. Surrey County Council's Countryside Access Group has raised no objection to the proposal, but has commented that works should not begin until the formal process for a public footpath diversion has been applied for. An advisory informative will be added.

## **7.9 Very special circumstances**

- 7.9.1 Paragraphs 143 and 144 of the NPPF indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In Section 7.3 above, it was concluded that the proposal would constitute inappropriate development in the Green Belt.
- 7.9.2 The Planning Statement outlines a case for very special circumstances, as follows:
- a) The need for the facility and the associated facilities to the School and wider community;
  - b) The extant planning permission for a new sports hall; and,
  - c) The lack of suitable sites for the size and layout of the building required within the school grounds.
- a) Need and associated community benefits
- 7.9.3 Section 3.12 of the Planning Statement specifically outlines all the school's current indoor sports provision as follows:
- i) 18m x 9m 3 lane swimming pool with changing accommodation.
  - ii) A gym hall with floorspace of two badminton courts, but with height restrictions. First call on using this space is the PE department but the gym also has to be used for examinations, talks, exhibitions and school plays.
  - iii) The recreation hall, which again is a multi-use space within the administration building and next to a sixth form classroom.
  - iv) The small sports pavilion adjoining the pitches on the northern side of Bagshot Road, that provides a social area and changing facilities for two teams.
- 7.9.4 The need for the proposed sports facilities has already been outlined in Section 7.4 above. Sport England has commented that if a planning condition is imposed requiring a community use agreement to ensure that the community benefits arising from the mixed-use sports facilities are secured, these benefits would outweigh the reduction of the cricket capacity to comply with Sport England policy. Furthermore, the Surrey Heath Playing Pitch Strategy Assessment Report May 2016 also indicates that there is an oversupply of grass pitches but an undersupply of synthetic (3G) pitches in the Borough, with a priority being the creation of further 3G pitch provision. It is considered that there remains a deficit of such provision in the Borough, and the current proposal would assist in addressing this deficit.
- 7.9.5 The supporting statements to the application advise that in order for the building to be BREEAM rated, a roof height of 11.5m is required to allow a depth to meet the required acoustic and thermal levels. The Sport England guidance also requires a clear height of 7.5m for club-level badminton. The supporting facilities are set in a smaller single storey volume ancillary to the main sports hall. It is also stated that the existing gymnasium in which the school has to rely on for internal sports hall space is currently not fit for purpose. Its provision of two badminton court spaces is at odds with the Government's current physical education guidelines for mainstream schools, which for schools with more than 600 spaces such as Gordons, require a sports hall capable of three-four badminton courts. Although the school also contains a recreation hall, it is within the administration building and next to a classroom and therefore, can only be used for basic fitness lessons or activities with mat work such as Pilates. Although a small sports pavilion also faces the

existing main grass pitches, it can only accommodate two changing rooms.

7.9.6 Section 3.12 also outlines the specific improvements and benefits for both the school and the local community that would arise from the proposed sports facilities. These can be summarised as:

- i) The existing gym has to be also used for exams, talks, exhibitions, school plays and more. The Recreation Hall is also multi-purpose and near to a sixth form classroom;
- ii) The school cannot offer popular activities such as badminton, basketball, gymnastics or dance, all of which provide an alternative to more boy-focused football and rugby;
- iii) Having a large indoor space would gather the school in one place;
- iv) If the school were to have the sports hall, the current gym would be improved to provide a multi-use space with retractable raked seating and lighting for use for lectures and drama productions;
- v) The sports hall would be designed to allow use by local sports groups (see Section 7.4 above);
- vi) The school receives regular enquiries regarding possible hire of sports facilities;
- vii) The school would also like to provide its alumni football teams with a permanent home for its home matches, not currently possible with the overlay of the grass pitches;
- viii) The addition of a sports hall and second all-weather pitch would transform the school's ability to accommodate more sport-specific holiday camps.

7.9.7 The support for this proposal from Sports England, subject to a community use agreement as outlined in Section 7.4 above, is noted. Furthermore, Paragraph 94 of the NPPF encourages a proactive and positive approach to development that will widen choice in education and therefore seeks "to give great weight to the need to create, expand or alter schools". The above forms a clear social benefit in favour of the proposal and when this is added to the Government's current policy requirements for school sports facilities as already outlined above, the case officer considers that significant weight can be afforded to these benefits. The applicant has made reference to interest received from Bagshot Cricket Club (indoor practice nets), adult netball clubs (indoor and outdoor), local football clubs (training pitches), along with preliminary discussions with a local football club which has no permanent home. Any further information received regarding local interest in the hire of the school sports facilities will be provided in an update.

b) Extant planning permission

7.9.8 The applicant refers to the planning history of the site, specifically the outline planning permissions that include provision of a sports hall in a similar location to that currently proposed. All reserved matters were agreed in May 2008 (08/0389) and although this permission has now expired, the applicant contends that this remains a legitimate fallback position as there has since been no material change in planning circumstances. However, since 2008 all relevant planning policies have been changed with the introduction of the CSDMP and the NPPF. Furthermore, although this approved sports hall would have had a

similar floor to that currently proposed, its maximum height would have been 2.6m lower and its use would have been restricted by a planning condition imposed to be ancillary to

Gordons School only. The case officer therefore considers that only very limited weight can be attached to this argument.

c) Lack of suitable alternative sites

- 7.9.9 Although a formal masterplan for future school development has not been provided, as outlined in the Planning Statement an assessment of suitable sites within the school grounds for the proposed sports hall has been undertaken. The grounds to the south of Bagshot Road have been discounted, due to its remoteness from the existing playing fields to the north of Bagshot Road; the lack of available space at this location, and; the impact of any further development of the required size upon the setting of the Listed Buildings at this location. A further assessment was then undertaken to focus on the northern section of the grounds and the current site was chosen to minimise the impact upon the existing trees, sports facilities and associated parking, whilst minimising views from public vantage points and allowing for sufficient proximity to the existing pitches. These existing site constraints and the Government's current policy requirements for school sports facilities (outlined in paragraphs 7.9.4-7.9.5 above) are accepted.
- 7.9.9 Whilst the entire school site is located within the Green Belt, the case officer considers that the applicant has demonstrated that there is a lack of suitable alternative sites, and that the best site has been chosen for the sports hall in terms of limiting the impact on the Green Belt, the existing sports pitches and Listed Buildings, along with the rural and verdant character of the area. Moderate weight can therefore be afforded to this argument.

Conclusion of consideration of (a) – (c)

- 7.9.10 The support for this proposal from Sports England, subject to a community use agreement, forms a clear social benefit in favour of the proposal and when this is added to the Government's current policy requirements for school sports facilities, it is considered that this existing curricular need and the resultant social benefits arising from the provision of the proposed sports facilities for the school and the local community amount to Very Special Circumstances, that clearly outweigh the inappropriateness of the development in the Green Belt. Given the maximum height of the proposed sports hall building, it is however considered necessary and reasonable to impose a planning condition requiring additional planning permission for any future provision of mezzanine accommodation within the building, to ensure that its function remains related to the sports facilities within and adjacent to it.

**8.0 CONCLUSION**

- 8.1 The proposed sports hall building and floodlighting and perimeter fencing around the proposed all-weather sports pitch, by reason of its footprint, bulk, height and the additional presence of development across the site, would be inappropriate development in the Green Belt and cause significant harm to the openness of the Green Belt and conflict with its purposes. However, it is considered that the curricular need and the resultant social benefits arising from the provision of the proposed sports facilities, subject to a community use agreement under a planning condition, would significantly outweigh the harm to amount to very special circumstances to justify this development in the Green Belt. The proposal is therefore recommended for approval.

**9.0 WORKING IN A POSITIVE/PROACTIVE MANNER**

- 9.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 38-41 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.

## 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 site plans: Drawing Nos. 1763 2701 D; 1763 2702 F; 1763 2703 D; 1763 2704 E;

Proposed floor plan and roof plan: Drawing Nos. 1763 2100 C; 1763 2101 B;

Proposed elevations: Drawing Nos. 1763 2300 C; 1763 2301 C;

Proposed cross sections: Drawing Nos. 1763 2730 D; 1763 2731 D;

Proposed external lighting plans: Drawing Nos. 1116EGS-MET-ZZ-00-DR-E-70\_80-0001 Rev S2-P02; 1116EGS-MET-ZZ-00-DR-E-70\_80-0002 Rev S2-P02; UKS16526-3

Proposed drainage layout: Drawing No. L01195-SWH-GS-XX-DR-D-0200 Rev P05 - all received on 12 July 2018, 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 building works, hereby approved, shall be constructed in external fascia materials as stated in Section 7 of the application form received on 12 July 2018.

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

4. Use of the sports hall building and 3G rubber crumb pitch hereby approved shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority.

The agreement shall apply to the 3G pitch facility and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Policy DM15 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Bosky Trees [Ben Rose] and dated 22 June 2018. No development shall commence until digital photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of any facilitation tree works and the physical tree and ground protection measures having been implemented and maintained in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

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.
  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 include provision of semi mature tree stock with a minimum 25-30cm girth [nominal 8.8cm diameter]. Locations can be agreed prior to planting and may be remote from the proposed development if it would enhance landscaping elsewhere. 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**

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.

7. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of

commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

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

8. The development hereby approved, including the operation of the floodlighting, shall not be used by school pupils or the public except between the hours of 08:00 - 21:00 Mondays to Saturdays and 10:00 to 20:00 on Sundays and Public Holidays, without the prior agreement in writing of the Local Planning Authority. For the avoidance of doubt 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.

Reason: In the interests of the amenities of adjoining residential occupants and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. No development shall commence until details of the materials and finish of the all-weather sports pitch perimeter fencing, and the finish to be applied to the floodlighting columns and lamps, have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

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

10. No development shall commence until a Construction Transport Management Plan, 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) HGV deliveries and hours of operation
  - (e) measures to prevent the deposit of materials on the highway
  - (f) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Bagshot Road and Windlesham Road during these times
  - (g) on-site turning for construction vehicles

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

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 and the National Planning Policy Framework.

11. The development hereby approved shall not be first accessed unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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 and the National Planning Policy Framework.

12. The development hereby approved shall be undertaken in accordance with the recommendations as outlined in Paragraphs 7.1 and 7.5 of the Preliminary Ecological Appraisal [Acom Ecology Limited - February 2018].

Reason: To ensure the protection of protected species in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

13. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40%) allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum discharge rate of 2.9 litres/sec for all return periods (or otherwise as agreed by the LPA).
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any

minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS and in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

15. No additional floors, including mezzanine floors, shall be erected in the sports hall building hereby approved without the prior written approval of the Local Planning Authority.

Reason: To ensure that the function of the sports hall building remains related to the sports facilities within and adjacent to it, in accordance with Policies CP1, CP2 and 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. The applicant is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
3. The applicant is advised that the granting of planning permission does not authorise the obstruction or interference with a public right of way, specifically Public Footpath 130 West End which runs across the site of the proposed AWP from the A319/A322 roundabout junction to the west to Windlesham Road to the east. No works on the proposed AWP should therefore commence until a separate application under Section 257 of the Town and Country Planning Act 1990 is submitted to and approved in writing by Surrey County Council Countryside Access Group.
4. The applicant is advised that if the proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on their website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

5. Any new footpath should be of a benefit to the public. Therefore, a greater width of 2/2.5m and a surfaced path would be desirable. At present the current application documents do not explain how the current public footpath will be dealt with.

Safe public access must be maintained at all times. If this is not possible whilst work is in progress then an official temporary closure order will be necessary.

Notice, of not less than 6 weeks, must be given and the cost is to be borne by the applicant.

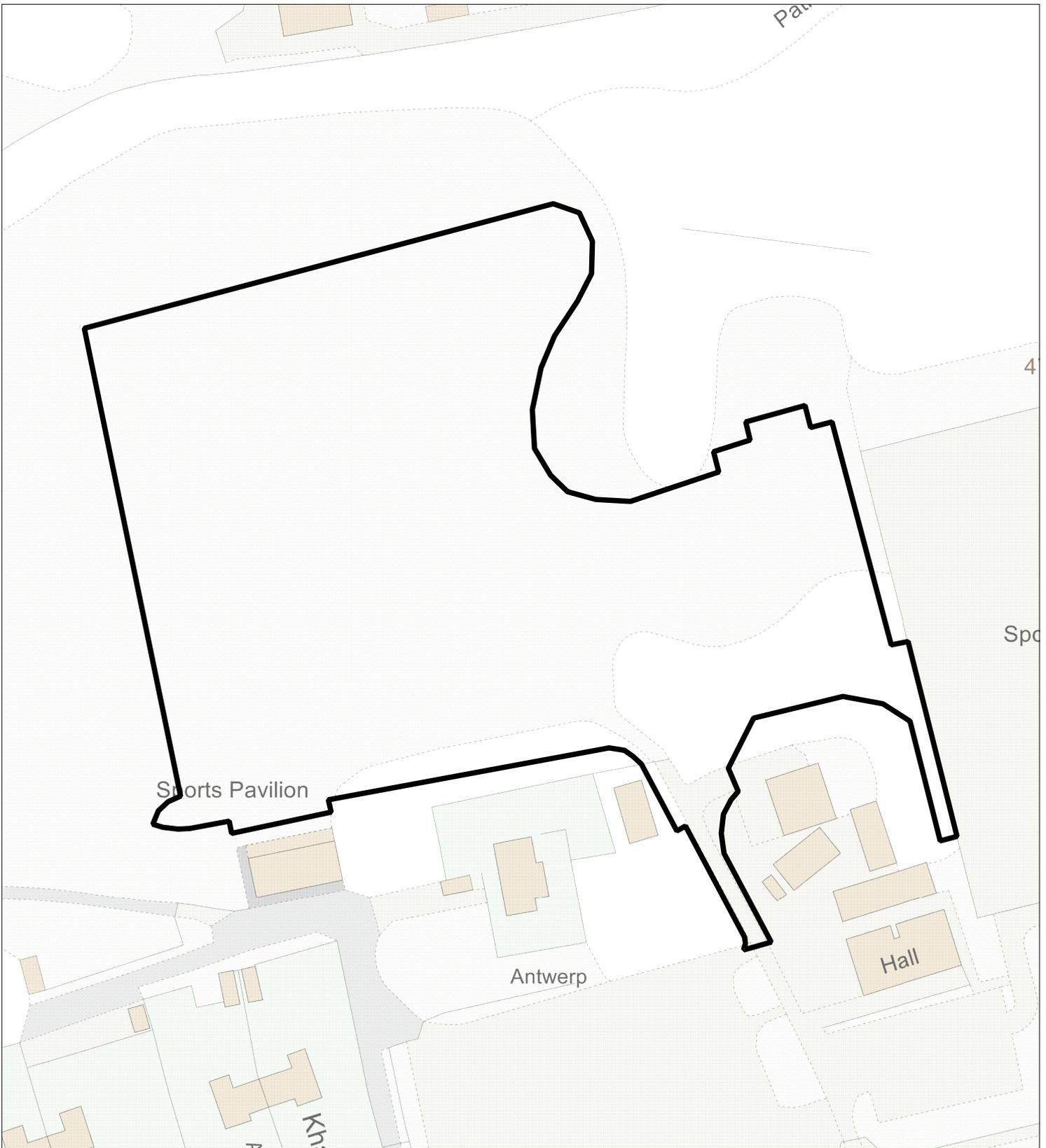
There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.

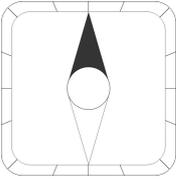
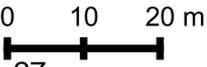
Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Rights of Way Group. Please give at least 3 week's notice.

Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.

There should be no encroachments by new fascias, soffits, gutters etc. over the boundary of the existing property onto the public right of way.

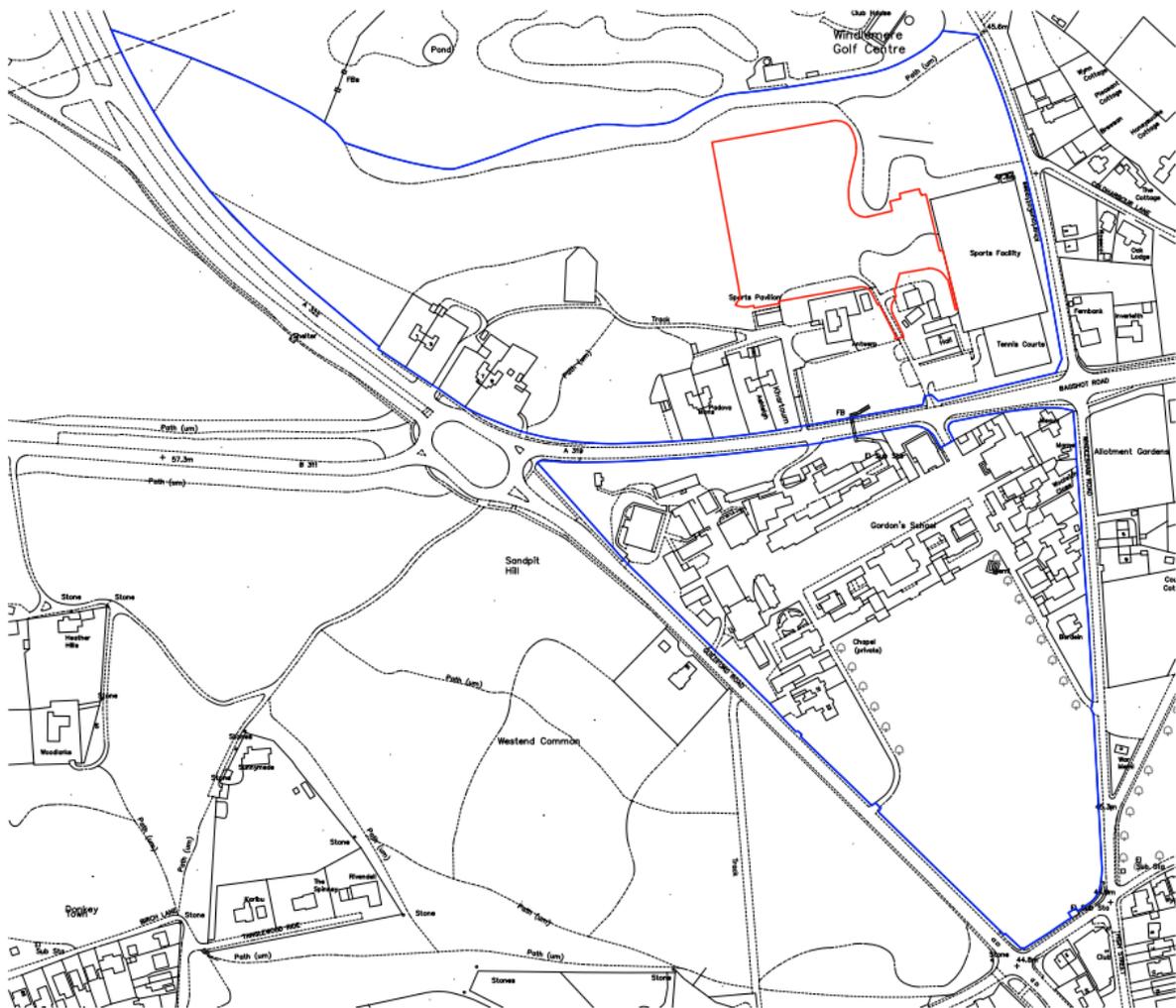
Access along a public right of way by contractors' vehicles, plant or deliveries can only be allowed if the applicant can prove that they have a vehicular right. Surrey County Councils' Countryside Access Group will look to the applicant to make good any damage caused to the surface of the rights of way connected with the development.



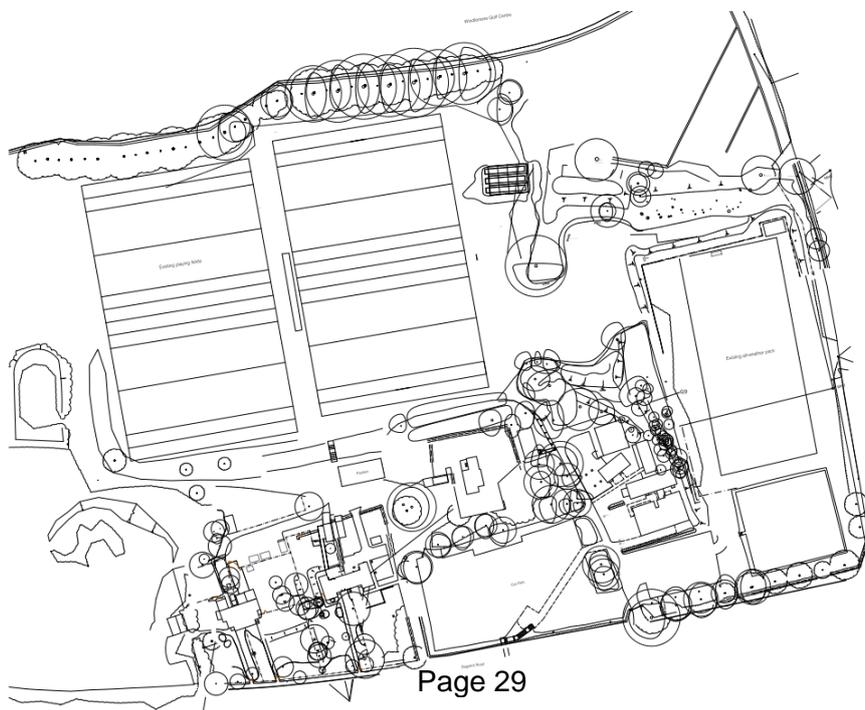
<b>Title</b>	Planning Applications		
<b>Application number</b>	18/0632	 	<b>Scale @ A4</b> 1:1000
<b>Address</b>	GORDONS SCHOOL, BAGSHOT ROAD, WEST END, WOKING, GU24 9PT		<b>Date</b> 21 Nov 2018
<b>Proposal</b>	Erection of a new sports hall including changing facilities, cafe, first aid room and storage and an outdoor all weather sports pitch with associated fencing, floodlighting, landscaping and revised access routes utilising existing vehicular access from Bagshot Road (A319).		
Version 4      © Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2018      Author: DE			

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Location Plan



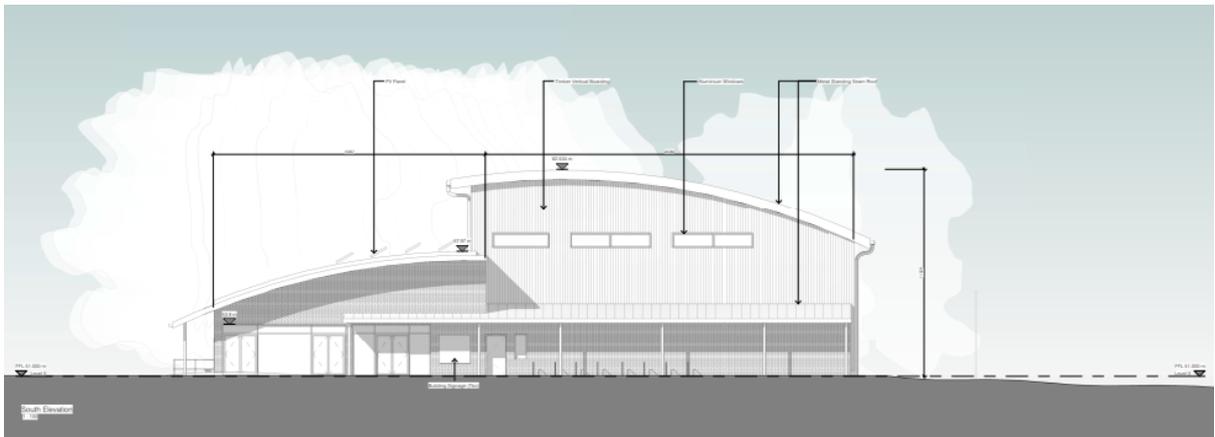
Existing site plan





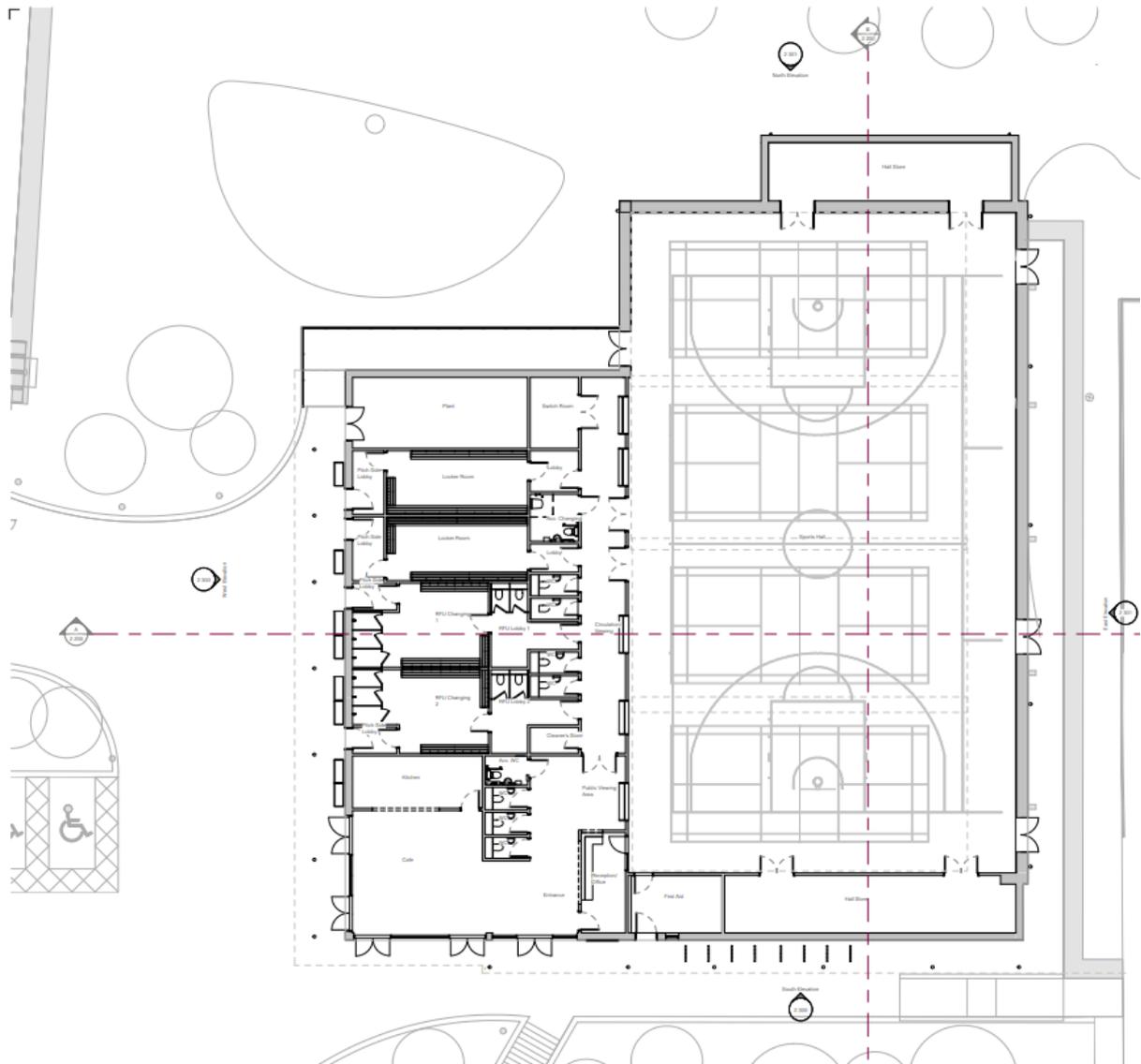


Proposed elevations – south and west

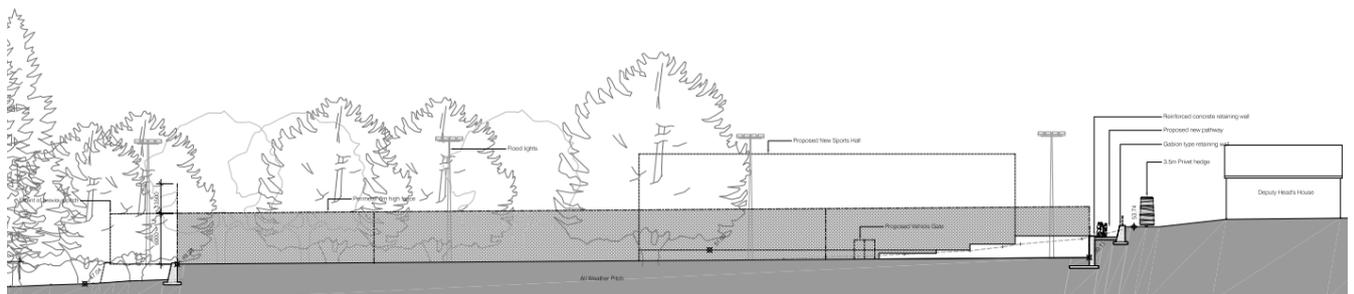




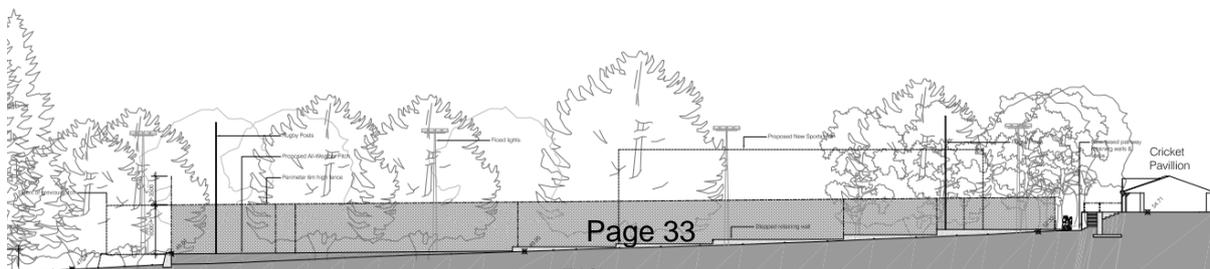
Proposed floor plan



Proposed floodlights and fencing – facing east



Proposed floodlights and fencing – facing west



Site photos

Proposed all-weather pitch site



Proposed sports hall site – facing southwest



Proposed sports hall site – facing southeast



Proposed sports hall site – facing south



Proposed sports hall site – facing west towards rugby pitches



2018/0491

Reg Date 21/06/2018

St. Michaels

**LOCATION:** UNITS 1-5 ADMIRALTY WAY, CAMBERLEY, GU15 3DT  
**PROPOSAL:** Replacement two storey building for use as car sales with revised vehicular access from Admiralty Way, roof deck parking, ancillary vehicle repairs, office space and valet buildings. (Additional information recv'd 2/8/18 & 25/9/18). (Additional plans recv'd 3/10/2018.)  
**TYPE:** Full Planning Application  
**APPLICANT:** Guy Salmon Ltd and Stargas Nominees Ltd  
**OFFICER:** Ross Cahalane

**RECOMMENDATION: GRANT subject to conditions**

**1.0 SUMMARY**

- 1.1 This application seeks planning permission for a replacement two storey building for use as car sales with revised vehicular access from Admiralty Way, roof deck parking, ancillary vehicle repairs, office space and valet buildings. The combined dealership and servicing facilities would be for Jaguar/Land Rover. According to the applicant, the proposal would support 130 full-time jobs.
- 1.2 The principle of the redevelopment of the existing units within a Core Employment Area for use as car sales and ancillary services is acceptable, given the employment output arising from the proposed use and that it would clearly benefit from the nearby access to the A331/A30/M3. No adverse impact upon the integrity and function of the Core Employment Area would therefore arise. It is also considered that no adverse harm upon the character of the surrounding area would arise, including the setting of the Blackwater River. The separation distances to surrounding neighbours are considered sufficient to avoid material harm to residential amenity. The proposal has the support of the County Highway Authority and Lead Local Flood Authority, the Environment Agency and the Council's Scientific Officer and Arboricultural Officer. The proposed development would therefore comply with all relevant adopted policies.

**2.0 SITE DESCRIPTION**

- 2.1 The 1.76 hectare application site is within the settlement area of Camberley, located on the north-western side of Admiralty Way adjacent the Meadows Roundabout junction (A30/A331/A321), and comprises a row of five two storey flat roof industrial units built in the 1970s on a former gasworks site. The premises is currently occupied by a pet food/accessory company (Units 2, 4 & 5) and an electronics manufacturer (Unit 1), with Unit 4 currently vacant.
- 2.2 The immediate area is industrial in character, as the site forms part of a wider industrial estate known as Admiralty Park extending to the southeast, and the more extensive Yorktown Industrial Estate lies to the east on the other side of the A331. The Blackwater River forms the western site boundary, which also forms the Borough boundary between Surrey Heath and Hart District. Hawley Meadows and Blackwater Park SANG land is sited on the other side of the river, forming a buffer with the settlement area of Blackwater. The

Blackwater Valley long distance path is also located close to the river bank, with a small section of this path running within the application site at the northwest corner. The entire application site falls within Flood Zone 2 with the adjacent River Blackwater located in Flood Zone 3.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 78/0708 Construction of 1,158sqm industrial and 17,113sqm warehousing buildings, together with 2,780sqm of associated office accommodation, access roads, service yard, car parking spaces and landscape works at the Southern Gas Works Site

*Decision: Granted (implemented)*

### **4.0 THE PROPOSAL**

- 4.1 Planning permission is sought for a replacement two storey building with a total Gross Internal Area (GIA) of 5276 sq m for use as car sales, with revised vehicular access from Admiralty Way, roof deck parking, ancillary vehicle repairs, office space and valet buildings. The combined dealership and servicing facilities would be for Jaguar/Land Rover.
- 4.2 The proposed principal building would consist of a flat roof form and would have a width of approx. 82m, depth of approx. 47m, and maximum height of approx. 9.5m. This would include a double-height car showroom area with supporting office and hospitality areas on the ground floor, with ancillary workshop, parts store, delivery area, MOT bays and a service drive through area. The proposed first floor would contain additional ancillary office space, training room and canteen area. A storage parking area would be contained within the roof, screened from view by a 1.6m parapet and served by a side access ramp.
- 4.3 The proposed ancillary buildings/facilities would include a flat roof dry valet building with a width of approx. 32m, depth of approx. 20m and maximum height of approx. 4.2m. A smaller monopitch wet valet building is also proposed, with a width of approx. 20m, maximum depth of approx. 11m and maximum height of approx. 4.7m.
- 4.4 The existing vehicular access to the site off Admiralty Way would be widened. A total of 228 surface parking spaces and 134 spaces in the main building roof are proposed. Soft landscaping and cycle parking for 15 bicycles is also proposed.
- 4.5 In support of the application, the applicant has provided the following information, and relevant extracts from these documents will be relied upon in Section 7 of this report:
- Planning Statement
  - Design and Access Statement
  - Transport Statement
  - Flood Risk Assessment
  - Drainage Strategy
  - Sustainability and Low Emissions Statement

- Ground Investigation Report and Remediation Strategy
- Arboricultural Survey
- Proposed Landscaping Plan and Specification
- Extended Phase 1 Habitat Survey
- Utility Assessment

## **5.0 CONSULTATION RESPONSES**

5.1	Council Arboricultural Officer:	No objection, subject to condition <i>[See Section 7.4]</i>
5.2	Surrey County Council Highway Authority:	No objection, subject to conditions <i>[See Section 7.6]</i>
5.3	Environment Agency:	No objection, subject to conditions <i>[See Section 7.7]</i>
5.4	Surrey County Council Lead Local Flood Authority:	No objection, subject to conditions <i>[See Section 7.7]</i>
5.5	Surrey Wildlife Trust	No objection, subject to conditions <i>[See Section 7.8]</i>
5.6	Council Scientific Officer:	No objection, subject to conditions <i>[See Section 7.9]</i>
5.7	Thames Water	No objection, subject to informative
5.8	Hart District Council	No objection

## **6.0 REPRESENTATION**

6.1 At the time of preparation of this report, one letter of support and four objections have been received from neighbouring premises, with an additional representation from the Blackwater Valley Countryside Partnership, raising the following concerns:

- Massive eyesore fronting on to the A331
- Potential impact on attractiveness of SANG LAND – landscape assessment is required  
  
*[See Section 7.4]*
- Increased traffic on Admiralty Way which is already at full capacity and has existing parking and access problems
- Cars will be test driven in Admiralty Way adjacent Gravity Force used by children – accident waiting to happen

- Parking of HGVs on Admiralty Way makes it single-carriageway from late-afternoon to early morning
- Traffic light timings at A331 will have to be changed  
*[See Section 7.6]*
- Potential for habitat and flood control measures within the river itself – consultation with Environment Agency needs to take place  
*[See Section 7.7]*
- Environmental impact on area which is already congested
- Inadequate ecological mitigation proposed  
*[See Section 7.8]*
- Section of valley path within site needs to remain open for public use  
*[See Section 7.11]*

## **7.0 PLANNING CONSIDERATION**

- 7.1 The application site is located in Camberley, a settlement area as outlined in the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). The site is within an area defined as having an "Industrial Estate and Infrastructure" character as outlined in the Western Urban Area Character Supplementary Planning Document (WUAC SPD) 2012. The site is also covered by the Yorktown Landscape Strategy SPD 2008 (YLS SPD). The proposal is considered against the principles of Policies CP1, CP2, CP8, CP11, CP14, DM9, DM10 and DM11 of the CSDMP, the supporting WUAC SPD and YLS SPD, along with the revised National Planning Policy Framework 2018 (NPPF).
- 7.2 The main issues to be considered are:
- Principle of development;
  - Impact on character of the surrounding area;
  - Impact on amenities of neighbouring properties;
  - Impact on access, parking and highway safety;
  - Impact on flood risk;
  - Impact on ecology;
  - Potential contaminated land;
  - Impact on local infrastructure; and,
  - Other matters

### **7.3 Principle of the development**

- 7.3.1 The site is located within the settlement area of Camberley which is considered to form a sustainable location for redevelopment. The site is also located within a designated Core Employment Area as outlined in the CSDMP Proposals Map. Policy CP8 of the CSDMP states that Core Employment Areas will be retained for employment use and along with Camberley Town Centre, will be the focus of economic regeneration and inward investment. Policy CP8 also states that *sui generis* uses dependent on the strategic network will be encouraged to relocate to these areas.
- 7.3.2 The proposal would involve the loss of five employment units and the proposed car sales use would fall within a *sui generis* use classification. The supporting Planning Statement advises that the proposal would provide approx. 130 full-time jobs forming a wide range of employment opportunities, including sales, servicing and management positions. The proposal would provide an increased GIA from the existing premises and it is considered that the car sales use would clearly benefit from the nearby access to the A331/A30/M3. The applicant states that Unit 1 has been vacant since 2016 and the previous use was light industrial. Units 2, 4 and 5 are occupied by a pet food/accessory manufacturer, currently providing 50 jobs and relocating to Frimley. Unit 3 is occupied by an electronics manufacturer with 28 employees, relocating to another premises in Admiralty Way. It therefore appears that the proposed redevelopment would lead to a net increase in employment and it is considered that no adverse impact upon the integrity and function of the Core Employment Area would arise.
- 7.3.3 The principle of re-development of the site in this location for car sales and supporting ancillary functions is therefore considered acceptable, subject to the other planning considerations as outlined below.

#### **7.4 Impact on character of the surrounding area**

- 7.4.1 Policy DM9 (Design Principles) promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The National Planning Policy Framework also seeks to secure high quality design, that also takes account of the character of different areas. Development which fails to integrate into its context, promote or reinforce local distinctiveness and fails to take the opportunity to improve the character and quality of the area and the way it functions should be refused. Policies CP2 (iv) and DM9 (ii) of the CSDMP reiterate this requirement.
- 7.4.2 Guiding Principle IE1 for the Industrial Estate and Infrastructure Character Area as outlined in the WUAC SPD states that new development should pay particular regard to the following criteria:
- (a) *Contemporary industrial architectural design will be welcomed.*
  - (b) *Buildings principally 2 – 3 storeys*
  - (c) *Incorporation of green infrastructure and landscaping where possible, especially in car parking areas and along front boundaries in accordance with the York Town Landscape Strategy*
  - (d) *Provision of structured on-site parking*
  - (e) *Waste storage areas to be screened from roads and public areas*
  - (f) *Use of high quality boundary treatments.*

Guiding Principle IE2 states that:

*High quality and visually attractive buildings with formal landscaping will be expected for development adjacent to, or visible from either the A30 or the Blackwater Valley, including the A331, the Blackwater Valley path and other green spaces. Development will be expected to maintain the informal appearance of the River Blackwater and contribute towards maintaining and improving its ecological function.*

- 7.4.3 Principle YK1 of the YLS SPD advises that development proposals on the London Road/ Blackwater Valley Road shall provide high quality landscape design. The precise highway layout shall be determined subject to consultation with the Highway Authority. Principle YK6 advises that development proposals on sites which include watercourses will be required to incorporate appropriate forms of landscape design around the watercourse in order to reduce the risk of flooding, enhance biodiversity and improve the amenity of the area. Where development sites are adjacent to watercourses, the Council will encourage applicants to improve landscaping between buildings and the watercourse as appropriate to meet these objectives.
- 7.4.4 The proposed replacement footprint would be turned almost 90 degrees so that its front elevation faces Admiralty Way. The proposed double-height showroom area would face the more prominent vantage points of both the A331 and Admiralty Way, with the workshop and main car sales parking area contained to the rear towards the A30. The siting of the proposed replacement building would be approx. 20m closer to the boundary facing the A331, and approx. 3m closer to the Admiralty Way highway boundary. However, this siting would be almost entirely within the existing footprint and parking area and would allow for greater separation distance to the Blackwater River boundary, to provide an 8m landscaped buffer zone along its bank with the SANG land beyond. It is considered that the proposed building's siting and 1m height increase would be sufficiently screened from vantage points along the adjacent SANG land by the proposed landscape buffer zone along the river bank, to avoid adverse harm to its attractiveness or usability. Lighting can be controlled by a planning condition requiring a Sensitive Lighting Management Plan, as required by Surrey Wildlife Trust (see Section 7.8 below).
- 7.4.5 The proposed replacement main building height would be approx. 1m higher than the existing building. However, the proposed footprint of the main building would only be approx. 2% greater than existing. The proposed external materials would contain a dark grey and light grey metal cladding system, with large amounts of glazing to allow external views of the display cars. The precise colouring schemes are listed in the Design and Access Statement and can be secured by planning condition. It is considered that the proposed contemporary design would be appropriate for its commercial setting and no objections to this design approach are therefore raised. Given the building's positioning within the site to allow for perimeter landscaping and the marginal height and footprint increase from the existing building, in this instance it is considered that the proposed car sales building would not lead to an over-dominant or incongruous addition to the surrounding area.
- 7.4.6 The two proposed single storey valet buildings would be located towards the rear of the site. Although the smaller building would be near to the landscaped Blackwater River bank, it is considered that its single storey form would be sufficient to avoid adverse harm to this riverside setting, or the attractiveness or usability of the SANG land beyond. The larger valet building would be well set within each of the site boundaries to avoid adverse harm to the surrounding streetscene. The scale and height of both these buildings would be clearly ancillary to the principal building proposed.
- 7.4.7 An Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plan have been provided. 15 trees are proposed for removal (mostly U Grade with some C

Grade) due to poor/declining health and not to directly facilitate the proposal. Soft landscaping details have been provided to include location and specification of the replacement trees. Hand excavation only is proposed within the RPAs of all trees and tree protection fencing is proposed. The Council's Arboricultural Officer has raised no objection, subject to a planning condition ensuring that digital photos are provided to demonstrate that all tree and ground protection measures are implemented in accordance with the approved Tree Protection Plan.

- 7.4.8 Although there would be an increased proximity of parking area to the front A331 highway boundary, the development has been designed to achieve the required capacity for Jaguar/Land Rover, whilst also providing for an 8m landscaped buffer zone along the River Blackwater bank. The Arboricultural Officer has commented that this landscape planting proposal reflects the broader landscape in this instance and is both welcome and acceptable. A landscaping condition can be imposed to ensure that the proposed landscaping is incorporated around the building to meet the above objectives of the WUAC SPD, the YLS SPD, and the separate consultation comments of the Environment Agency and Surrey Wildlife Trust.
- 7.4.9 In light of the above, it is considered that the proposed development would comply with the design and landscape requirements of Policy DM9 of the CSDMP, along with the relevant principles of the WUAC SPD and YLS SPD as quoted above.

## **7.5 Impact on amenities of neighbouring properties**

- 7.5.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. The thrust of one of the core planning principles within the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.5.2 The site is within an industrial area as already outlined. However, a number of residences are sited along the other side of the riverside parkland, within Hart District (Blackwater). The nearest proximity is approx. 110m, with the Reading-Gatwick railway line running in between and alongside the park. The Council's Senior Environmental Health Officer has raised no objection. The generous separation distances along with the nearby major road network would mean that the surrounding natural ambient noise level may be higher than many residential locations. As such, it is considered that the proposed redevelopment would not lead to adverse harm to residential amenity in terms of general noise and disturbance. The separation distances are considered sufficient to avoid material harm in terms of loss of privacy, light, outlook or overbearing impact.
- 7.5.3 The proposed development is therefore considered to be in accordance with the amenity considerations of Policy DM9 of the CSDMP and the NPPF.

## **7.6 Impact on access, parking and highway safety**

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) 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 and mitigate such impacts to acceptable levels can be implemented. Policy CP11 states that new development that will generate a high number of trips will be directed toward previously developed land in sustainable locations or will be required to demonstrate that it

can be made sustainable to reduce the need to travel and promote travel by sustainable modes of transport. All new development should be appropriately located in relation to

public transport and the highway network and comply with the Council's car parking standards.

- 7.6.2 The Planning Statement advises that the proposed car sales use will involve a minimal number of new vehicle deliveries, with an average of three transporters per week to the site, increasing to a maximum of five transporters per week during periods of high activity, such as times of new registration releases around the 1st March and 1st September each year. To quantify the anticipated trip provision arising from the proposed development, the TRICS database has been utilised within the Transport Statement to indicate the peak hour and daily person and vehicular trip rates when compared to the potential use capacity of the existing building.
- 7.6.3 Concerns have been raised by neighbouring premises in respect of existing parking problems along Admiralty Way, the proposed site access adjacent the A331 junction and an indoor trampoline/soft play facility to the south that is regularly used by children, along with an inadequate existing junction layout. However, the County Highway Authority (CHA) has been consulted and has raised no objections on safety, capacity or policy grounds, subject to conditions that include provision of cycle parking and information provided to staff/visitors regarding walking/cycle/local public transport routes. The CHA has commented that although there would likely be an increase in trip movements in the am and pm peak periods when compared to the existing uses of the site, the existing signalised junction of Admiralty Way and the A331 has sufficient capacity to accommodate any anticipated additional trips arising from the development. Records also show that there have been no pedestrian or cycle accidents at the surrounding road junctions within the last three years.
- 7.6.4 In light of the above and given the sustainable location within a Core Employment Area and close to bus routes and Blackwater rail station, no objections are raised on grounds of highway safety, capacity or policy.

## **7.7 Impact on flood risk**

- 7.7.1 The entire application site falls within Flood Zone 2 and is adjacent the River Blackwater which is classified as a main river with its banks located in Flood Zone 3. There are also several parts of the site classified as areas of low-high risk from surface water flooding. The proposals for a new car showroom constitute a 'less vulnerable' land use, which is considered an appropriate use within Flood Zone 2 as confirmed by the Planning Practice Guidance (PPG).
- 7.7.2 A flood risk assessment has been provided by the applicant, which recommends that the proposed ground finished floor levels are set 300mm above the estimated 1 in 100 annual probability plus 25% climate change flood level, along with provision of a minimum of 150mm freeboard on the finished floor level above surrounding ground level. This is to mitigate the residual flood risk associated with excess surface water runoff affecting the buildings on site in an extreme rainfall event. Continuous safe access from the site is provided via Admiralty Way and Stanhope Road.
- 7.7.3 The Environment Agency has raised no objection, subject to conditions. In terms of surface drainage, Surrey County Council as the Lead Local Flood Authority has also raised no objection subject to conditions, following submission of additional drainage design details. Subject to these conditions, the proposal is considered to be in compliance with the flood risk requirements of Policy DM10 of the CSDMP and the NPPF.

## **7.8 Impact on ecology**

7.8.1 An extended Phase 1 habitat survey has been provided, which concludes that although bats are likely to pass through the site given the adjacent tree line along the river, bat roosting potential within the site is negligible. Surrey Wildlife Trust has raised no objection, subject to compliance with the recommendations of the Phase 1 survey, provision of a minimum 8m buffer between the development site and the Blackwater River and a Sensitive Lighting Management Plan to be agreed in writing. The above ecology requirements of the Trust also reflect those raised by the Environment Agency and can be secured through planning conditions. On this basis, the proposal would comply with the ecology requirements of Policy CP14 of the CSDMP and the NPPF.

## **7.9 Potential contaminated land**

7.9.1 This application site is part of the former Camberley gasworks and therefore, the Council's Scientific Officer has commented that significant contamination is likely to be present. The Environment Agency as a statutory consultee has also raised concerns regarding potential contamination reaching the River Blackwater. A ground investigation report has been provided by the applicant, who has since worked with both parties to provide a Remediation Strategy and to agree planning conditions to secure compliance with this strategy, along with the provision of an appropriate Remediation Action Plan.

## **7.10 Impact on local infrastructure**

7.10.1 The Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014 and therefore, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on certain types of retail or residential developments. As the proposal involves a sui generis use, it would not be CIL liable.

## **7.11 Other matters**

7.11.1 The application site to the northwest has a section of the Blackwater Valley Path running through it, from the A30 southwards to the river bank footbridge across the Blackwater River to the SANG land. The proposed site plan shows this path retained and unaltered, remaining outside of the redeveloped area. However, as this path is not a formally-designated Public Footpath under County Council control, it is considered necessary and reasonable to impose a planning condition to ensure that this pathway is maintained.

## **8.0 CONCLUSION**

8.1 The principle of the redevelopment of the existing units within a Core Employment Area for use as car sales with ancillary services is acceptable, given the employment output arising from the proposed use and that it would clearly benefit from the nearby access to the A331/A30/M3. No adverse impact upon the integrity and function of the Core Employment Area would therefore arise. It is also considered that no adverse harm upon the character of the surrounding area would arise, including the setting of the Blackwater River. The separation distances to surrounding neighbours are considered sufficient to avoid material harm to residential amenity. The proposal has the support of the County Highway Authority and Lead Local Flood Authority, the Environment Agency and the Council's Scientific Officer and Arboricultural Officer.

8.2 It is therefore recommended that planning permission be granted, subject to the conditions as outlined.

## **9.0 WORKING IN A POSITIVE/PROACTIVE MANNER**

9.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 38-41 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.

## 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 plan (Drawing No. 3325-040); Proposed roof plan (Drawing No. 3325-042); Proposed north and south elevations (Drawing No. 3325-050); Proposed east and west elevations (Drawing No. 3325-051); Proposed sections (Drawing No. 3325-055) - all received on 31 May 2018; Proposed first floor plan (Drawing No. 3325-041) - received on 21 June 2018; Proposed site plan (Drawing No. 3325-030 Rev B) - received on 01 October 2018; Proposed valet bay elevations and floor plans (Drawing No. 3325-061); (Drawing No. 3325-062 - both received on 03 October 2018), 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 building works, hereby approved, shall be constructed in external fascia materials as stated in Page 25 of the Design and Access Statement received on 31 May 2018.

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

4. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Viewpoint Associates [unnamed consultant] and dated 21 May 2018. No development shall commence until digital photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of any facilitation tree works and the physical tree and ground protection

measures having been implemented and maintained in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

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

5. All hard and soft landscaping works associated with the development hereby approved shall be carried out in accordance with the submitted landscape plans (Drawing Nos. 1521-01 Rev A; 1521-02 Rev A). All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**

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

6. 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.

7. The development hereby approved shall not be first opened for trading unless and until the proposed modified vehicular access to Admiralty Way has been constructed in accordance with the approved plans

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.

8. The development hereby approved shall not be first opened for trading unless and until the existing most southerly access has been permanently closed and any kerbs, verge, footway, fully reinstated.

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.

9. The development hereby approved shall not be first opened for trading unless and until space has been laid out within the site in accordance with the approved plans for vehicles/cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purpose.

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 and thereby reduce the reliance on the private car and meet the prime objective of the National Planning Policy Framework.

10. The development hereby approved shall not be first opened for trading unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:  
Information to be provided to staff/visitors regarding the availability of and whereabouts of local public transport/walking/cycling routes and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development accords with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

11. 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) measures to prevent the deposit of materials on the highway
- (e) on-site turning for construction vehicles

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

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

12. The development hereby approved shall not commence until details of the design of a surface water drainage scheme have been submitted to and agreed in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40%) allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using staged discharge rate of 34l/s for the 1 in 30 year event and 67l/s for the 100 year +CC events (as per the SuDS pro-forma or otherwise as agreed by the LPA).
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site, and to accord with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Prior to first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and agreed in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

14. The development hereby approved shall be carried out and completed wholly in accordance with an approved Remediation Action Plan (The RAP) that considers the Ground Investigation Report (Peter Brett Associates LLP - dated May 2018) and any subsequent investigations. The RAP shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

15. The development hereby approved shall be undertaken in accordance with the Remediation Strategy (Peter Brett Associates LLP - September 2018), subject to the inclusion of the following components:

i) A detailed quantitative risk assessment, as advised in the Environment Agency consultation response received to the Local Planning Authority dated 22 October 2018;

ii) Remediation measures to prevent adverse impact to the Alluvial Deposits (Secondary A aquifer) and the Windlesham Formation (Secondary A aquifer) under the site, which are both a potential receptors for contaminants and a pathway for contaminants to reach the nearby Blackwater River;

iii) Additional information to further outline the remedial approaches that lead to how the site will be developed and completed, to include a section on methods to prevent ingress (for example GAS/VOC membranes, sealed services etc.), and capping soils/systems (landscaped areas);

iv) A statement committing to management meetings and consultation with regulators to provide updates on the remediation, extent of contamination discovered, new discoveries, any proposals for deviations to the agreed remediation, and general monitoring, decisions, direction and areas completed/verified, to ensure that as discoveries or the extent of contamination is

revealed, decisions on remediation are agreed with the Local Planning Authority/Environment Agency prior to implementation.

The resultant amended Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority, following consultation with the Environment Agency.

Reason: The submitted reports highlight the presences of hydrocarbon contaminates and LNAPL on site and noted that this is most likely associated with the former gas works. Additionally, the Alluvial Deposits (Secondary A aquifer) and the Windlesham Formation (Secondary A aquifer) are under the site, which are both a potential receptors for contaminates and a pathway for contaminates to reach the nearby Blackwater River. Therefore, before the Remedial Strategy can be fully accepted, the additional information as outlined above is required in order that the development complies with both the requirements of the Local Planning Authority and the Environment Agency.

16. Piling using penetrative methods shall not be carried until a piling risk assessment has been submitted to, and approved in writing by, the local planning authority. The development hereby approved shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm groundwater within the aquifers under the site or result in migration of contaminates through the aquifers and impact on the Blackwater River, and to accord with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

17. No development of the car washing facility hereby approved shall commence until a scheme for the water management and drainage from the car washing facility has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the pollutants from the car wash do no adversely impact controlled waters, and to accord with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

18. The development hereby permitted by this planning permission shall be carried out in accordance with the precautionary measures detailed within paragraph 7.11 of the submitted Extended Phase 1 Habitat Survey Report [Viewpoints Associates LLP] dated 21 May 2018, and the enhancement measures detailed in Section 8 of the above referenced Survey Report.

Reason: To ensure the protection of protected species in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012.

19. No development shall take place until a scheme for the provision and management of an 8 metre wide (minimum) buffer zone from the top of the bank of the river Blackwater shall be submitted to and agreed in writing by the local planning authority. The bank top is defined as the point at which the bank meets the level of the surrounding land.

Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local

planning authority. The buffer zone scheme will incorporate in-stream morphological enhancements to the river Blackwater, shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:

1. plans showing the extent and layout of the buffer zones, scaled so as to show the distance from the bank top of the river Blackwater;
2. details of any proposed planting scheme, which must be of native species appropriate to this location;
3. details demonstrating how the buffer zones around the river Blackwater will be protected during development, e.g. by temporary fencing and according to Environment Agency Pollution Prevention Guidelines. This will include strict biosecurity measures;
4. details of how the buffer zones will be managed/maintained over the longer term in order to enhance the ecological value. This will include measures to mitigate the impacts of the development. This will be informed by the habitat surveys;
5. details of any lighting etc that could impact on the buffer zone. Artificial lighting near watercourses should be avoided but where it is required it should be directional and focused with cowlings (for more information see Institute of Lighting Professionals (formerly the Institute of Lighting Engineers) "Guidance Notes For The Reduction of Obtrusive Light"; and
6. details of ecological enhancements to the watercourse and its river corridor. These are required to mitigate for the proposed development and the disturbance it will bring, and to enhance the value of the river Blackwater as a wildlife corridor. Suitable enhancements include: bat/bird boxes, refugia for reptiles, amphibians, small mammals etc; native planting - creating structural complexity to the river bank; and, enhancement of in-stream habitat in the watercourse.

Reason: Land alongside watercourses is particularly valuable as a corridor for wildlife. This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy, to accord with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

20. No development shall take place until a Sensitive Lighting Management Plan has been submitted to and agreed upon in writing by the Local Planning Authority. The proposed development shall be undertaken in accordance with the agreed Sensitive Lighting Management Plan alongside the submitted Extended Phase 1 Habitat Survey Report [Viewpoints Associates LLP] dated 21 May 2018, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: To ensure the protection of protected species in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

21. The Blackwater Valley Path, running through the application site from the A30 southwards to the river bank footbridge across the Blackwater River to the SANG land beyond, shall be maintained for public access as shown on the proposed site plan hereby approved (Drawing No. 3325-030 Rev B - received on 01 October 2018), unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application site contains a section of the Blackwater Valley Path and

as this path is not a formally-designated Public Footpath under County Council control, it is considered necessary and reasonable to impose this planning condition to ensure that this pathway is maintained for public use in accordance with Policies CP11 and DM11 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. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Mini Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.  
The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)
3. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
5. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
6. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written consent. More details are available on their website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone, the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there any further queries please contact the Sustainable Drainage and Consenting team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk)  
Please use their reference number in any future correspondence.

7. For the avoidance of doubt, the following definition applies to the above conditions relating to contaminated land:

Remediation action plan: This plan shall include details of: -

- (i) all contamination on the site which might impact upon construction workers, future occupiers and the surrounding environment;
- (ii) appropriate works to neutralise and make harmless any risk from contamination identified in (i)

8. **Groundwater and contaminated land**

With regards to the soils remedial target as detailed in section 2.5.4 of the Remediation Statement by Peter Brett Associates dated July 2018, while it is accepted that the API (2000) approach is designed to give confidence that NAPL will not migrate from the soils, it is an approach that does not consider the dissolved phase hydrocarbons that could be produced by leaching of the soils. The Environment Agency's approach to determining remedial targets for dissolved phase concentrations from leaching of soils is covered in the Remedial Targets Methodology (2006).

While it is accepted that this approach is not always easy for hydrocarbons, the latest CL:AIRE Guidance:- Petroleum Hydrocarbons in Groundwater: Guidance on Assessing Petroleum Hydrocarbons using existing hydrogeological risk assessment methodologies (2017), on which the EA was on the steering group, has helped to provide further clarity on input parameters. Given that very high groundwater concentrations have been detected in groundwater on this site, the Local Planning Authority/Environment Agency need to have confidence that residual soils will not produce elevated dissolved phase concentrations.

While the 'betterment' approach suggested for this site may be acceptable given the lower sensitivity of the secondary aquifers, it should not be assumed and should be made from a detailed assessment of the potential risks. So before the Remedial Strategy can be accepted in full, the Local Planning Authority/Environment Agency would need to see a detailed quantitative risk assessment. Likewise with the groundwater, while it is expected that the high concentrations observed in groundwater exceed solubility limits, this should be demonstrated.

9. **Environmental permits**

Please be advised that this development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition

to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: [www.gov.uk/guidance/flood-risk-activities-environmental-permits](http://www.gov.uk/guidance/flood-risk-activities-environmental-permits)

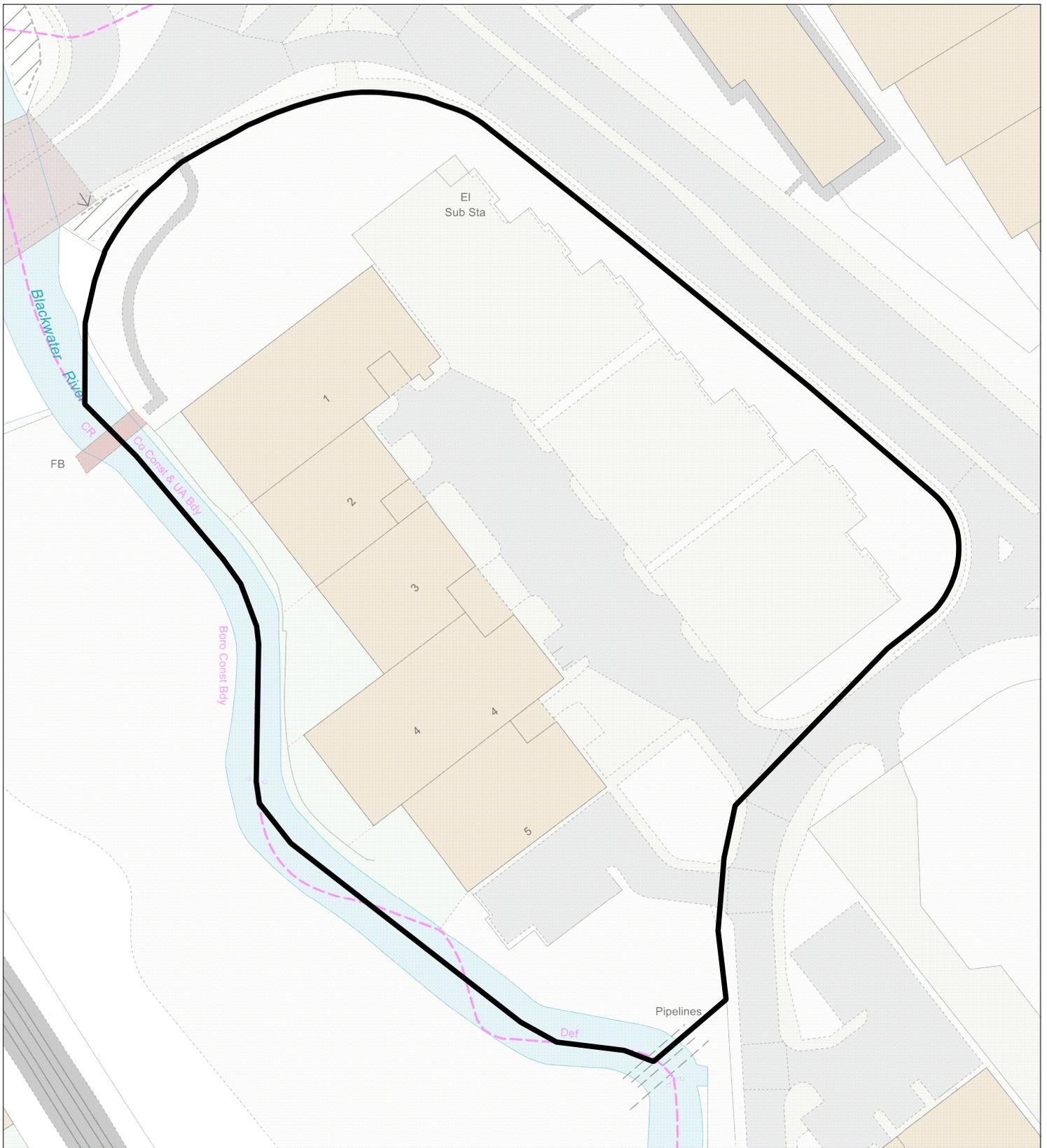
The mobile plant for land and groundwater remediation associated with this development may require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional

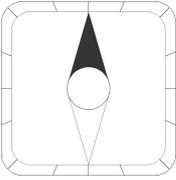
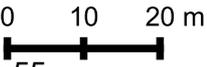
'Environmental Permitting Guidance' can be found at:

<https://www.gov.uk/environmental-permit-check-if-you-need-one>

#### 10. **Biodiversity enhancements**

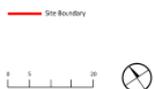
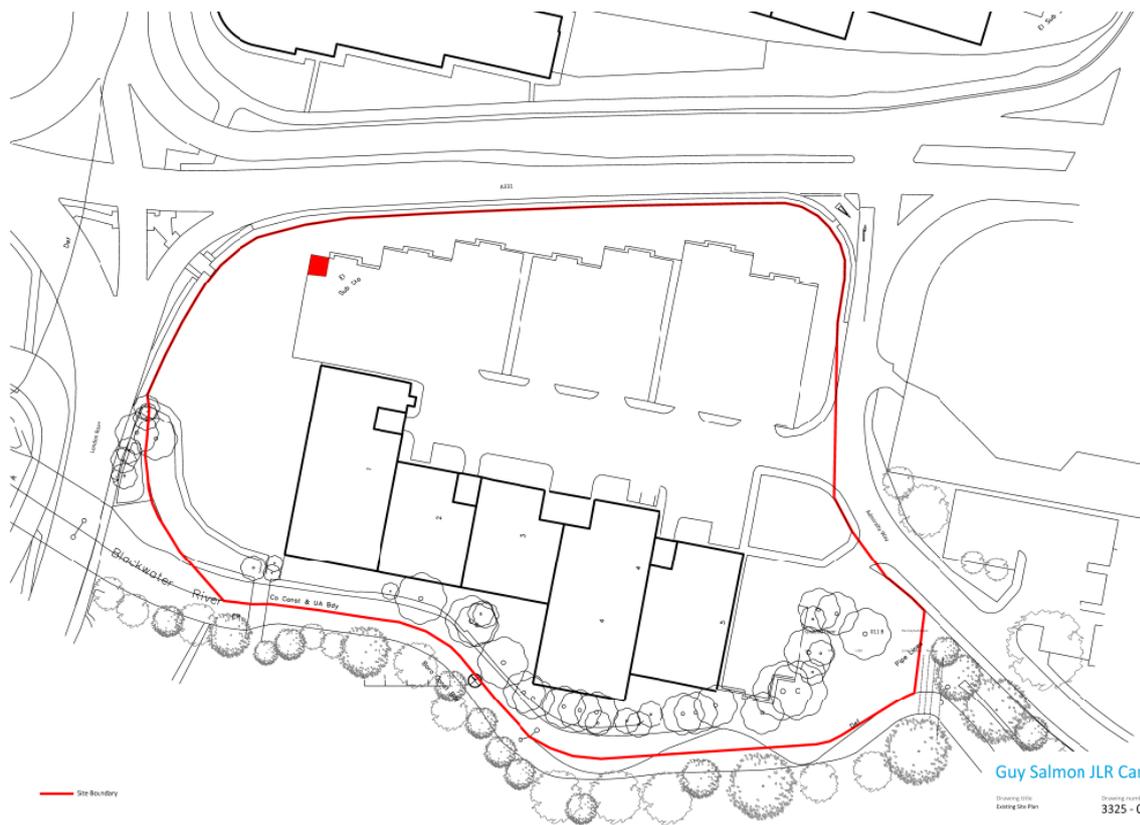
We suggest the applicant either draws up their own plans for enhancement of the watercourse, or works with partners to achieve this. The Blackwater Valley Countryside Partnership might be a suitable group to deliver the work as they hold considerable expertise and have delivered similar enhancements in partnership in the local area.



<b>Title</b>	Planning Applications		
<b>Application number</b>	18/0491	 	<b>Scale @ A4</b> 1:1000
<b>Address</b>	1 ADMIRALTY WAY, CAMBERLEY, GU15 3DT		<b>Date</b> 21 Nov 2018
<b>Proposal</b>			
Version 4			

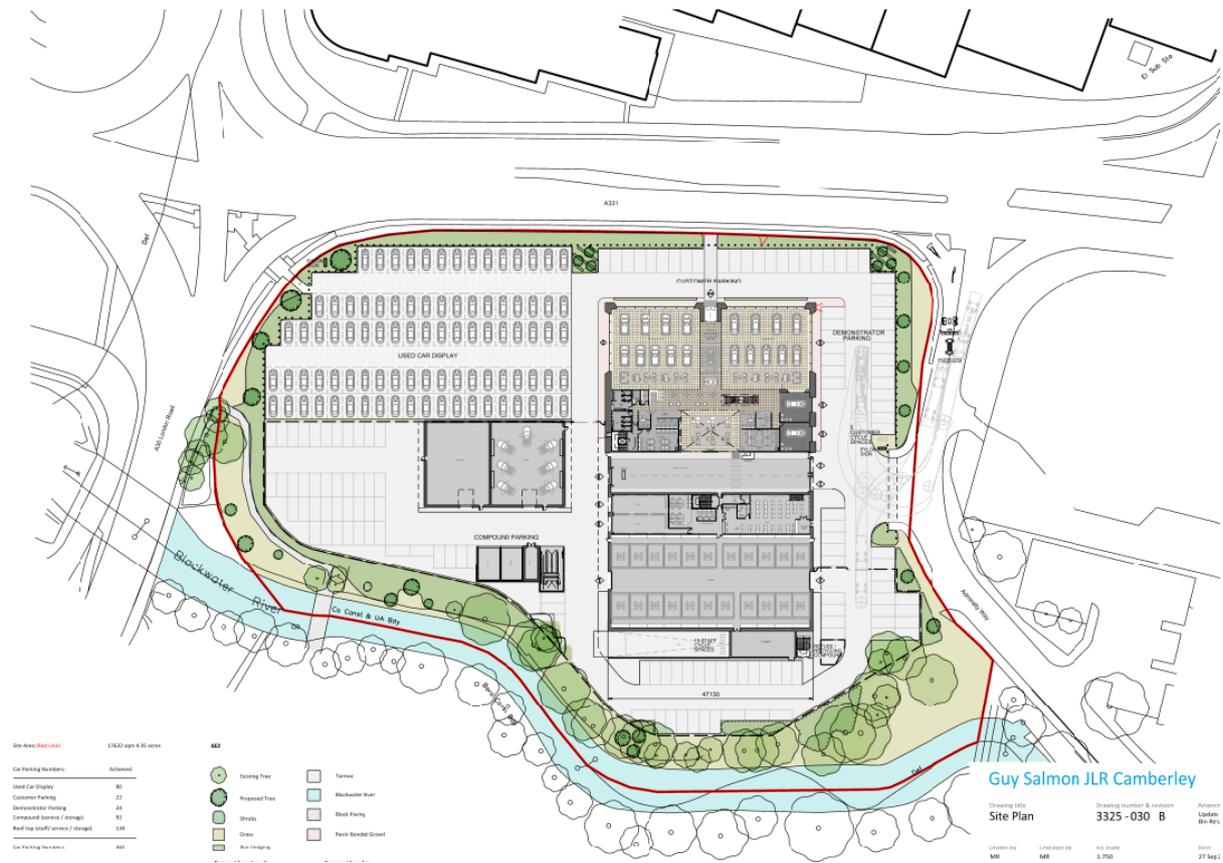
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Location Plan/Existing site plans

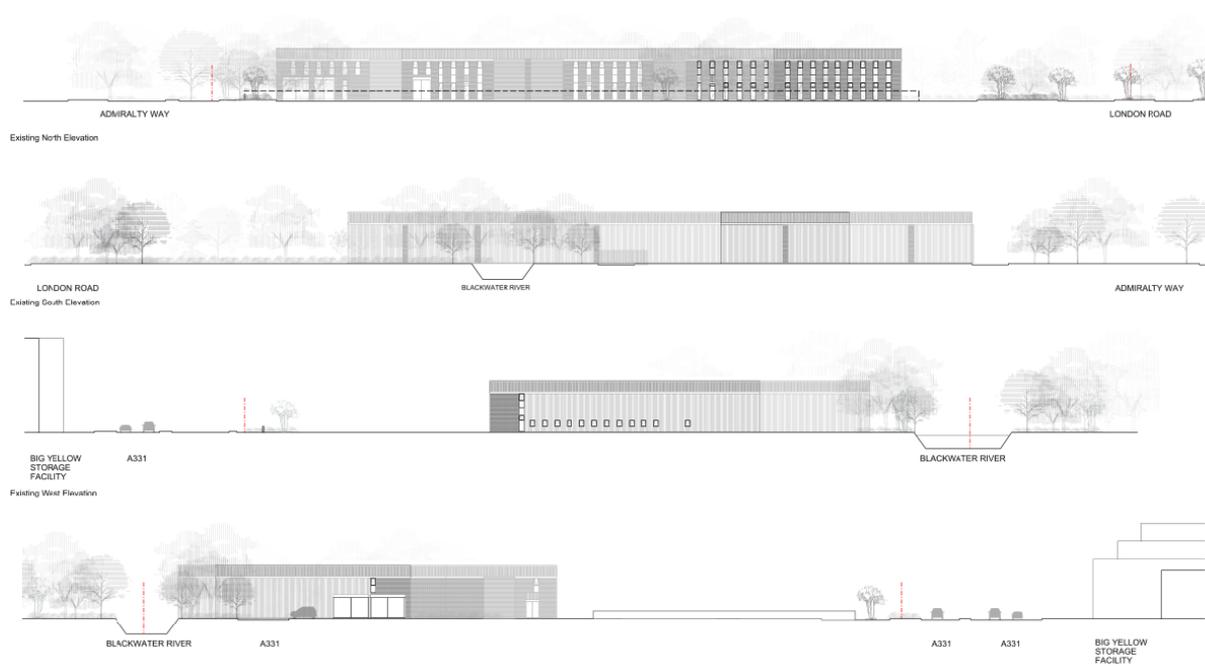


Guy Salmon JLR Camberley  
Drawing title: Existing Site Plan  
Drawing number & revision: 3325 - 005  
Drawn by: WK  
Checked by: MB  
Date: 27/06

## Proposed site plan



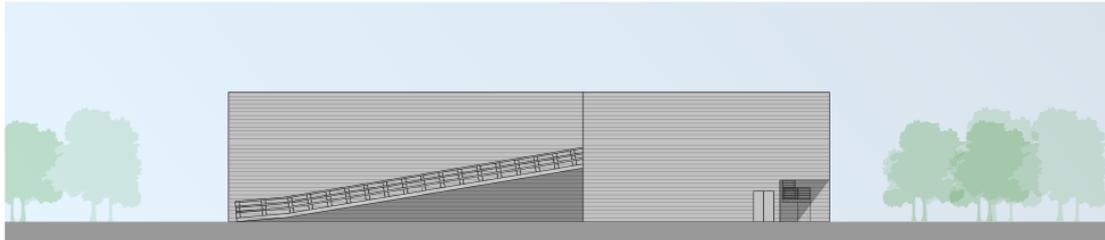
## Existing elevations



Proposed elevations – north and south



North Elevation



Proposed elevations – east and west



East Elevation



West Elevation

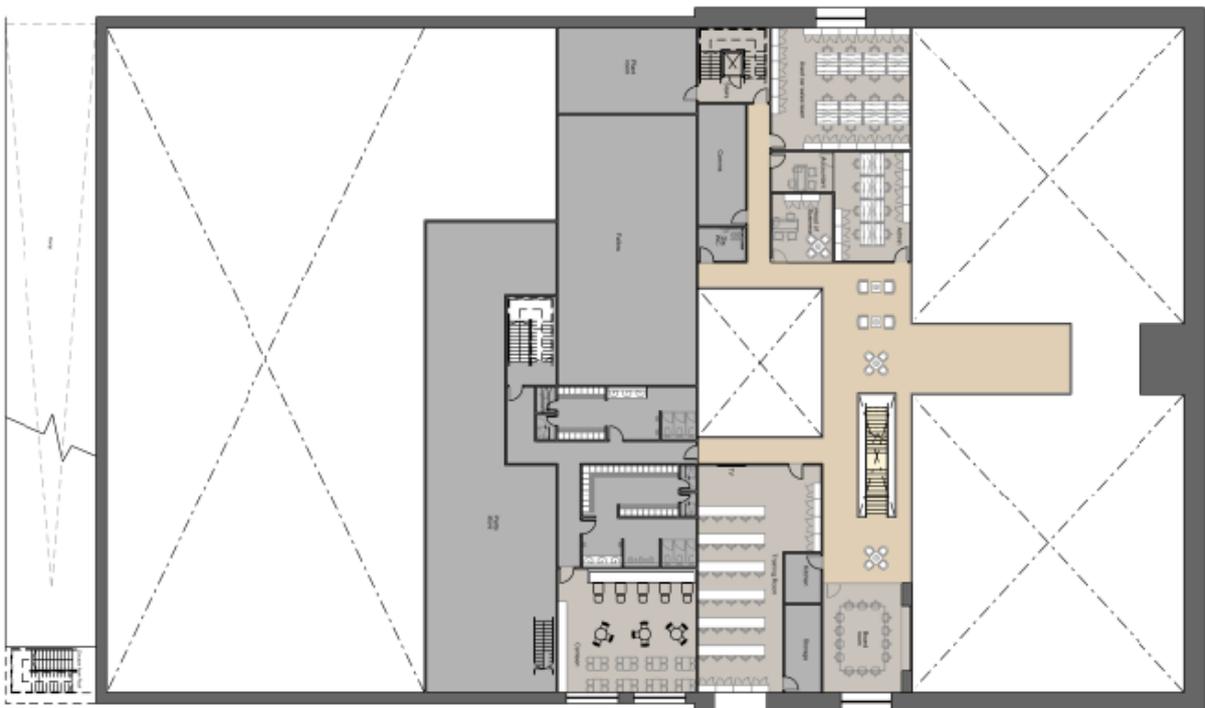
Streetscene



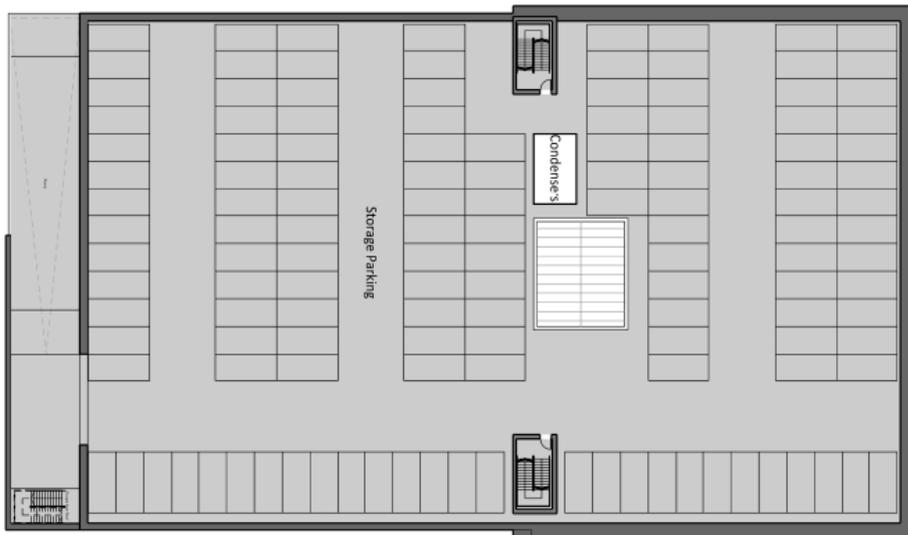
Proposed ground floor plan



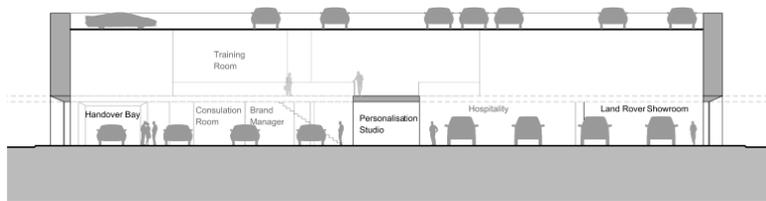
Proposed first floor plan



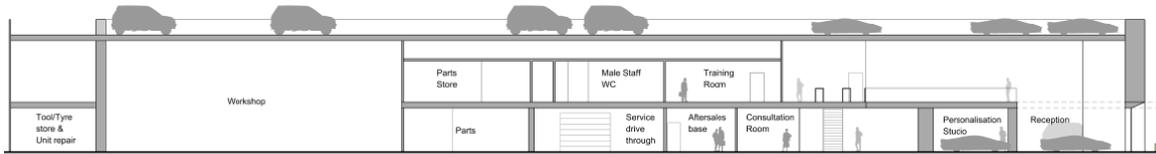
Proposed roof plan



Proposed sections – main building



Section A-A



Proposed dry valet building - elevations and floor plan



North East Elevation



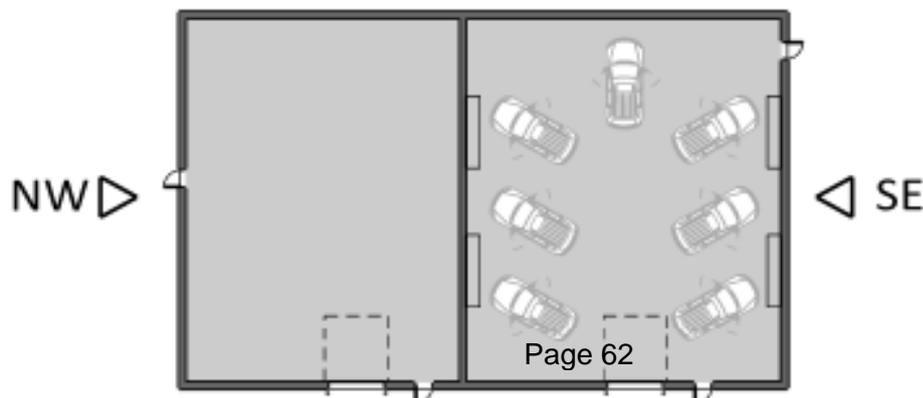
North West Elevation



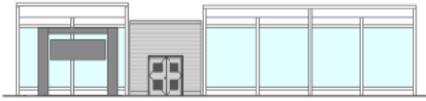
South West Elevation



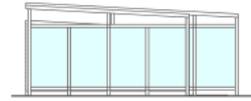
South East Elevation



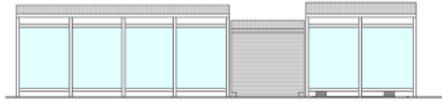
Proposed wet valet building - elevations and floor plan



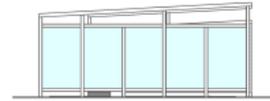
North East Elevation



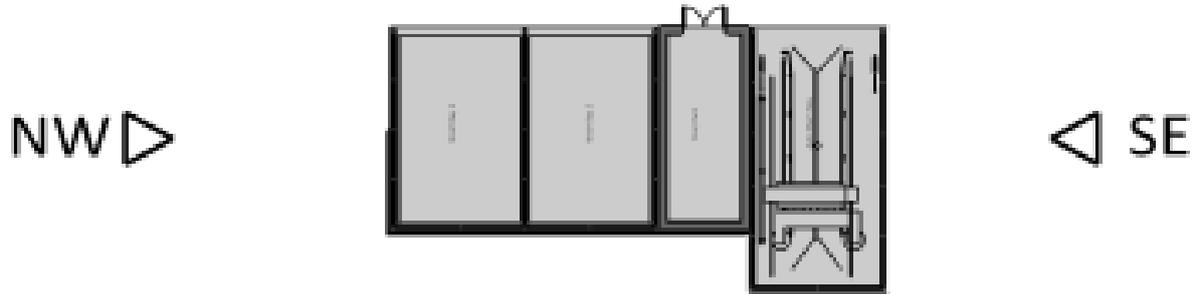
North West Elevation



South West Elevation



South East Elevation



Site photos

Existing buildings





Existing parking area – facing Big Yellow Storage building



Junction of Admiralty Way with A331 Blackwater Valley Road



Junction of Admiralty Way with application site



Pathway within site



View from SANG land



2018/0709

Reg Date 07/08/2018

Lightwater

**LOCATION:** BOURNE HOLDINGS, BROADWAY ROAD, WINDLESHAM, LIGHTWATER, GU18 5SH

**PROPOSAL:** Removal of condition 7 of 94/0998 requiring agricultural occupancy of bungalow at Bourne Holdings and discharge of section 52 agreement under 87/1324 restricting use of the site to agriculture and the parking of two HGV vehicles.

**TYPE:** Relaxation/Modification

**APPLICANT:** Ms Gostage

**OFFICER:** Ross Cahalane

The application would normally be determined under the Council's Scheme of Delegation, however, it has been called in for determination by the Planning Applications Committee at the request of Cllr Gandhum, as the property is subject to an agricultural tie.

## RECOMMENDATION: GRANT

### 1.0 SUMMARY

- 1.1 This application seeks permission for the removal of Condition 7 of 94/0998 requiring agricultural occupancy of the bungalow at Bourne Holdings. This condition requires occupants of the dwelling to be employed locally in agriculture or in forestry. The application also seeks discharge of the Section 52 legal agreement under 87/1324, which restricts the use of the site as a whole to agriculture and the parking of two HGV vehicles. No operational development is proposed.
- 1.2 The report concludes that as no interest from persons compliant with the occupancy terms required by the planning condition has been identified through the marketing of the property for sale, Bourne Holdings no longer requires an imposed occupancy condition as part of 94/0998. The dwelling no longer forms part of an agricultural holding since 2007, nor is it considered required for occupation by a person employed in agriculture in the local area. Given that the Agricultural Occupancy Condition (AOC) is no longer considered necessary, it is considered that the Section 52 agreement should be revoked as it duplicates the normal planning control process and has now outlived its purpose, due to the cessation of the agricultural and haulage business uses. No operational development is proposed under this application and therefore, the removal of the AOC and revocation of the Section 52 agreement causes no further harm to the Green Belt, countryside character or residential amenities.
- 1.3 The AOC and Section 52 agreement therefore clearly no longer meet the current NPPF requirements and as such, it is recommended that this application to remove the AOC and revoke the Section 52 agreement be granted.

### 2.0 SITE DESCRIPTION/HISTORY

- 2.1 The application site is located on the western side of Broadway Road, with the buildings set back at some distance from the highway and accessed by a private laneway. The 3-bed bungalow dwelling benefits from a residential curtilage extending to 0.3 hectares (0.7 acres), a side conservatory extension, outbuilding and rear swimming pool. The site

as a whole extends to 2.02 hectares (5 acres), with 1.3 hectares (3.1 acres) of grassland in three grazing paddocks, and a range of buildings within a rear yard area extending to 0.2 hectares (0.6 acres). The application site is in a rural location within the Green Belt, detached from and beyond any defined settlement boundary, between the villages of Lightwater and Windlesham.

- 2.2 The farm is jointly owned by the applicant and her mother, who also reside in the bungalow. The applicant's deceased father purchased Bourne Holdings in the 1970s when it was separated from the neighbouring Lee Lane Farm, and at the time was also used as a small scale haulage business which due to subsequent changes in licensing regulations, was licensed to operate from Bourne Holdings. This led to the submission of application 87/1234, granted in 1989 subject to the completion of the Section 52 Agreement restricting the use of the site to agriculture and the parking of only two HGV vehicles.
- 2.3 In 1991, the family received temporary planning permission for the siting of an agricultural worker's dwelling in association with the livestock business (90/1035), and permission was granted in 1995 for the existing permanent dwelling (94/0998). At this time, the farm rented 8 hectares (20 acres) of grazing land in Bagshot Park for a herd of 20-30 cattle. The applicants also kept 60 sows, calves, turkeys and hens on the application holding.
- 2.4 The land at Bagshot Park ceased to be rented and the number of cattle was reduced and concentrated on the 1.3 hectares at Bourne Holdings. The Planning Statement details that in 2007, the herd had reduced to a maximum of five cattle kept on the holding. In 2007 there was an outbreak of Foot and Mouth Disease in the local area and the remaining cattle were removed from Bourne Holdings. As such, all agricultural activities ceased in 2007.
- 2.5 In 1996, the haulage business was changed to a removal business (Lightwater Removals), run by family members. The removal business operated from the existing yard and buildings sited at the rear of the application site, with parking for the two removal lorries and smaller vans in the compound area. The former agricultural buildings were used for storage associated with the removal business. The removal business operated on site up until the death of the applicant's father in 2015.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 87/1324 Use of land for the purposes of parking two 28 ton heavy goods vehicles in connection with (1) A haulage business and (2) The conveyance and supply of animal feedstuffs.  
  
Decision: Granted (implemented)
- 3.2 90/1035 Siting of a mobile home for occupation by an Agricultural worker.  
  
Decision: Granted (implemented)
- 3.3 94/0404 Retention of mobile home for an agricultural worker for further 5 years.  
  
Decision: Granted

- 3.4 94/0998 Erection of three bedroom bungalow following removal of existing mobile home.

Decision: Granted (implemented)

#### **4.0 THE PROPOSAL**

- 4.1 Permission is sought for the removal of Condition 7 of 94/0998 (approved 4 April 1995) requiring Agricultural Occupancy of the bungalow of Bourne Holdings. This condition requires occupants of the dwelling to be employed locally in agriculture or in forestry as defined in Section 119(1) of the Town and Country Planning Act. It states:

*“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widower of such a person.”*

- 4.2 The application also seeks discharge of the Section 52 legal agreement under 87/1324, which restricts the use of the site as a whole to agriculture and the parking of two HGV vehicles. Under the Town and Country Planning Act 1990, Section 52 agreements were replaced by Section 106 agreements, and this is the procedure still in use today.
- 4.3 No operational development is proposed. The dwelling is now occupied by the applicant and her mother who, as a widow of the original agricultural occupier, complies with Condition 7 of 94/0998, but now wishes to downsize to a smaller property.
- 4.4 The following has been provided in support of the application:
- Planning Statement outlining the justification of the proposal
  - Supporting Statement from a Chartered Surveyor - including evidence of the site marketed for sale (see Section 7.3 below)
  - Statutory Declaration from the applicant's mother to confirm the relevant site history

#### **5.0 CONSULTATION RESPONSES**

- 5.1 Windlesham Parish Council: No objection subject to the following: Assuming that the application meets the relevant required timescale criteria to consider removal of the condition.
- 5.1 Council Agricultural Consultant: No objection [see Section 7.3]

#### **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report, one objection on behalf of the Charitable Trust of Windlesham Arboretum (adjoining the site) has been received, raising the following concerns:

Removal of agricultural occupancy condition (AOC)

- Marketing exercise is fundamentally flawed

- Asking prices too high, then not stated following reduction
- Advice of agents to reduce price further was not followed
- No sale board was erected at the property
- Some brochures did not mention the AOC
- From the offers received and subsequently withdrawn, it appears it was marketed as a normal house and not with the AOC
- Information makes no reference to specialist advertising targeting agricultural employees
- House was never offered separately from the land
- S52 legal agreement does not prevent separation of house from land
- Just because it has not been used as agriculture does not prove that the holding is redundant
- Property no longer on market – no genuine intent to sell for agriculture  
*[See Section 7.3]*
- Lifting of AOC will encourage others to use the system to make substantial profit  
*[Each application must be considered on its own site-specific planning merits]*

#### Removal of Section 52 legal agreement

- Argument that Section 52 agreement is outmoded or irrelevant is incorrect
- Statement that the adjoining Arboretum is no longer open to the public is incorrect
- Windlesham Arboretum Charitable Trust wishes to protect its immediate environment – concerned that removal of Section 52 agreement will increase the risk of the site developed in a manner detrimental to the Arboretum
- Section 52 agreement gives protection against unauthorised activities in the Green Belt
- No explanation has been given as to why removal of Section 52 agreement is sought
- No need or obligation for Council to remove Section 52
- Existing site is even more vulnerable and more, not less, control of the land should be sought
- Site has been subject of unlawful and unauthorised uses such as tipping (material still present); works on the flood plain; construction and use of buildings not for agriculture; and, carrying out of non-agricultural businesses – should give pause for thought as to what might happen in the future

- Lack of transparency about the intentions of the site is concerning

*[See Sections 7.4 and 7.5]*

- Change of use application from agriculture needed to justify its removal

*[The Section 73 procedure subject of this application allows for consideration of this, as outlined in Section 7.3]*

## **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 (CSDMP), and in this case the relevant policies are Policies CP1, DM1 and DM9. The revised National Planning Policy Framework 2018 (NPPF) is also a material consideration to the determination of this application. Paragraph 55 of the NPPF states that:

*“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”*

- 7.2 This Agricultural Occupancy Condition should therefore only be retained if it can be demonstrated to still meet the six tests. The following issues, relevant to the determination of the application, should therefore be considered against these tests:

- Agricultural occupancy need;
- Need for Section 52 legal agreement; and,
- Impact on the Green Belt, countryside character and residential amenities

### **7.3 Agricultural occupancy need**

- 7.3.1 Government policy has long established that there should be an essential need for permitting dwellings in the countryside. Paragraph 79 of the NPPF is not dissimilar to earlier government policy and states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The associated Planning Practice Guidance (PPG) further advises that the imposition of a condition limiting benefits to a particular class of people, such as agricultural workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

- 7.3.2 When the agricultural workers dwelling was permitted in 1995, there was a genuine and demonstrable need, and thus the agricultural occupancy condition (AOC) was both reasonable and necessary. In terms of the existing need on the holding, although the widow of the original agricultural worker still lives on site, the site has not been used for agriculture since 2007 as this was the last year livestock kept at Bourne Holdings following the outbreak of Foot and Mouth Disease. The Council’s Agricultural

Consultant has advised that the size of the holding is small scale and is unlikely to be sufficient to meet the requirements for a sustainable and viable agricultural business. It is therefore accepted that there is no existing functional need for an agricultural worker's dwelling on the holding.

- 7.3.3 Nonetheless, it continues to be the case that appropriate marketing remains a central aspect of the demonstration of the absence of a wider need for the occupation of a dwelling in compliance with the AOC. The Council's Agricultural Consultant has advised that where a restricted property is placed on the market for sale, the practice which has been adopted over many years is that it be valued as an open market property, and then to discount that valuation by 25%-30% to reflect the constraint of the AOC. It is also advised that the normal period of market testing is 6-12 months.
- 7.3.4 The applicant has made reference to the April 2017 Appeal Decision relating to Hawk Farm, Church Lane, Bisley, Woking (APP/D3640/W/16/3165312) for the removal of an AOC from a 1979 permission (see Annex A for a copy of this appeal decision). Whilst each proposal must be assessed on its own merits, this decision provides useful guidance on how to assess such a proposal, particularly in terms of reasonable marketing processes. The Hawk Farm Appeal Inspector makes reference in paragraph 13 to the marketing period, which in the case of Hawk Farm was six months, and it was considered that a longer marketing period would not have resulted in more interest. The Inspector noted that Hawk Farm had been reasonably marketed.
- 7.3.5 Bourne Holdings was marketed for 22 months. The applicant first marketed the holding through Chancellors for £2million in May 2016, and it appears that there was limited understanding of the agricultural occupancy condition. Appendix 1 of the applicant's surveyor's Supporting Statement includes the Property Particulars and an Activity Statement up to December 2016. There were five viewings (with a second viewing for one interested party) but no offers were received.
- 7.3.6 In the meantime, Strutt and Parker were instructed in October 2016, originally marketing the property at £1.5million and reducing to £1.25million in April 2017. Appendix 2 of the surveyor's Supporting Statement includes a summary of applicant interest and shows that 110 applicants were sent details, with six applicants making an offer. Three offers were rejected, two were unable to proceed due to the occupancy condition and one was unable to secure funding due to the occupancy condition.
- 7.3.7 Strutt and Parker provided a letter dated 31 July 2018 (in Appendix 4 of the surveyor's Supporting Statement) detailing the breakdown of valuing the house and land and buildings. The original marketing campaign of £1.5million was calculated as £850,000 for the house and £650,000 for the land and buildings; the £1.25million total value was calculated as £750,000 for the house and £500,000 for the land and buildings. The house has never been marketed separately from the land and buildings. Based on market conditions in July 2018, they placed a value on the property as a whole as £1million, however it has not been marketed at this price.
- 7.3.8 Pelhams, specialising in Equestrian and Country Property, were instructed in July 2017 and marketed the holding at £1.25million and included marketing it on the UK Land and Farms website. Appendix 3 of the surveyor's Supporting Statement includes marketing results which details 10 applicants made direct contact, none of which would be able to occupy the dwelling in compliance with the occupancy condition. Four applicants made offers which were withdrawn due to the occupancy condition.

Concern has been raised in respect of the lack of a sales board outside of a property. However, paragraph 13 of the Hawk Farm appeal also states that the lack of a sale board is not an uncommon occurrence and therefore does not have any significant bearing on whether the property would be attractive to a suitable occupier.

- 7.3.9 A search of applications received by the Council since 2015 is another indicator and shows one application for a rural worker's dwelling (excluding equestrian related applications) - a dwelling at Hook Meadow, Philpot Lane which was refused and dismissed at appeal. This demonstrates there is only a very small demand for such dwellings across the Borough where the amount of farmland is limited. In addition, there have been two applications to remove agricultural occupancy conditions within the Borough - the aforementioned Hawk Farm which was allowed on appeal in 2017 and Pinegrove Farm which was approved by the Council in 2017.
- 7.3.10 In light of the above and given that no interest from persons compliant with the occupancy terms required by the planning condition has been identified through the marketing of the property for sale between June 2016-April 2018, the Council's Agricultural Consultant has concluded that Bourne Holdings no longer requires an imposed occupancy condition as part of 94/0998. The dwelling no longer forms part of an agricultural holding since 2007, nor is it considered required for occupation by a person employed in agriculture in the local area. As such, it is considered that the retention of this condition serves no purpose, as it no longer meets the tests for imposing a planning condition as outlined in Para 55 of the revised NPPF.

#### **7.4 Need for Section 52 legal agreement**

- 7.4.1 The applicant's Planning Statement explains the reasons for seeking the removal of the Section 52 legal agreement attached the 87/1324 permission granted in 1989 for the use of the land for a haulage business, which restricts activities on the land as follows:
1. *The land is not to be used for any purpose other than agriculture and the parking of two goods vehicles;*
  2. *No tipping of materials other than topsoil is to take place on the land;*
  3. *No building other than a building reasonably required for agricultural purposes is to be erected on the land; and,*
  4. *No more than two goods vehicles are to be kept on the land.*
- 7.4.2 As already outlined in Para 2.5 above, in 1996 the haulage business forming one part of the lawful use of the site was changed to a removal business (Lightwater Removals), run by the applicant's family members. This removals business ceased operation in 2015. As also outlined in Section 7.3 above, although the widow of the original agricultural worker still lives on site, the site has not been used for agriculture since 2007. In this respect, the Section 52 agreement has been in breach for many years and the applicant therefore contends that this agreement has outlived its purpose.
- 7.4.3 The Planning Statement argues that in respect of the other Section 52 restrictions, namely preventing tipping and carrying out any building operations on site, these activities can be controlled through the normal planning process and therefore, there is no need for this to be expressly controlled through a legal agreement.

7.4.4 It is therefore argued that meeting the terms of this agreement is an unnecessary requirement that serves no useful purpose, as it does not meet Para 56 of the NPPF, which states that planning obligations (i.e. the Section 52 agreement subject of this application) must only be sought where they meet the following tests:

- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

The applicant therefore contends that the existing Section 52 agreement would fail to comply with the above NPPF requirements, as the purpose of the agreement duplicates the normal planning control process and as the agricultural and haulage business uses have ceased, this agreement has now outlived its purpose.

7.4.5 In light of the above and given that the Agricultural Occupancy Condition is no longer considered necessary, it is considered that the Section 52 agreement can be revoked as it clearly no longer meets the above NPPF requirements. This would not preclude the Council from taking planning enforcement action, if necessary, against any subsequent unauthorised use or development within the site. The concerns regarding historical tipping of the land are noted. However, any future tipping would require additional planning permission if it would materially alter the land levels. Tipping on the land would also be controlled under separate Environment Agency and environmental health legislation.

## **7.5 Impact upon the Green Belt, countryside character and residential amenities**

7.5.1 No operational development is proposed under this application. Therefore, the size and use of the existing dwelling, whether occupied by an agricultural worker or not, has the same actual harm on the openness of the Green Belt. Consequently, the removal of this condition does not conflict with Green Belt policy. Similarly the impact on the character of the countryside remains the same. Turning to the Section 52 legal agreement, although this has been in breach for many years due to the cessation of the haulage business, this is considered to form a benefit to the Green Belt and surrounding rural character.

7.5.2 The removal of the AOC condition would not change the degree of impact on neighbours or the adjacent Windlesham Arboretum land, as whether occupied by a family with agricultural connection or not, the impact of the intensity of use remains the same. The revocation of the Section 52 legal agreement would also not prejudice the amenity of surrounding neighbours and uses, as the Council could still take planning enforcement action, if necessary, against any subsequent unauthorised use or development within the site. This proposal therefore complies with Policy DM9 (iii) of the CSDMP.

7.5.3 As already mentioned, any future tipping would require additional planning permission if it would materially alter the land levels. Tipping would also be controlled under separate Environment Agency and environmental health legislation.

7.5.4 Condition 8 of the 94/0998 permission for the existing bungalow removes permitted development rights for extensions, garages and other buildings. For clarity and given the location within the Green Belt, this condition will be re-imposed. Associated to this the applicant has been requested to provide a plan defining the residential curtilage. An update on this matter will be provided at the meeting.

## **8.0 CONCLUSION**

- 8.1 As no interest from persons compliant with the occupancy terms required by the planning condition has been identified through the marketing of the property for sale between June 2016-April 2018, the Council's Agricultural Consultant has concluded that Bourne Holdings no longer requires an imposed occupancy condition as part of 94/0998. The dwelling no longer forms part of an agricultural holding since 2007, nor is it considered required for occupation by a person employed in agriculture in the local area. As such, retention of this condition serves no purpose, as it no longer meets the NPPF tests for imposing a planning condition.
- 8.2 Given that the Agricultural Occupancy Condition (AOC) is no longer considered necessary, it is considered that the Section 52 agreement should be revoked as it duplicates the normal planning control process and has now outlived its purpose due to the cessation of the agricultural and haulage business uses. The AOC and Section 52 agreement therefore clearly no longer meet the current NPPF requirements and as such, it is recommended that this Section application to remove the AOC and revoke the Section 52 agreement be granted.

## **9.0 WORKING IN A POSITIVE/PROACTIVE MANNER**

- 9.1 In assessing this application, officers have worked with the applicant in a positive, proactive and creative manner consistent with the requirements of paragraphs 38-41 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.

## RECOMMENDATION

GRANT subject to the following conditions:-

1. This permission related to the following approved plans:

Block plan received on 07 August 2018.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no further extensions or roof additions to the existing dwelling of Bourne Holdings shall be erected under Schedule 2, Part 1, Class A or Class B of that Order; and no buildings, enclosures, pools or containers incidental to the enjoyment of a dwelling house shall be erected under Schedule 2, Part 1, Class E of that Order; without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual and residential amenity and to accord with Policies CP1, DM1 and 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

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## Appeal Decision

Site visit made on 14 March 2017

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 April 2017

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**Appeal Ref: APP/D3640/W/16/3165312**

**Hawk Farm, Church Lane, Bisley, Woking GU24 9EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr S Howard against the decision of Surrey Heath Borough Council.
  - The application Ref 14/1000, dated 6 November 2014, was refused by notice dated 23 November 2016.
  - The application sought planning permission for an outline application to erect nursery Manager's dwelling and garage without complying with a condition attached to planning permission Ref BGR/8745, dated 19 November 1979.
  - The condition in dispute is No 3 which states that: *The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971 or in forestry (including any dependents of such persons residing with him) or a widow of such a person.*
- 

### Decision

1. The appeal is allowed and planning permission is granted for an outline application to erect nursery Manager's dwelling and garage at Hawk Farm, Church Lane, Bisley, Woking GU24 9EA in accordance with the application Ref 14/1000, dated 6 November 2014 without compliance with condition No 3 previously imposed on planning permission Ref BGR/8745, dated 19 November 1979 but subject to the following conditions:
  - 1) The residential curtilage is as shown outlined in red on drawing 574-P-16-4B and there shall be no enlargement to this curtilage. The existing picket fence, or an equivalent replacement, delineating the northern rear boundary of this residential curtilage shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
  - 2) There shall be no variation from the following approved plan 574-P-16-4B.
  - 3) Notwithstanding the provision of Classes A, B and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order) no extensions, roof enlargements or outbuildings shall be permitted without the prior consent in writing of the Local Planning Authority.

## **Procedural Matters**

2. Outline planning permission for a nursery manager's dwelling and garage was granted in 1979. I have not been provided with a reason for condition 3 and the information provided relating to the original planning permission is not legible. The appellant argues that condition 3 is no longer necessary on the basis there is no agricultural need and no demand from agricultural workers or retired farmers, and is seeking its removal. The Council does not refer to any development plan policy relating to agricultural occupancy dwellings. However, valuation, marketing, and the size and nature of the constructed dwelling are referred to as reasons to retain the condition.
3. The appeal site is located within the Metropolitan Green Belt. The Council refers to the very special circumstances allowing the dwelling within the Green Belt in the first instance. However, it does not refer to the proposal as being inappropriate development in the Green Belt. A change in occupancy would not result in a material change of use or an act of development. Therefore, the question of whether the appeal proposal would represent inappropriate development in the Green Belt is not relevant to this case.
4. Construction works commenced in the late 1970s although this was not finished until 2013. The Council issued a certificate of lawful development in 2011 confirming that the development had been implemented. I have dealt with the appeal on this basis.

## **Main issue**

5. The main issue is whether condition 3 is reasonable and necessary in respect of the occupation of Hawk Farm to be restricted to persons mainly employed, or last employed in the locality in agriculture or forestry.

## **Reasons**

6. Paragraph 206 of the National Planning Policy Framework (the Framework) indicates that planning condition should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance advises that conditions limiting benefits to certain people may be justified on the demonstration of exceptional need.
7. Paragraph 55 of the Framework indicates that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances. This includes the essential need for a rural worker to live permanently at or near their place of work in the countryside. The appeal site is located just outside of the defined settlement boundary of Bisley. The north side of Church Lane consists of sporadic development with houses within fairly large plots, and there are houses very close to the appeal site. Given the location of the property close to a built up area, I consider the site is not isolated in this respect.
8. The land on which the appeal site is located was associated with a horticultural nursery and the dwelling was originally justified in relation to the viability of the nursery. Since that time the nursery has reduced in size as parcels of land have been sold off including the appeal site. Although there is some paddock land associated with the site the Council does not argue that there is any agricultural business with land relating to the appeal site. To my mind it is

- clear that there is no direct functional relationship between the nursery and the dwelling or any other agricultural use.
9. In respect of a wider need for the dwelling, in 2011 the Council's agricultural advisors indicated that there were a number of nurseries in the area which had ceased trading. The conclusion was that there was no justification for a dwelling subject to an agricultural occupancy condition. I note the Council's current agricultural advisors do not agree with this. However, the Council does not dispute that horticultural uses are no longer prevalent in the area. I accept that the Council considers that this does not necessarily demonstrate there is no need for an agricultural workers dwelling. That said I have not been provided with any information relating to an identified need for agricultural workers dwellings in the locality.
  10. A brief period of marketing took place in 2014 with a full market value of £1.7 million. In 2016 marketing took place between 25% and 30% of the previous market value with additional land included in the sale following discussions with the Council. This price was further reduced to £1.3 million and there was no other interest from suitable occupiers. The Council argues it would expect that the property is marketed at a level which reflects the restriction on the property. Longstanding practice is referred to suggesting a range of 25% and 40% below the market value. However, I cannot be certain that this range remains appropriate as no information was provided to support this.
  11. In any event, the Council consider that the costs of the house should be approximately £670,000 to £840,000 and that this would be reasonable based on the properties recently sold in the immediate area. Nevertheless, the majority of these properties appear to be smaller than the dwelling or with different site characteristics. Therefore, they do not appear to be direct comparisons. I note that one of the properties has been marketed for a price similar to the top of the range referred to by the Council.
  12. The large size of the dwelling and how this has come about is raised as a concern to the Council and local residents. However, the Council also consider the dwelling to be lawful. Its present size is therefore fully relevant to the market value. The closest property in terms of size to Hawk Farm has recently been advertised for sale at £1.4 million. Based on size and other relevant values I consider the most recent market value as estimated by the appellant to be a valid one. However, even if the Council's assessment of the value was realistic the cost of the property would still be so significant that it would not contribute to the stock of dwellings for suitable occupants.
  13. The Council submits that the property should be marketed in manner to attract a potential suitable occupant and for a one year period. The Council consider that marketing through one agent would not be sufficient. However, there is no evidence to suggest that this would have resulted in more interest. From the information provided by the appellant I am also satisfied that interested parties have been made aware of the agricultural occupancy condition. The lack of a sale board outside the property is not an uncommon occurrence and to my mind does not have any significant bearing on whether the property would be attractive to a suitable occupier.
  14. A marketing period of 3 months was originally agreed with the Council with an agreed extension to 6 months. I note that the Council's current agricultural consultants refer to the property having been extensively marketed. Given the

absence of any formal guidelines for marketing timescales I am satisfied that the property has been marketed for a reasonable period of time. The house was marketed on the UK Land and Farms website and whilst this was for a short time only it did not result in any inquiries from those would meet the occupancy condition. Given the factors in relation to size and value the approach to marketing is reasonable, and the lack of advertising at other potential sources does not weigh against the proposal.

15. The circumstances relating to the dwelling have changed considerably since the original planning permission. The land associated with the appeal site no longer relates to the nursery. I have considered whether the house could be suitable for a retired agricultural worker. However, it is also very unlikely to be attractive to prospective buyers due to the price and size. There is no evidence that a subsequent tie to an equestrian use or to the additional paddock land would be applicable or justifiable in this case.
16. In my view the size and value of the property is such that it would be unlikely to attract an agricultural worker, and to retain the occupancy condition is not justifiable. I conclude that the disputed condition is unnecessary and unreasonable given the specific circumstances of the dwelling.

*Other matters*

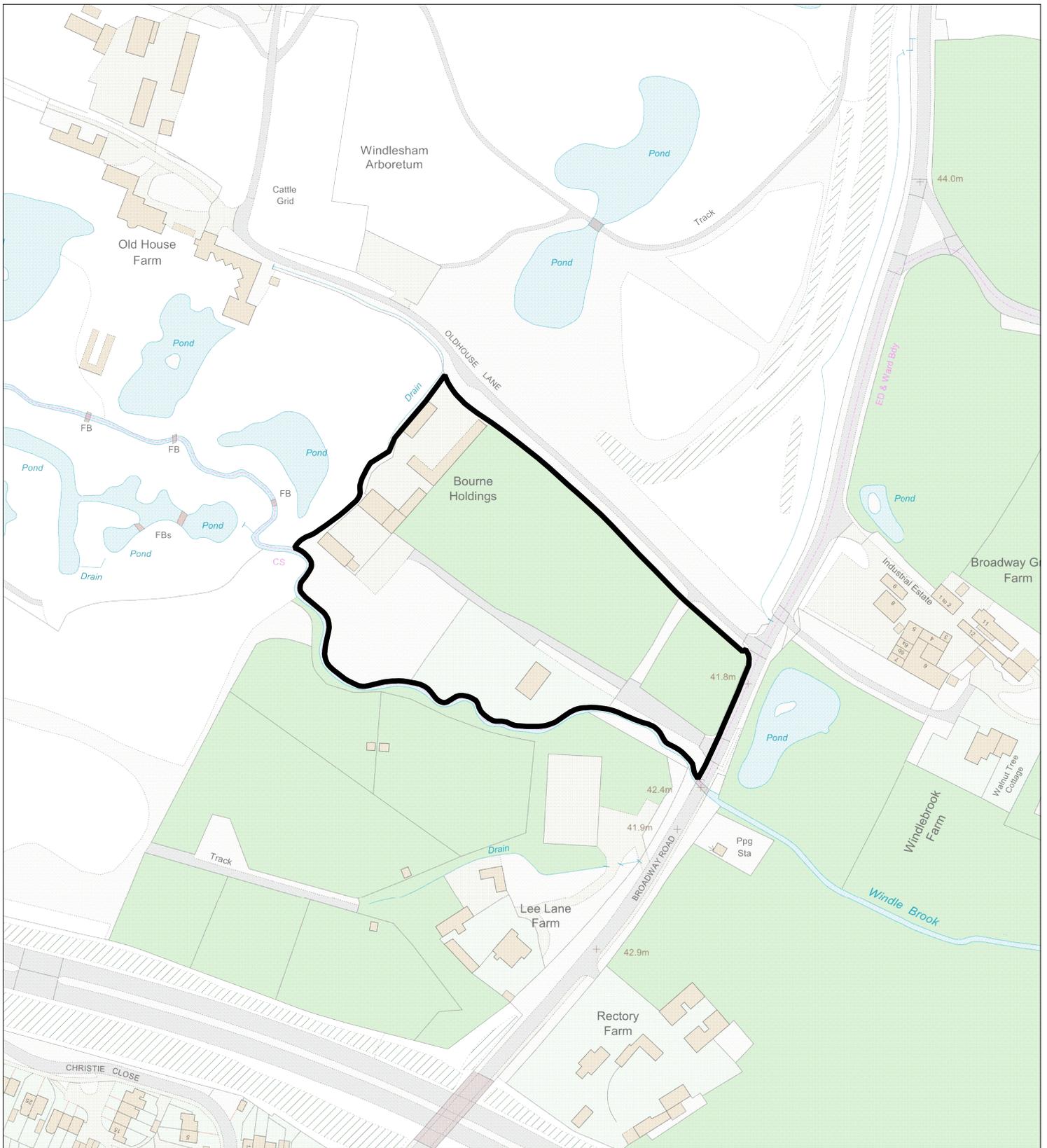
17. The Council does not raise any concerns in respect of the materials used or the design of the house. The materials are slightly different from the properties in immediate surroundings. However, this does not have a negative impact on the character and appearance of the area. Local residents raise concerns about the increase in house building locally. However, the dwelling already makes a contribution to the housing supply.

**Conclusion and conditions**

18. The Council indicate that there is no evidence to suggest that the original conditions have not been complied with and have suggested a number of new conditions. I have considered these in the light of the tests set out in paragraph 206 of the Framework and the Guidance. Where necessary, I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawing as this provides certainty. In order to ensure that there would be no harm to the Green Belt, I have attached a condition in respect of the residential curtilage and that the northern boundary shall be retained. In the interests of the openness of the Green Belt and to protect the character and appearance of the area it is necessary to attach a condition which removes the permitted development rights in respect of extensions, roof enlargements and outbuildings.
19. For the reasons given above, I conclude that the appeal should succeed and that planning permission should be varied as set out in the formal decision.

*L Gibbons*

INSPECTOR

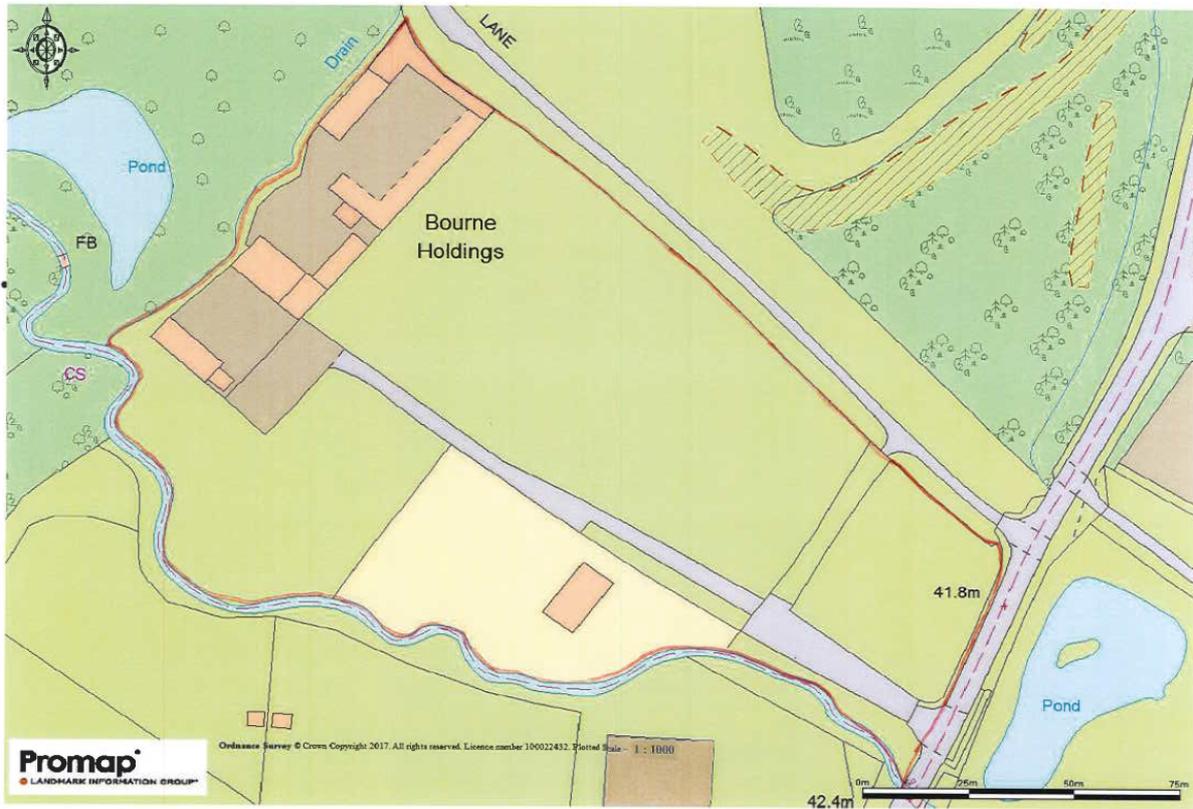


<b>Title</b>		Planning Applications	
<b>Application number</b>	18/0709	<b>Scale @ A4</b>	1:2500
<b>Address</b>	BOURNE HOLDINGS, BROADWAY ROAD, WINDLESHAM, LIGHTWATER, GU18 5SH	<b>Date</b>	21 Nov 2018
<b>Proposal</b>	Removal of condition 7 of 94/0998 requiring agricultural occupancy of bungalow at Bourne Holdings and discharge of section 52 agreement under 87/1324 restricting use of the site to agriculture and the parking of two HGV vehicles.	  0 10 20 m Page 81	
			
Version 4		© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2018	
		Author: DE	

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18/0709 - BOURNE HOLDINGS, BROADWAY ROAD, WINDLESHAM, LIGHTWATER, GU18 5SH

Existing site plan



Site photos

Existing dwelling and garden





Existing buildings to rear





Existing entrances



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**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.