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Tuesday, 28 January 2020

To: The Members of the **Planning Applications Committee**  
(Councillors: Edward Hawkins (Chairman), Valerie White (Vice Chairman),  
Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Jane Croke,  
Colin Dougan, Shaun Garrett, David Lewis, Charlotte Morley, Morgan Rise,  
Graham Tapper 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 Sharon Galliford, Rebecca Jennings-Evans, David Mansfield,  
Emma-Jane McGrath, Sashi Mylvaganam, Darryl Ratiram, Pat Tedder and  
Helen Whitcroft

#### 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, 6 February 2020 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

	<b>Pages</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes of Previous Meeting</b>	<b>3 - 12</b>

To approve as a correct record the minutes of the meeting of the Planning Applications Committee held on 9 January 2020.

### **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: 18/1089 - LAND WEST OF 35, MINCING LANE, CHOBHAM, WOKING, GU24 8RS *</b>	<b>13 - 40</b>
<b>5</b>	<b>Application Number: 18/0875 - LAND TO THE SIDE AND REAR OF 154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT</b>	<b>41 - 56</b>
<b>6</b>	<b>Application Number: 19/0006 - 154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT</b>	<b>57 - 68</b>
<b>7</b>	<b>Application Number: 19/0728 - 9 HEYWOOD DRIVE, BAGSHOT, GU19 5DL</b>	<b>69 - 80</b>
<b>8</b>	<b>Application Number: 19/0675 - BAGSHOT MANOR, 1 GREEN LANE, BAGSHOT, GU19 5NL</b>	<b>81 - 104</b>

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

#### **Glossary**

**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 9 January 2020**

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

+ Cllr Graham Alleway	- Cllr Sam Kay
+ Cllr Peter Barnett	+ Cllr David Lewis
+ Cllr Cliff Betton	+ Cllr Charlotte Morley
+ Cllr Vivienne Chapman	+ Cllr Morgan Rise
+ Cllr Sarah Jane Croke	+ Cllr Graham Tapper
- Cllr Colin Dougan	+ Cllr Victoria Wheeler
- Cllr Shaun Garrett	

+ Present

- Apologies for absence presented

Substitutes: Cllr Helen Whitcroft

Members in Attendance: Cllr Paul Deach, Cllr Tim FitzGerald, Cllr Sharon Galliford, Cllr David Mansfield, Cllr Emma McGrath, Cllr Adrian Page

Officers Present: Duncan Carty, Michelle Fielder, Jess Harris-Hooton, Julia Hutley-Savage, Shannon Kimber, Jonathan Partington, Neil Praise and Eddie Scott.

**26/P Minutes of Previous Meeting**

The minutes of the meeting held on 5 December 2019 were confirmed and signed by the Chairman.

**27/P Application Number: 19/0235 - WOODSIDE COTTAGE, CHAPEL LANE, BAGSHOT, GU19 5DE**

The application was for the residential development of 44 dwellings comprising 7 No. two bedroom, 9 No. three bedroom, 16 No. four bedroom two storey homes and 7 No. one bedroom and 5 No. two bedroom flats within a three storey building along with access, parking/garaging, and landscaping, following the demolition of existing dwelling and associated outbuildings. ( amended & additional plans & info rec'd 02/07/2019 & 10/07/2019 & 29/07/2019). (Additional & Amended Docs & Plans - Rec'd 31.10.2019).

Members were advised of the following updates on the application:

“For the avoidance of doubt, there are 388 number of objections in total from 339 number of objectors with new representations raising the following new issues:

- The use of the layby as an access/egress to residential drives (as would be required if the one way system were to be provided on Chapel Lane) would prejudice its use for parking/access and impact on covenants.

This is a lower figure than previously totalled (across the original/update reports) because of duplication of representations in the system.

The applicant has confirmed that there will be a management company to maintain the landscaping (beyond the demise of the private residential dwellings) with a charge to those residents. The charge will not apply to the affordable housing units with the provider responsible for landscaping within the demise of these properties.

The County Highway Authority has raised no objections to the proposal (see the appended response) following the receipt of the Traffic Watch/Chapel Lane Action Group report subject to the amended condition below.

### **Amendment to Condition**

19. Prior to the occupation of the development, Chapel Lane shall be improved in general accordance with Drawing No. 1807052-03 Rev L received on **27 November 2019** and Drawing No. 1807052-02 Rev E [within Appendix D of the Transport Statement) received on 19 March 2019] providing a footpath link for the site frontage along with traffic calming build outs, works to the existing layby in front of the site on Chapel Lane and surface treatment/road markings.

Reason: In the interests of highway safety and to comply with Policies DM11 and CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

### **Additional Condition**

25. Prior to the construction of the development above slab level, details of the measures for energy efficiencies shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of energy efficiency and to comply with Policy Cp2 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.”

As this application had triggered the Council’s Public Speaking Scheme, Mr Neil Lennox, on behalf of the Bagshot Society, and Dr Catherine Mahoney spoke in objection to the application. Mr Douglas Bond and Mr Phil Bell, on behalf of the agent, shared a public speaking slot and spoke in support of the application. Mr Noel Fierz also spoke in support of the application.

Arising from the Committee’s discussions, there were significant concerns in respect of impacts on residential amenity, the loss of mature trees, including TPO protected trees, and impact on the character of the area. Whilst highway matters (including proposals for a one-way system for Chapel Lane) were raised, concerns

were also raised about the impact of the increased traffic on Chapel Lane including the comings and goings of additional vehicles and resulting intensification in the movement of such traffic that would have such impact on residential amenity.

As there was no proposer and seconder for the officer's recommendation, an alternative recommendation to refuse the application, for the reasons below, was proposed by Councillor Valerie White and seconded by Councillor Helen Whitcroft. The recommendation was put to the vote and carried.

**RESOLVED that**

- I. Application 19/0235 be refused for the following reasons:**
  - **Over-density**
  - **Impact on Character of the Area**
  - **Impact of increased traffic on Chapel Lane on Residential Amenity**
  - **Loss of trees (including protected TPO trees).**
- 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.**

**Note 1**

It was noted for the record that:

- i. There had been a Member Site Visit on the application.
- ii. All Members of the Committee had received various phone calls and pieces of correspondence in relation to the application.
- iii. Councillors Peter Barnett, Morgan Rise and Victoria Wheeler had spoken to residents in respect of the planning portal in relation to the application, but did not pass comment on the material content of the application.
- iv. Councillor Peter Barnett had made an objection to the application prior to being a Councillor, but declared he did not have a closed mind on the application in relation to Section 25 Localism Act 2011.

**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 outlined above:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Jane Croke, Edward Hawkins, David Lewis, Charlotte Morley, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

**28/P Application Number: 19/0154 - ROSEDENE FARM & LAND TO THE SOUTH OF FENNS LANE, WEST END, WOKING, GU24 9QF**

The Committee considered an outline application for the erection of 74 dwellings (and the retention of Rosedene Farm), provision of accesses, landscaping and play space along with an area of public open space following the demolition of existing buildings. (Amended info rec'd 9/4/19) (Additional info rec'd 30/04/19), (Amended/additional plans & info rec'd 06/11/19).

Members were advised of the following updates on the application:

“The applicant has provided a letter supporting the proposal in Green Belt terms which are summarised below:

- The low quality of the land and its previously developed nature (buildings/hardstanding);
- Comparisons with the proposal at Fair Oaks Airport (which is not yet determined);
- In the weighing of very special circumstances, case law has indicated that a combination of factors can provide sufficient “very special circumstances” and this is a matter of planning judgement;
- Benefits of providing the public open space and overall enhancement of the site; and
- Disagrees with the conclusion that the Five Year Land Supply Paper can demonstrate a 5.52 year supply of deliverable housing sites.

The content of this letter is noted.

Two further objections have been received raising no new issues.

A further objection from the West End Action Group has been received, responding to additional/amended details provided by the applicant, raising the following new issues:

- Serious underestimating of traffic movements on Fenns Lane due to limited survey and weather conditions at that time; and
- The land is more open, and the impact of the development would be much greater, than indicated in the amended landscape assessment.

West End Parish Council has confirmed that, in responding to additional/amended details provided by the applicant, their original objections still stand.”

As this application had triggered the Council’s Public Speaking Scheme, Mr Guy Consterdine, on behalf of the West End Action Group, and Dr J W Llewelyn spoke in objection to the application and Ms Liz Alexander and Mr Ian Newton, on behalf of the agent, shared a public speaking slot and spoke in support of the application.

The recommendation to refuse the application was proposed by Graham Alleway and seconded by Charlotte Morley and put to the vote and carried.

**RESOLVED that application 19/0154 be refused for the reasons set out in the Officer Report**

**Note 1**

It was noted for the record that all Members of the Committee had received various pieces of correspondence in respect of 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:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Jane Croke, Edward Hawkins, David Lewis, Charlotte Morley, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

**29/P Application Number: 19/0440 - PRINCESS ROYAL BARRACKS, BRUNSWICK ROAD, DEEPCUT, CAMBERLEY, GU16 6RN**

The application was a reserved matters submission comprising full details of access, appearance, landscaping, layout and scale for a new public house pursuant to planning permission 12/0546 (as subsequently amended by permission 18/619 and 18/1002), including a section of footpath / cycleway connection forming a part of the Village Green to the north of the public house site, together with submissions to discharge the following conditions: Condition 9 (Affordable Housing Strategy), Condition 16 (Ecological Mitigation and management), Condition 17 (Public Open Space), Condition 23 (Visibility Zone), Condition 28 (Cycle Parking [Non-Residential]), Condition 29 (Tree Protection & Retention), Condition 32 (Hard & Soft Landscaping), Condition 34 (Hedges & Hedgerows) and Condition 52 (Archaeology). (Amended plans and additional information rec'd 04/09/2019.) (Amended plans and additional information rec'd 18/09/2019.) (Amended plans and additional plans & information rec'd 23/10/2019.) (Amended plan rec'd 1/11/19.) (Amended plans rec'd 12.11.19.)

Members were advised of the following updates on the application:

**“UPDATE**

**Report correction**

As printed and appearing on the web the report contains a formatting error after paragraph 7.4.14. This affects the section heading pertaining to '7.5 Amenity Considerations' and paragraphs 7.5.1 and 7.5.2. For clarity paragraph 7.4.14 to 7.5.6 are reproduced below.

7.4.14	In conclusion, the proposal would deliver a satisfactory form of development and would not undermine the objectives of the Deepcut SPD, the Site Wide Design Code, or policies CP4, DM9 and DM17 of the Core Strategy and Development Management Policies 2012.
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<b>7.5</b>	<b>Amenity Considerations</b>
7.5.1	The Council has a number of planning documents seeking to ensure residential amenity is not compromised. Policy DM9 of the CSDMP 2012 and the Residential Design Guide 2017 are relevant considerations as is the Site Wide Design Code (SWDC). At the time of considering this application there are limited dwellings approved / built in close proximity to the proposed public house and as a consequence few existing relationships to consider. The siting and form of the building is not considered to harm the dwellings approved at the Cala site with the form of the side elevation of the building facing this direction actually fronting the green swathe running between the two Cala parcels. In addition, the intervening road and the set back of the building from the site boundaries are sufficient to prevent any overbearing relationship arising. It is noted that the design code and reserved matters application for the residential parcel to the north of the site will need to respond to any approved layout on the application site.
7.5.2	The design and access statement advises the opening hours would be: <ul style="list-style-type: none"> <li>• 0730 to 2330hrs Monday to Thursday;</li> <li>• 0730 to 0000hrs Friday and Saturday;</li> <li>• 0800 to 2300hrs Sunday; and,</li> <li>• 0730 to 0000 Bank holidays and New Year's Eve 0730 to 0130hrs.</li> </ul>
7.5.3	It is considered the above is generally acceptable; however, it is considered Bank Holiday opening should not exceed the opening on Sunday. In addition, discussions with the Council's Environmental Health Officer conclude that the above, and the operation of the public house generally, is acceptable subject to conditions as detailed at draft conditions 4 – 6.
7.5.4	It is also noted that any development has the potential to give rise to temporary effects which can cause inconvenience and disruption to residents and businesses. The hybrid permission sought to address this by imposing planning conditions to control amongst other things, delivery routes, piling techniques, dust suppression techniques and hours of working. Subject to compliance with the planning conditions already imposed it is not considered the development proposed would give rise to conditions not considered at hybrid application stage.
7.5.5	The proposal includes on site ancillary staff accommodation. This takes the form of 7 double bedrooms of 12sqm. This exceeds the 11.5sqm baseline contained within the Technical Housing Standards. In addition, the communal areas provided in terms of their size and general provision are considered to be acceptable. The proposal has been reviewed by the Senior Environmental Health Officer (Home Solutions Team Leader) and the Fire Safety Officer and both confirm the accommodation meets the required amenity and safety standards.
7.5.6	In light of the above it is considered the proposal is acceptable in terms of its amenity impact and provision. The proposal is therefore considered compliant with Policy CP4 and Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

### **Additional conditions**



20. The service yard shown on the approved plans shall be retained for its stated purpose. There shall be no refuse / recycling or food waste storage anywhere on site other than in the locations shown on the approved plans.

Reason: To ensure a satisfactory form of development in accordance with Policy CP4, DM9 and DM17 of the Core Strategy and Development Management Policies 2012, the Deecput SPD, the Design Codes and the NPPF.

21. The boundary treatments shown on the approved plans in addition to any to be agreed pursuant to any planning condition shall be implemented prior to the development hereby agreed coming into first use.

Reason: To ensure a satisfactory form of development in accordance with Policy CP4, DM9 and DM17 of the Core Strategy and Development Management Policies 2012, the Deecput SPD, the Design Codes and the NPPF.”

Condition 3 was amended by the Committee to require consultation with the Chairman and Vice Chairman of Planning Applications Committee during agreement with the Local Planning Authority in respect of the materials to be used on the site. In addition it was added to the condition that wherever possible the materials used should be porous.

The officer recommendation to grant the application was proposed by Councillor Victoria Wheeler and seconded by Councillor Charlotte Morley, put to the vote and carried.

**RESOLVED that application 19/0440 be granted subject to the conditions in the Officer Report, as amended, and the planning updates.**

**Note 1**

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 recommendation to grant the application:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Jane Croke, Edward Hawkins, David Lewis, Charlotte Morley, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

**30/P Application Number: 19/0728 - 9 HEYWOOD DRIVE, BAGSHOT, GU19 5DL**

The application was for the raising of land levels in the garden up to 1m in height and erection of a 1.8m closed board fence on new land levels to the sides, and a 2.2m fence to the rear on previous land levels (retrospective).

The application would normally be determined under the Council's Scheme of Delegation, however, it had been called in for determination by the Planning

Applications Committee at the request of Cllr Valerie White due to concerns regarding overlooking and loss of privacy at neighbouring properties.

Members had concerns in respect of the proposal's potential to create a loss of privacy onto Number 7's garden and negative impacts on residential amenity. As a result of the discussions, the Committee felt it was appropriate to conduct a Member Site Visit on the application before determination.

A recommendation to defer the application for a Member Site Visit was proposed by Councillor Edward Hawkins and seconded by Councillor Victoria Wheeler. The recommendation was put to the vote and carried.

**RESOLVED that application 19/0728 be deferred to conduct a Member Site Visit**

**Note 1**

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 defer the application to conduct a Member Site Visit:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Jane Croke, Edward Hawkins, David Lewis, Charlotte Morley, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

**31/P Application Number: 19/2052 - 23 PRIOR ROAD, CAMBERLEY, SURREY, GU15 1BD**

The application was for the erection of a part two storey and part single storey side extension to the existing, detached garage, following the demolition of the existing store, and the conversion of the games room in the loft space to form an annexe.

This application had been reported to the Planning Applications Committee because the applicant's wife is a Council employee.

The recommendation to grant the application was proposed by Councillor Valerie White, seconded by Councillor Graham Tapper and put to the vote and carried.

**RESOLVED that 19/2052 be granted subject to the conditions set out in the Officer Report**

**Note 1**

It was noted for the record that the all members of the Committee knew the applicant's Wife as she was a Council employee.

**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 officer's recommendation:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Jane Croke, Edward Hawkins, David Lewis, Charlotte Morley, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

Chairman

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2018/1089

Reg Date 21/01/2019

Chobham

**LOCATION:** LAND WEST OF 35, MINCING LANE, CHOBHAM, WOKING, GU24 8RS

**PROPOSAL:** Erection of 30 dwelling houses at former nursery to comprise 22 affordable homes and 8 open market homes with associated gardens, landscaping, woodland, parking and access

**TYPE:** Full Planning Application

**APPLICANT:** Ronan Leyden  
Sustaining Chobham (Community Land Trust)

**OFFICER:** Mr N Praine

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

- 1.1 This application seeks planning permission for the erection of 22 affordable dwellings and 8 open market dwellings with one way access into the site off Mincing Lane and out of the site through Medhurst Close.
- 1.2 As detailed in this report, it has not been demonstrated that the proposal meets the identified local need for affordable housing within the Parish of Chobham. Therefore, the proposal cannot be considered to constitute a Green Belt Rural Exception Site. Additionally it is considered that the applicant has not demonstrated any need for the open market dwellings. The proposal is therefore inappropriate and harmful development in the Green Belt. Furthermore, the height and scale of the three storey dwellings are not considered to respond or integrate within the rural character of the area. The proximity of the proposal to existing dwellings will also cause unacceptable overlooking of 15 Medhurst Close.
- 1.3 The applicant has also failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures.
- 1.4 There are no very special circumstances to outweigh the harm identified and the application is therefore recommended for refusal.

**2.0 SITE DESCRIPTION**

- 2.1 The application site, a former tree nursery of approximately 1.6 hectares, lies to the west of number 35 Mincing Lane and is designated as falling completely in the Green Belt. To the south of the application site lies the settlement boundary and the residential properties of Medhurst Close, to the west the Chobham Pet Cemetery and to the north low density residential development and open countryside can be found. To the east residential properties face onto Mincing Lane.

- 2.2 The existing site is mostly undeveloped, however a mobile telecoms mast can be found to the north west of the site and 3 derelict small scale single storey buildings near the main entrance (Access to the site is currently achieved just south of 35 Mincing Lane from the west side of Mincing Lane). While some limited unauthorised storage of cars and repairs to cars occurred during the 1980s this has long since ceased. The site is also broadly level with existing landscaping most densely confined to the boundaries of the application site, however, there are a number of shrubs and undergrowth of varying health and quality across the site.
- 2.3 The wider area is characterised by primarily residential buildings lining Mincing Lane, the Avenue and the residential area of Medhurst Close. Along Mincing Lane and The Avenue buildings are typically detached and mixed in terms of height (single storey or two storey) and are also mixed in terms of materials and architectural design, with render, brick and tile featuring along these street scenes. Mincing Lane also has a low density character with landscaping often featuring along front boundaries facing onto the Lane.
- 2.4 The streetscape of Meadhurst Close features a more urban feel with primarily terrace dwellings of 2 storey height of red brick and tile construction. Some dwellings do also incorporate render sections however the predominant material is red brick.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 None

### **4.0 THE PROPOSAL**

- 4.1 Permission is sought for the erection of 30 dwelling houses at the former nursery to comprise 22 affordable custom build homes and 8 custom build market homes with associated gardens, landscaping, woodland, parking and access.
- 4.2 The proposed buildings would be contemporary in design with materials to include timber cladding and clay tile hanging and timber shingle / slate roofs. Of the proposed market housing 7 would be three bed dwellings and the remaining 1 would be a two bed dwelling. All 22 affordable homes would be discounted market sales housing (DMS) of which 9 of these would be three bed dwellings, 7 would be two bed dwellings and 6 would be one bed dwellings.
- 4.3 The dwellings would comprise a mix of 2 and 3 storey buildings. The two storey buildings would reach an approximate maximum height of 8m and the three storey approximately 10.5m. The building forms are clustered into groups of 3-5 homes with the three apartment sections rising to 3 storeys (each containing 3 apartments) and the remaining 21 houses reaching 2 storey in height. The homes all have pitched roofs.
- 4.4 The Design and Access Statement (DAS) explains that the dwellings are proposed to be clustered around communal 'public realm' spaces which include:
- a home-zone, a pedestrian and cycle priority street space, with a shared surface to reduce vehicle speed and dominance;
  - A courtyard, the focal point for community activity within the site, the courtyard is surrounded on 3-sides by homes; and

- Communal gardens / woodland to the rear of the dwellings, to provide a less formal, less visible area than the courtyard providing a flexible space for all residents to use.
- 4.5 One way entrance (vehicular) access (and two way pedestrian) is proposed from the west side of Mincing Lane into the site. This one way primary access through the site would travel centrally through the 'Home Zone' heading south before the 'Courtyard' to exit at Medhurst Close. Other secondary shared routes are designed primarily to allow vehicular and pedestrian access to parking areas adjacent to homes. Further pedestrian only routes allow access around the site. Car parking for 52 vehicles is proposed across the site with one space reserved for a car club communal car. The parking spaces will be located to the side and rear of homes either as car ports or surface parking. Each dwelling will also receive 2 secure cycle parking spaces.
- 4.6 The dwellings are presented as custom build insofar as the exterior would be ready constructed but the internal layout would be configurable to meet residents' needs, in essence location of living rooms and bedrooms and internal dividing walls (all to be reconfigurable as occupants needs change).
- 4.7 The Planning Statement (PS) states that the 22 affordable homes will be allocated on local need and income assessments, i.e. made available to local people priced out of the market. The applicant has assessed local income trends and undertaken a housing needs survey for the parish of Chobham to understand the financial situation and accommodation need of local people who expressed an interest in living in the homes. The content of which is considered in more detail below at paragraph 7.2.
- 4.8 The PS explains that the development will be managed by a Community Land Trust (CLT) which has been formed and is named 'Sustaining Chobham'. The CLT's aim is for local representatives to sit as directors and take an active role in key decision making such as eligibility criteria, community rules, management / maintenance of the shared facilities and to act as legacy owner and custodian of the freehold of the land, managing the on-going maintenance of common infrastructure and protecting the housing discounts in-perpetuity.
- 4.9 The PS states that this development is targeted at those struggling with local market prices who often don't qualify for social housing. The affordable homes will be for Discount Market Sale (DMS) minimum 20% discount. All homes across the site are therefore for full (leasehold) ownership with the CLT retaining the freehold.
- 4.10 The following documents have been submitted in support of the application of which relevant extracts will be referred to in section 7 of this report:
- Ecological Appraisal and Bat Assessments;
  - Arboricultural Assessments;
  - Planning Statement;
  - Design and Access Statement;
  - Flood Risk Assessment;
  - Statement of Community Involvement;
  - Chobham Housing Needs Survey;

- Site Investigation / Land Contamination Assessment;
- Archaeological Assessment;
- Transport Statement;
- Utilities Statement;
- Viability Report
- One Planet Action Plan;
- Energy Strategy and
- Sunlight and Daylight Summary.

## 5.0 CONSULTATION RESPONSES

- |     |  |   |
|-----|--|---|
| 5.1 | Council Environmental Health Officer (EHO) | No objections   |
| 5.2 | County Highway Authority (CHA)             | No objection subject to conditions and informatives<br><i>[See Annex A of this report]</i>  |
| 5.3 | Chobham Parish Council                     | <p>Objection for the following reasons:</p> <ul style="list-style-type: none"> <li>• No proven need for discounted market housing for local people or open market housing <i>[Officer comment see paragraphs 7.2 below]</i></li> <li>• Unsustainable location, insufficient parking and negative impact on highway network <i>[Officer comment see paragraph 7.6 below]</i></li> <li>• Out of keeping with the character of the local area including trees <i>[Officer comment see paragraph 7.4 below]</i></li> <li>• Concern about the impact upon ecology <i>[Officer comment see paragraphs 7.8 and 7.9 below]</i></li> </ul> |
| 5.4 | Arboricultural Officer                     | No objection, subject to condition to agree tree protection, replacement tree planning and a Woodland Management Plan   |
| 5.5 | Surrey Wildlife Trust (SWT)                | No objection subject to works being carried out in accordance with submitted surveys, the submission of a Landscape and Ecological Management Plan / Woodland Management Plan, a Construction and Environmental Management Plan and agreement of any external lighting. <i>[Officer comment if minded to approve a condition would be imposed to agree all of these above details]</i>  |



5.6	Housing Services Manager	Disappointed that the scheme has come forward to meet local need, yet provides nothing for those excluded from even affordable homeownership, whose options are even more limited in the villages <i>[Officer comment see paragraph 7.2 below]</i>
		The Housing Services Manager also states, if the application is approved the final eligibility criteria should be agreed with the LPA. <i>[Officer comment if minded to approve a condition would be imposed to agree these details]</i>
5.7	Archaeology Officer	No objection subject to condition to secure a Written Scheme of Investigation (WSI)
5.8	Council Scientific Officer:	No objection subject to condition
5.9	Council's Conservation Officer	No objections subject to conditions to agree details for the protection of the adjoining listed buildings from disturbance, vibration and damage during the construction phase
5.10	Lead Local Flood Authority	No objections subject to conditions and informative
5.11	Thames Water	No objection subject to informatives

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, 49 representations of objection, 12 letters of support and 1 comment has been received. The letters of objection raise the following concerns:
- Negative impact upon the safe flow of traffic *[Officer comment: see paragraph 7.6 below]*
  - There is no local need which cannot already be met by the existing market there are many houses available for sale within Chobham *[Officer comment: see paragraph 7.2 below]*
  - Negative impact upon local infrastructure *[Officer comment: see paragraph 7.7 below]*
  - Under provision of parking *[Officer comment: see paragraph 7.6 below]*
  - Loss of trees and woodland - *[Officer comment: see paragraph 7.4 below]*
  - Out of keeping with the established character of the area *[Officer comment: see paragraph 7.4 below]*
  - More landscaping required *[Officer comment: a condition agreeing landscaping is proposed and the applicant has agreed to additional planting]*
  - Loss of Privacy *[Officer comment: see paragraph 7.5 below]*
  - Overbearing to neighbours *[Officer comment: see paragraph 7.5 below]*

- Disturbance and inconvenience during construction phase [*Officer comment: If minded to approve it would be appropriate to include agreement of a Construction Management Plan through a condition*]
- Increased noise and light pollution [*Officer comment: see paragraph 7.5 below*]
- Negative impact on wildlife and ecology [*Officer comment: see paragraph 7.9 below*]
- Eligibility criteria does not meet rural exception site policy [*Officer comment: see paragraph 7.2 below*]

6.2 The letters of support / comments state the following:

- The proposal will provide much needed accommodation for local people who wish to stay in Chobham
- The site is sustainable and within walking distance (approx 1km from the Chobham centre)

## **7.0 PLANNING CONSIDERATIONS**

7.1.1 The application site sits within the Green Belt, immediately to the north of the washed over settlement area of Chobham. As such the application 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 CP1, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM5, DM9, DM10, DM11 and DM17. It will also be considered against the Residential Design Guide Supplementary Planning Document (RDG) SPD 2017 and the National Planning Policy Framework (NPPF) with the associated Planning Practice Guidance (PPG). The Thames Basin Heaths SPA Avoidance Strategy (2019) and saved Policy NRM6 of the South East Plan are also material considerations with this application.

7.1.2 The main planning issues, therefore, in the determination of this application are:

- The principle and need for the development;
- Impact of the development upon the openness of the Green Belt;
- Impact on the appearance and character of the area;
- The impact on amenities of neighbouring properties;
- The impact on highway safety and parking;
- Impact on local infrastructure;
- Impact on Thames Basin Heaths SPA;
- Other matters

### **7.2 The principle and need for the development;**

7.2.1 Paragraph 133 of the National Planning Policy Framework (NPPF), states that the Government 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.

7.2.2 Paragraphs 143 and 144 of the NPPF further state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

- 7.2.3 Policy CP1 (Spatial Strategy) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) states that new development will largely come forward through redevelopment of previously developed land in the west of the borough. The site is neither in the west of the borough or considered to be previously developed land. Additionally paragraph 73 of the NPPF requires plan-making authorities to identify a five year supply of deliverable housing sites. The Council can currently demonstrate a 5.52 year housing land supply.
- 7.2.4 All these factors weigh against delivering development within this Green Belt location. However, paragraph 145 of the NPPF states that while the construction of new buildings are inappropriate in the Green Belt, certain exceptions exist. This includes exception (f) for limited affordable housing for local community needs under policies set out in the development plan (such as rural exception sites).
- 7.2.5 This is reinforced by paragraph 77 of the NPPF which explains that within rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 7.2.6 It is also noted within the Council's Strategic Land Availability Assessment (SLAA) 2019 that the site could potentially be suitable for development under Rural Exception criteria, where it can be demonstrated to meet the affordability needs of the local area and where residents' local connections to Chobham could be demonstrated. The SLAA recognises the specific type and range of affordable units proposed will also be a factor in the acceptability of the site.
- 7.2.7 That said, paragraphs 1.6 and 1.7 of the SLAA state that although the SLAA is an important source of evidence to inform plan making, it does not make decisions about the future of sites. The SLAA provides background evidence on the potential availability of land for development. It is the development plan which will determine which of those sites in the SLAA are the most suitable to meet the borough's future needs. Accordingly, the inclusion of a site in it does not mean that it will necessarily gain planning permission.
- 7.2.8 This proposal is presented as a rural exception site and paragraph 5.11 of the CSDMP states that 'Rural Exception Sites' are defined as small sites specifically for 100% affordable housing provided in perpetuity on land adjoining rural settlements upon which housing development would not normally be permitted (such as Green Belt sites). These sites seek to address the needs of the rural community to ensure that they continue to develop as sustainable mixed and inclusive communities by providing accommodation for households who are either current residents or have an existing family or employment connection.
- 7.2.9 Policy DM5 (Rural Exception Sites) of the CSDMP sets out the criteria for affordable housing as follows:

*Development consisting of 100% affordable housing within the countryside or Green Belt will be permitted where:*

*(i) There is a proven local need for affordable housing for people with a local connection to the area; and*

*(ii) The need cannot be met within the settlement boundary; and*

*(iii) The development will provide affordable housing for local people in perpetuity; and*

*(iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents*

- 7.2.10 Annex 2 of the NPPF defines affordable housing as: *'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).'* Of the four types of affordable housing defined in the NPPF, discounted market sales housing is identified as one affordable housing product. The NPPF defines this type of affordable housing as: *'Housing sold at a discount of at least 20% below local market value, with eligibility determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.'*
- 7.2.11 The proposal offers discounted market sales housing (DMS). The applicant has confirmed that the affordable dwellings are offered at a minimum discount of 20%, therefore at face value complying with the NPPF definition. The applicant also states that discounts and eligibility is determined by the Community Land Trust (CLT) with regard to local incomes and local house prices with provisions in place to ensure housing remains at a discount to ensure affordability for future eligible households.
- 7.2.12 Policy DM5 of the CSDMP states that housing must be 100% affordable within rural exception sites. The proposal does not meet this test as 8 dwellings or 26% of the housing is for open market sale. However, since the adoption of the CSDMP, paragraph 77 of the NPPF encourages consideration as to whether market housing on a site can help facilitate the delivery of rural exception site. Annex 2 of the NPPF's definition of rural exception sites explains that: *'a proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.'*
- 7.2.13 The applicant has submitted a financial appraisal setting out why, in their opinion, 8 open market homes are required to deliver the cross subsidy to make the development viable. The applicant's financial appraisal has been subject to independent review. This review concluded that the DMS housing does not require open market housing in order to be viably brought forward. Additionally as part of its sensitivity testing, the independent review considered an even split between social rented and intermediate properties (shared ownership), with no discount market housing, and also found this to be viable. Consequently, there is no reason why the applicant could not deliver 100% affordable housing and in this regard full regard has been had to paragraph 77 of the NPPF.
- 7.2.14 On this basis, the proposal is contrary to policy DM5 and no further assessment is required. Even in the event that the proposal constituted 100% affordable housing (or indeed market housing was needed to make the scheme viable), criteria (i) – (iv) of DM5 must still be satisfied. For completeness, therefore, this criteria is considered in turn below:
- (i) Is there a proven local need for affordable housing for people with a local connection to the area?
- 7.2.15 To satisfy this criterion it is considered that the affordable housing should be for people who already live in Chobham or have a family or employment connection to Chobham. The applicant has submitted an independent local needs survey which was carried out by the Surrey Community Housing Partnership during June 2018. This survey identifies a local need in the parish of Chobham for households whose financial situation means that they are unable to purchase in the open market but who do not qualify for social rent

housing. This conclusion is partly reinforced by the Council's 2016 Strategic Housing Market Assessment (SHMA). This SHMA identifies a greater range of needs including households that are unable to afford to rent as well as households that are able to afford market rents but are unable to access home ownership.

- 7.2.16 The Council's SHMA and Housing Services Manager confirm there is range of affordable needs in Chobham. As a result the Council should seek a range of affordable products as part of any development site. The applicant has conducted no research / analysis into the parish need for social or affordable rents and does not offer any social or affordable rents as part of the housing mix. This weighs substantially against the proposal.
- 7.2.17 Furthermore, and whilst there may be some households in the gap between renting and buying and DMS should be sought (as a percentage toward the solution to meet this need) of the affordable routes into home ownership housing types, it is likely that shared ownership is the most appropriate option (due to the lower deposit requirements and lower overall costs, given that the rent would also be subsidised). The proposal does not offer shared ownership housing as part of the mix to meet this need and this also weighs against the proposal.
- 7.2.18 The application proposes the provision of twenty-two units that would be DMS, as part of the thirty unit scheme (74% of the total number of units are offered as DMS). This represents only one type of affordable housing need and given the range of needs identified above, the proposal is not considered to be representative of the full range of needs contained in the NPPF definition, Policy CP5 of the CSDMP or identified in the SHMA.
- 7.2.19 Additionally, the proposed Allocation Hierarchy for the DMS extends outwards from Chobham (as shown in Appendix 2 of the PS submitted with the application). Such a hierarchy should not be in place if the scheme is in compliance with criterion i) of DM5 as it would need to meet an identifiable need within the area which is Chobham Parish. On this basis, the proposal is not in compliance with policy. This weighs substantially against the proposal.

(ii) Can the need be met within the settlement boundary?

- 7.2.20 As stated in Policy CP1 (Spatial Strategy) of the CSDMP, there is limited capacity in the settlement of Chobham to accommodate any new development. The CSDMP does not include any housing sites that are allocated within the Chobham Settlement area. However, the SLAA demonstrates there is one site (site ID 447) that could come forward in the developable period, within the settlement boundary of Chobham which was assessed to have a capacity of ninety units. Planning policy would require 40% affordable housing provision with a mix of social rents and shared ownership. The proposal does not take this into account or explain why this development would not meet the existing need within the parish of Chobham. This also weighs against the proposal.

(iii) Will the development provide affordable housing for local people in perpetuity?

- 7.2.21 As set out above, the proposed Allocation Hierarchy for the DMS extends outwards from Chobham (as shown in Appendix 2 of the PS submitted with the application). This should not be in place if the scheme is in compliance with the local needs of Chobham. This also weighs against this scheme. Additionally, there is concern about how the discounts and eligibility will be applied in perpetuity. For example, affordability of the dwellings to local people are likely to be priced out of the market in this area which comprises significantly higher than average house prices.

Moreover, there is concern as to what procedures are in place in the event no one or very limited individuals wish to sit as directors of the CLT or the CLT is not quorum. The lack of certainty as to how the CLT will operate as a mechanism to deliver affordable housing in perpetuity also substantially weighs against the proposal. As such, in the officer's opinion this proposal fails criterion (iii).

- (iv) Whether the development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents

7.2.22 The site sits immediately to the north of the existing village boundary and as such is considered to adjoin an existing settlement area. There are bus stops on Delta Road, the High Street, Windsor Road all within reasonable walking distance. There is a pedestrian pavement south of Mincing Lane to Chertsey Road via the east access as well as a pavement through Medhurst Close to Chertsey Road and again south to Chertsey Road and west to Windsor Road. The local High Street and shops are approximately a 15 minute walk (0.7 miles) from the accesses and this distance is considered acceptable for both cycling as well as walking. As such the proposal complies with criterion (iv).

### Summary

7.2.23 The proposal is considered contrary to Policies CP1 and DM5 of the CSDMP as the development does not deliver 100% affordable housing and the applicant has failed to demonstrate a proven local need. The applicant has also failed to prove that open market housing is required as part of this proposal. Additionally, the proposal does not meet the exception set out at paragraph 145 (f) of the NPPF and therefore represents inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Before considering whether there are any very special circumstances to outweigh this harm it is necessary to consider whether any other harm exists, as outlined in paragraphs 7.3 - 7.9 below. Very special circumstances are considered at paragraph 7.10.

## **7.3 Impact of the development upon the openness of the Green Belt**

7.3.1 By virtue of the overall quantum of built form on open and undeveloped land, the development would also, in the officer's opinion, be harmful to Green Belt openness. Openness is open textured and includes both spatial and visual impacts. Currently the site is characterised by an absence of built form and so the proposed quantum of built form would spatially irreversibly damage the openness of the site. In particular, there are concerns about the proposed height of three storey buildings within the development as well as the density and spread of development.

7.3.2 The development with its associated height and development presence would also have a visual impact upon openness. Visually the proposal would spread development north outside of the settlement of Chobham. From a distance the site currently gives the impression of woodland, along the southern boundary and the southwest corner there are some large, mature trees, which strongly contribute to the rural character of the area and define the boundary towards Medhurst Close. To the north of the site are open fields.

7.3.3 By association, this harm to openness, would also conflict with the following purposes of the Green Belt as outlined in para 134 of the NPPF:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another; and
- to assist in safeguarding the countryside from encroachment.

Specifically, the proposal would lead to urban sprawl as it spreads northwards, leading to a gradual erosion of openness as it encroaches further into the countryside. The proposal would also contribute to the continued loss of countryside which over time would lead to towns merging into one another. Development here would therefore affect the integrity of the Green Belt and this weighs substantially against the proposal.

#### **7.4 Impact on the appearance and character of the area;**

- 7.4.1 Good design is set out in the National Design Guide (NDG) as development which has context which enhances its surroundings, has an identity which is attractive and distinctive, its built form should be coherent, functional, healthy, sustainable and accessible while efficient and resilient for the long term. The NDG also supports high quality landscaping with safe, social and inclusive public / communal areas.
- 7.4.2 Paragraph 122 of the NPPF identifies the importance of securing well-designed, attractive and healthy places. Paragraph 124 recognises good design is a key aspect of sustainable development, creates better places in which to live, work and helps make development acceptable to communities.
- 7.4.3 Paragraph 127 of NPPF seeks to ensure that developments function well, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, create attractive, welcoming and distinctive places and places that are safe, inclusive and accessible and which promote health and well-being.
- 7.4.4 Policy CP2 (iv) of the CSDMP is reflective of the NPPF and states that development should ensure that all land is used efficiently in the context of its surroundings. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.5 Principles 6.6 and 6.7 of the Residential Design Guide Supplementary Planning Document (RDG) SPD 2017 states that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts with appropriate boundary treatments while ensuring parking layouts are high quality and well landscaped.

#### Layout and circulation

- 7.4.6 The existing site has a central clearing, in which the new development is proposed in a staggered cluster, forming a loose circle, around a central village green. The design concept is to create an efficient layout in the centre around a shared communal space. In addition there is a home zone at the primary point of entry, off Mincing Lane, with a pedestrian and cyclist priority. The scheme also creates new publically available pedestrian links through the site, based on pedestrian desire lines.
- 7.4.7 The courtyard, in the western part of the area, forms another focal point for social events, play and communal use. The courtyard enjoys natural surveillance and pedestrian access to dwellings.
- 7.4.8 This layout is appropriate as it enhances the layout circulation of the proposed development for both vehicles, cyclists and pedestrians. The layout provides inclusive public areas which provide informal chances for social interaction this will ensure the layout is distinctive, coherent and functional. The pedestrian and cycle links to the wider area provide opportunities for healthy and sustainable activities. The layout and circulation is therefore considered to be well-designed and attractive.

### Design, appearance and scale

- 7.4.9 Principles 7.3 and 7.4 of the RDG expects building heights to help enclose the street without overwhelming it. Principle 7.3 states that, in suburban and rural areas building heights will generally be expected to be lower with occasional taller buildings acting as visual focal points. Higher buildings will be more acceptable in tight urban locations such as local and town centre environments. Building heights will also be expected to enable buildings to integrate well into their surrounding contexts. However, as indicated above the 3 storey height of some properties is of concern and objections are raised in paragraph 7.3 above in this respect. The height of these buildings is not reflective of the two storey and single storey character of existing dwellings in the local area and given the Green Belt rural feel of the area 3 storey buildings are considered contrary to the character of the area and an objection is raised on these grounds. While Principle 7.3 acknowledges that occasional taller buildings may be acceptable as visual focal points, the officer considers that this would usually apply to landmark / prominent locations rather than within the centre of a woodland Green Belt development. Additionally 3, three storey buildings is also considered to exceed the definition of occasional within the quantum of this development.
- 7.4.10 The 3 storey height of plots 8, 22 and 25 is out of character with the development as proposed and the wider character of the area as low scale dwellings within a rural area and an objection is raised on these grounds.

### Trees and Landscaping

- 7.4.11 The application is accompanied by a Stage 1 and 2 Arboricultural Assessment Report (AAR). The development will result in the removal of 4 trees and 8 groups of trees mostly located within the internal section of the site. All high category trees around the boundary of the site are to be retained.
- 7.4.12 Given the size of the site and landscape cover, both existing and proposed, the submitted AAR also acknowledges that a Woodland Management Plan (WMP) to increase natural biodiversity and enhance key benefit features of the woodland over the longer term. The Arboricultural Officer considers it appropriate to impose a condition to agree details of the WMP prior to occupation.
- 7.4.13 Principle 9.3 of the RDG advises that new hardstanding areas will be expected to be constructed in porous materials and cover only the minimum space necessary. On this basis, if minded to approve, it is considered appropriate to apply both a soft and hard landscaping condition to agree these landscaping details. No objections are therefore raised in respect of any adverse impacts upon trees and landscaping.

### Heritage

- 7.4.14 There are no listed buildings on the site. There are two listed buildings (No.32 and No.35 Mincing Lane) near the entrance to the site. The Heritage and Conservation Officer, in her consultation response, considers the development will not affect the setting of the listed buildings given the separation of the proposals (approximately 25m at the closest points with intervening tree cover). The Heritage and Conservation Officer is, however, concerned that the access to the site, which will increase traffic flow and the construction traffic can potentially damage listed buildings (through vibrations). However, it is accepted that mitigation and protection measures can be controlled by details to be agreed via conditions and on this basis no objections are raised in respect to any adverse impact upon heritage assets.



## Summary

7.4.15 As indicated above, the development broadly complies with planning policy in respect to layout, circulation and heritage. However, the height and scale of the three storey apartments (plots 8, 22 and 25) are not considered to respond to or integrate into the lower rural scale of the site or the wider character of the surrounding properties which are all either two storey or single storey buildings. The three storey buildings would appear as prominent, overwhelming and strident features, highly conspicuous in the context as described above, and notwithstanding the Green Belt openness harm identified in section 7.3 above, would also read as jarring and urbanising in this low scale rural area. The proposed development is therefore in conflict with the design requirements of the NPPF, Policies CP2 and DM9 of the CSDMP and Principles 7.3 and 7.4 of the RDG.

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

7.5.1 Paragraph 127(f) of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses.

7.5.2 Principles 8.1 and 8.3 of the RDG state that, developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted and developments should also not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access. Proposals should also not result in neighbouring dwellings suffering from any adverse overbearing impacts.

7.5.3 The closest neighbours, numbers 15 & 16 Medhurst Close, are sited approximately 15.3m away from the proposed dwellings (plot 19) at its closest points. All other neighbours are sited in excess of 20m away with mature trees to be retained on the site boundaries. Given these separation distances the proposal is not considered to be overbearing to or cause overshadowing effects to any neighbouring dwellings. Turning to any loss of privacy, the separation of approximately 15.3m is noted and facing first floor facing windows are proposed at plot 19. Given the limited separation distance and the shallow facing garden and facing habitable windows at number 15 Medhurst Close; the approximate distance of 15.3 metres separation is not considered to be sufficient to ensure the privacy enjoyed at number 15 Medhurst Close is not adversely eroded both to the garden area and the facing windows of number 15 Medhurst Close. While mature trees / vegetation exists on the shared boundary, there is no long term mechanism to ensure these trees will not die, be immune from extensive pruning or become diseased over time. On this basis an objection is raised in respect of adverse overlooking from the proposed Plot 19 to the occupiers of number 15 Medhurst Close. The proposal would conflict with Principle 8.1 of the RDG, Policy DM9 of the CSDMP and the NPPF, an objection is therefore raised on these grounds.

7.5.4 No. 16 Medhurst Close does not have any facing habitable windows and the garden is sited to the side away from the closest elements of the proposal. As indicated above the remaining neighbouring buildings in Medhurst Close and Mincing Lane are well separated (in excess of 20m) and no objections are raised in respect to any adverse loss of privacy, overbearing impacts or loss of light to these properties.

- 7.5.5 External lighting can cause pollution and nuisance to surrounding residential properties and as such it is considered reasonable to agree details of the external lighting to include numbers, specification and any light spill. This can also be controlled by way of planning condition, if minded to approve.
- 7.5.6 Principle 7.6 of the RDG advises that as a minimum, the Council will expect new housing development to comply with the national internal space standards. The overall floor space provision for each of the proposed flats would meet these minimum space standards. Principle 8.2 of the RDG advises that all habitable rooms in new residential development should maintain at least one main window with an adequate outlook to external spaces. It is considered that sufficient outlook would be provided for future occupiers of all the proposed units.
- 7.5.7 A Sunlight and Daylight Report has also been submitted with the application and the report concludes that the daylight and sunlight analysis conducted for the proposed development indicates an acceptable level of amenity for future residents and visitors.
- 7.5.8 Principle 8.4 of the RDG gives minimum outdoor amenity space standards. This policy also states that private outdoor garden spaces should be provided. The proposal proposes private garden areas which do fall short of this criteria, however, these private spaces are complimented by generous communal woodland and clearings across the site which are available for all residents. The applicant proposes to use these clearings as flexible communal garden spaces. These will be predominantly grass with landscaping which could accommodate growing plants, vegetables, play and social areas. They will be characterised by the woodland edges which are also accessible to residents. A communal shed / tool library is also included as part of this proposal and the communal areas are protected / managed by the freeholder (the CLT). Given the extensive amenity space available to residents as well as more private external amenity areas associated with the dwellings, the proposal is considered to acceptable in respect to external amenity space for future residents.

#### Summary

- 7.5.9 In conclusion, the proposal, by reason of its limited separation from number 15 Medhurst Close, will result in unacceptable overlooking of this property's garden / external amenity areas and facing habitable rooms, to the detriment of the amenities the occupiers of this dwelling would reasonably expect to enjoy. The proposal is therefore considered to be in conflict with Principle 8.1 of the RDG, Policy DM9 of the CSDMP and the NPPF an objection is therefore raised on these grounds

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

#### Access, movements and layout

- 7.6.1 The site is proposed to be served by a one-way access/egress arrangement between Mincing Lane and Medhurst Close. The access to the site is proposed to be taken from Mincing Lane to the west side of the site. One way circulation would result in the egress from the site onto Medhurst Close, adjacent to number 4 Medhurst Close. The Transport Statement (TS) explains that the route would be provided with sufficient signage to prevent vehicles from travelling in the opposite direction of the one-way traffic.
- 7.6.2 Principle 6.3 of the RDG states that for shared spaces motorists should be treated as 'guests', who will be expecting to find other people walking, playing and cycling in the street space; and, with materials and form designed to encourage safe play and social interaction between residents.

The internal road network has been designed as a shared space to prioritise pedestrian movements and reduce traffic speed, minimising the amount of traditional carriageway that is provided for conventional vehicle movements. The road network has also been designed to accommodate larger refuge and delivery vehicles as well as emergency vehicles.

- 7.6.3 The County Highway Authority (See Annex A) state that, the proposed one-way route through the site would exit onto Medhurst Close and sufficient signage would be provided to prevent vehicles from travelling in the wrong direction. The County Highways Authority also note a trip generation assessment has been undertaken which includes an assessment of the likely additional traffic generation of the development using the TRICS database (Trip Rate Information Computer System, a recognised and well established database of trip rates for developments used for transport planning purposes, specifically to quantify the trip generation of new developments). This shows that the development would result in 13 two-way traffic movements in the am peak hour and 16 two-way movements in the pm peak hour, with the arriving and departing vehicular trips will be split between the access from Mincing Lane and the egress to Medhurst Close, meaning that the net changes on each road will be minimised. The County Highway Authority conclude that this would therefore not result in an adverse material impact on the Local Highway Network.

#### Car and Cycle Parking

- 7.6.4 Surrey County Council Vehicular and Cycle Parking Guidance seeks 1 car space per one and two bed units and 2 spaces per three bed unit, (total for this site therefore, 46 spaces). The proposal offers 52 parking spaces which meets parking guidance and includes additional visitor parking. The overall provision will also include one space dedicated for car club use. This is envisaged to be operated by a company, which specialises in the provision of car club services. Typically this would be a pay-as-you-go car hire scheme accessed through an online booking system or over the phone. Members each have a smartcard to access vehicles (no need for keys). At the end of your booking the car is returned back into its designated bay. Insurance is included, and members can book a car for a minimum of 30 mins upwards, only paying for the hire time. It is envisaged that the car club would be available to new and existing residents in the area. Of the total parking provided on the site, 19 spaces will have active electric charging points. The remainder of the spaces will also have passive charging provision ready for future use, subject to the demand and the advances in electric charging technology.
- 7.6.5 The development proposal also provides cycle parking provision of two spaces per unit also in accordance with county parking guidance. The County Highway Authority raise no objections on parking grounds and they comment that the additional parking will reduce the risk of overspill car parking. The County Highway Officers also note there are a number of bus stops in the vicinity of the site which service the 39A, 73, 87 and 417 routes
- 7.6.6 The National Planning Policy Framework (NPPF) identifies that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe*” (Paragraph 109). The County Highway Authority’s (CHA) raise no objection to the proposal, subject to the imposition of conditions and on this basis, the officer is satisfied that the proposal would not conflict with the safe operation of the highway network.

## **7.7 Impact on Infrastructure**

- 7.7.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule.
- 7.7.2 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more.
- 7.7.3 The applicant considers the proposal to be CIL exempt on two grounds, self-build exemption and social housing relief. In the officer's opinion the proposal does not constitute an exemption but this will be further considered outside the application process.

## **7.8 Impact on the Thames Basin Heaths SPA**

- 7.8.1 Policy NRM6 of the South East Plan (Thames Basin Heaths Special Protection Area) seeks to protect the ecological integrity of the TBH SPA, Policy CP14B of the Core Strategy builds on this as does adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2019). This SPD identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS.
- 7.8.2 The application site is located within 5km from the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase in occupancy and as such has the potential, in combination with other development, to have a significant adverse impact on the protected site. From 01 December 2014, a financial contribution towards the provision of SANG is included within the CIL payment.
- 7.8.3 In addition to the financial contribution towards the mitigation on likely effects of the proposed development on the TBH SPA in terms of SANG, Policy CP14B requires that all new residential development contributes toward SANG (Strategic Access Management and Monitoring) measures. As this is not included within CIL, a separate financial contribution towards SANG is required. In this instance a payment of £17,978 is needed. At the time of writing this report no SANG payment or legal agreement has been completed and as such the proposal would be in conflict with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area). An objection is raised on these grounds.
- 7.8.4 Additionally, the applicant has suggested using an existing bespoke SANG at Little Heath Nursery, however, the LPA has received no written case demonstrating that the SANG has capacity to take the proposal or details about the overall capacity of the SANG. No evidence of any agreement with Natural England has been submitted and there has been no SANG Management Plan submitted which clearly outlines the practical habitat management and explains how the requirements of the SANG Guidelines will be met by including demonstration that the SNCI (Site of Nature Conservation Importance) is not adversely affected and offers biodiversity gains for the SANG. Furthermore no information about details of the land owner, managing body, funding of costs for the in perpetuity management of the SANG or any case setting out how the SANG will deliver effective

avoidance with the increase in capacity both at the outset and in perpetuity while continuing to meet all SANG criteria has been submitted. Due to a lack of information it cannot be concluded that the proposal can effectively contribute toward a bespoke SANG.

- 7.8.5 That said, the applicant as part of their planning statement has shown a willingness to contribute toward Strategic SANG and sufficient SANG is available and can be allocated to the development and so a financial contribution towards the Strategic SANG can therefore be accepted. This is collected through CIL contributions.

## **7.9 Other matters**

- 7.9.1 Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. Serviced plots are typically plots that are ready to build on, i.e. already has the utility connections – water, gas, electricity and mains sewage, broadband and telephone – as well as access from the highway. So all the infrastructure to start building a home is already in place. There are no serviced plots as part of this application. Additionally the dwellings will be substantially constructed with final occupiers (who have not been identified by the applicant) only having limited choices over the position of internal walls. In the officer's opinion this is not the intention of the self-build legislation or the NPPF definition. On this basis limited weight can be given to any self-build or custom-build benefits this proposal may bring.

- 7.9.2 The submitted energy strategy focuses on a maximum CO2 reduction by using a highly efficient building envelope on each dwelling with high efficiency mechanical and electrical services, along with air source heat pumps (ASHP) and a substantial photovoltaic (PV) solar panel installation as part of the proposed renewable technologies. This combination of efficient fabric and the PV system is anticipated to deliver the highest energy rating (EPC A) for all dwellings on site, meaning homes are maximising CO2 savings and monetary savings for their residents. The proposed development predicts CO2 emissions reductions of 71% over a Building Regulations 2013 compliant baseline scheme. This is equal to a total annual carbon emission saving of 49.4 tonnes over an equivalent baseline scheme. This commitment to sustainability carries some weight.

- 7.9.3 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development may result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

- 7.9.4 Biodiversity surveys, have been submitted as part of this application. The survey concludes that general wildlife including statutorily protected and notable species would not be adversely affected. In addition, Surrey Wildlife Trust raises no objection subject to securing the enhancements listed in the ecological plan. The proposal would therefore deliver a biodiversity net gain over the existing situation, which could be achieved through the imposition of conditions.

## **7.10 Very Special Circumstances**

- 7.10.1 Given the substantial harm to the Green Belt identified at paragraphs 7.2 and 7.3 above; harm to the character of the area identified at paragraph 7.4 above; harm to residential amenity set out at paragraph 7.5; and harm in respect to the Thames Basin Heaths Special Protection Area as outlined in paragraph 7.8 above, it is therefore necessary to

consider whether alone or in combination, there are any Very Special Circumstances (VSC) to outweigh this combined harm.

- 7.10.2 It is noted that the applicants argue in the Planning Statement (PS) that the proposal is not inappropriate development as it qualifies as a rural exception site. However, for the reasons given at paragraph 7.2 above the site is not considered to be a rural exception site. No weight can be afforded to this argument.
- 7.10.3 Section 7 of the PS specifically outlines the Council's lack of a five year housing supply. However, since the submission of the current planning application the Council can now demonstrate a 5.52 year housing land supply and therefore no weight can be afforded to this argument.
- 7.10.4 The applicant suggests that delivering custom build houses carries some weight, however, for the reasons set out at paragraph 7.9.1 above, it is not considered that these dwellings meet the definition of self-build / custom build. Even if they did, this would not outweigh the substantial harm to the Green Belt which has been set out above.
- 7.10.5 On this basis the applicant has not advanced any case or benefits to outweigh the substantial and demonstrable harm arising from the proposal. Very Special Circumstances, in this case, have not been proven.

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

- 8.1 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.
  - c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **9.0 CONCLUSION**

- 9.1 As detailed in this report, the proposal does not deliver 100% affordable housing and there is no reason why market housing is required. In any event, it has not been demonstrated that the proposal meets the identified local need for affordable housing within the Parish of Chobham. Therefore, the proposal cannot be considered to constitute a Rural Exception Site. The proposal is therefore inappropriate and harmful development in the Green Belt. Furthermore the scale of the three storey dwellings are not considered to respond or integrate within the existing rural character of the area. The proximity of the proposal to existing dwellings will also cause unacceptable overlooking of 15 Medhurst Close.
- 9.2 The applicant has also failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures.

- 9.3 There are no very special circumstances that arise to outweigh the harm identified and the application is therefore recommended for refusal.

## 10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal does not constitute 100% affordable housing and the applicant has failed to demonstrate the need for market housing on the site to facilitate this as a rural exception site. In any event, the applicant has failed to demonstrate that the development would meet a proven local need for affordable housing within the Parish of Chobham for local people with a local connection to the area; that the need cannot be met within the settlement boundary; and, that the development would provide affordable housing for local people in perpetuity. As such the proposal represents inappropriate development in the Green Belt, which is harmful by definition; and, by reason of its quantum of built form, height, scale and mass, would cause further significant harm to the openness of the Green Belt and conflict with the purposes for including land within it. No very special circumstances exist to outweigh this Green Belt harm and the other harm identified in reasons 2 - 4 below. The proposed development is therefore contrary to Policies CP1 and DM5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
2. The height and scale of the three storey apartments (plots 8, 22 and 25) are not considered to respond to or integrate into the lower rural scale of the application site or the wider character of the surrounding properties. The three storey buildings would appear as prominent, overwhelming and strident features, highly conspicuous in their context reading as and jarring and urbanising in this low scale rural area. The proposed development is therefore in conflict with the design requirements of Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, Principles 7.3 and 7.4 of the Residential Design Guide SPD 2017 and the National Planning Policy Framework.
3. The proposal by reason of its limited separation from number 15 Medhurst Close, would result in unacceptable overlooking of this property's garden / external amenity areas and facing habitable rooms to the detriment of the amenities the occupiers of this dwelling would reasonably expect to enjoy. The proposal is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012, Principle 8.1 of the Residential Design Guide SPD 2017 and the National Planning Policy Framework.
4. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted 2019).

Informative(s)

1. Advise CIL Liable on Appeal CIL3





<b>APPLICATION NUMBER</b>	<b>SU/18/1089</b>
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**DEVELOPMENT AFFECTING ROADS**  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

**Applicant:** Ronan Leyden

**Location:** LAND WEST OF 35, MINCING LANE, CHOBHAM, WOKING, GU24 8RS

**Development:** Erection of 30 dwelling houses at former nursery to comprise 22 affordable custom build homes and 8 custom build market homes with associated gardens, landscaping, woodland, parking and access.

<b>Contact Officer</b>	Angela Goddard	<b>Consultation Date</b>	24 January 2019	<b>Response Date</b>	22 March 2019
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

**Conditions**

1. No part of the development shall be first occupied unless and until the proposed vehicular accesses to Mincing Lane/Medhurst Close have been constructed in accordance with the approved plans and thereafter shall be permanently maintained.

2. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 1\_605-WTA-XX-00-DR-A-1000 Rev P01.3, for vehicles and cycles 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.

3. 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) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) measures to prevent the deposit of materials on the highway
- (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) 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.

4. The development hereby approved shall not be occupied unless and until each of the proposed houses, and 2 of the parking spaces available for the flats, are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

5. The development hereby approved shall not be first occupied unless and until a 'Travel Information Pack' for residents to include the availability and whereabouts of local public transport, walking, cycling and car clubs, has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter provided, retained and maintained to the satisfaction of the Local Planning Authority.

6. No part of the development shall be first occupied unless and until the proposed one-way/no entry signage to the site has been erected in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter shall be permanently maintained.

### **Reason**

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

### **Policy**

Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2019.

### **Informatives**

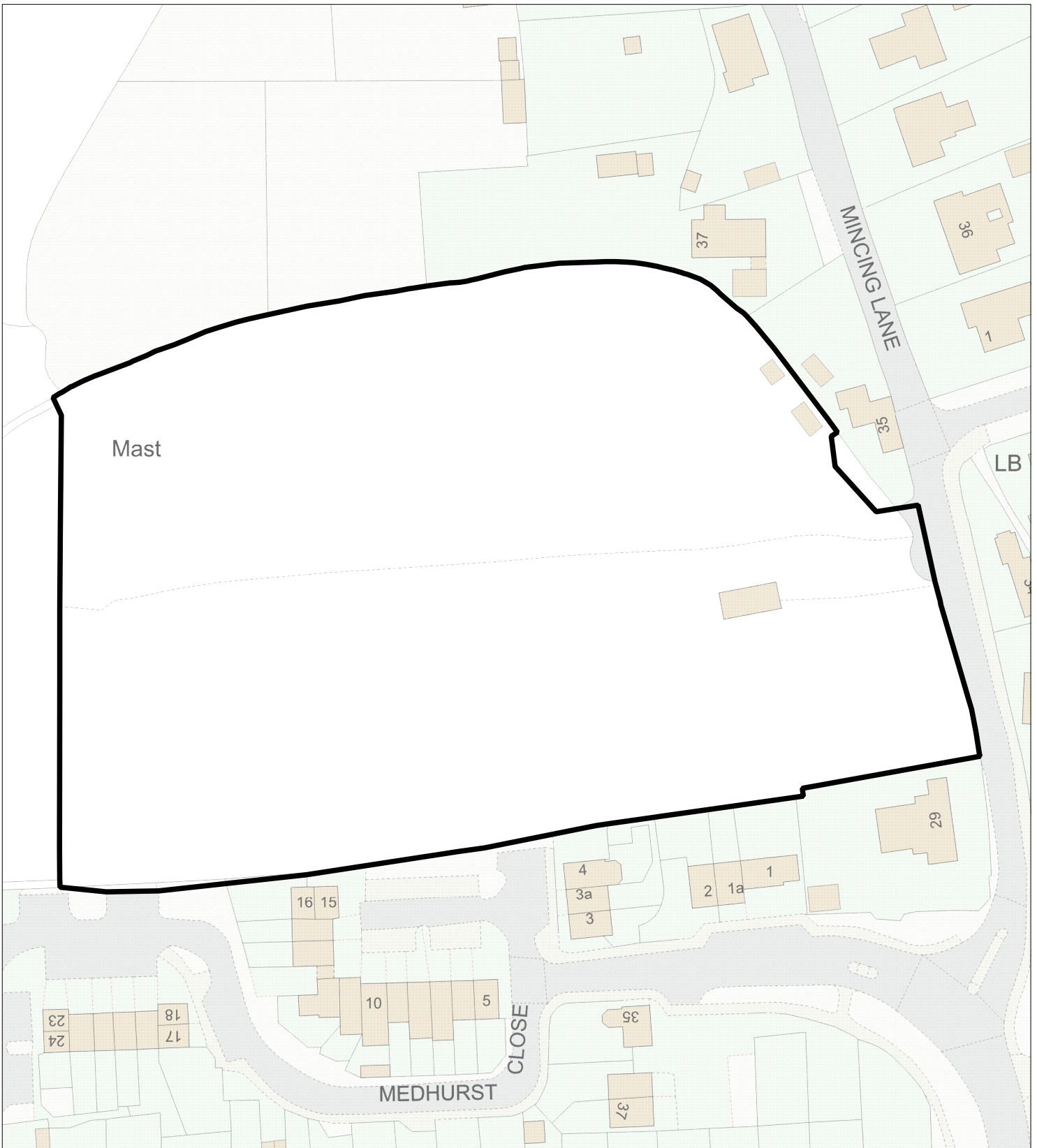
The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

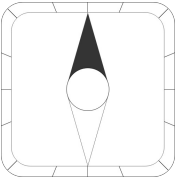
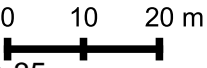

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

### **Note to Planner**

The proposed one-way route through the site would exit onto Medhurst Close and sufficient signage would be provided to prevent vehicles from travelling in the wrong direction. Car parking provision equates to 1.7 spaces per unit, which is in excess of local car ownership levels, as such, reducing the risk of overspill car parking. A trip generation assessment has been undertaken and it has been demonstrated that the site would generate 13 and 16 two-way trips in the morning and evening peak hours respectively. There are a number of bus stops in the vicinity of the site which service the 39A, 73, 87 and 417 routes. The Highway Authority considers that the proposal is unlikely to have a material impact on highway safety issues.

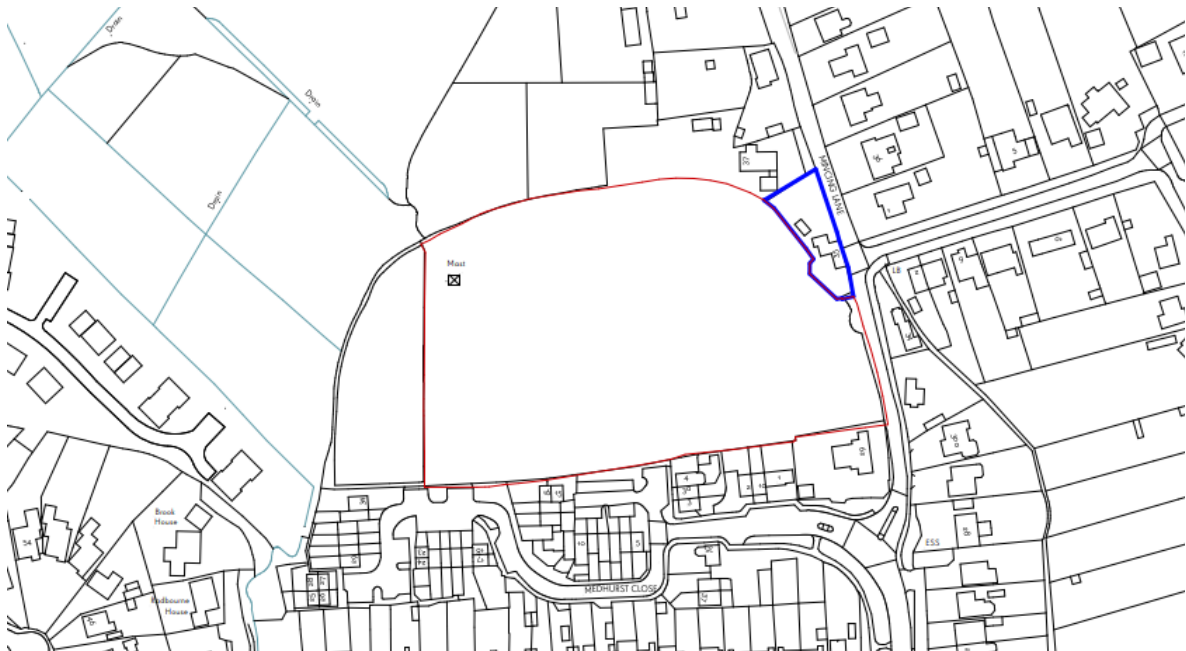


<b>Title</b>	Planning Applications		
<b>Application number</b>	18/1089	 	<b>Scale @ A4</b> 1:1000
<b>Address</b>	Land West Of 35 Mincing Lane Chobham Woking GU24 8RS		<b>Date</b> 20 Jan 2020
<b>Proposal</b>	Erection of 30 dwelling houses at former nursery to comprise 22 affordable custom build homes and 8 custom build market homes with associated gardens, landscaping, woodland, parking and access. (Amended plan rec'd 25/03/2019) (Additional information recv'd 25/6/19) (Amended plans rec'd 08/07/2019)		
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# 18/1089 - Land West Of 35 Mincing Lane Chobham Woking GU24 8RS

## Location plan



## Proposed site layout



## Typical Elevations



## Site Photos

### Proposed access from Mincing Lane



Proposed access from Medhurst Close



View from within the body of the site



Properties in Medhurst Close including number 15





2018/0875

Reg Date 14/12/2018

Bisley & West  
End

**LOCATION:** LAND TO THE SIDE AND REAR OF 154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT  
**PROPOSAL:** Change of use to provide two pitch gypsy site (retrospective).  
**TYPE:** Full Planning Application  
**APPLICANT:** M Black  
**OFFICER:** Duncan Carty

**This application would normally be determined under the Council's Scheme of Delegation, however, it has been called-in by Cllr Mansfield on the basis of concerns raised by local residents.**

**RECOMMENDATION: REFUSE**

**1.0 SUMMARY**

- 1.1 This application relates to the change of use of land (retrospective) to provide two gypsy site pitches. The land forms a part of the side/rear garden of Scarlet Manor, 154 Guildford Road located close to the edge of the settlement of West End, falling within the Green Belt.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on local streetscene, residential amenity and highway safety. The proposal is inappropriate development in the Green Belt due to the impact of the mobile homes on openness and resulting urbanisation on rural character and very special circumstances do not exist which outweigh the harm to the Green Belt. In addition, contributions to mitigate harm to the Thames Basin Heaths Special Protection Area (SPA) have not been secured to date. The application is therefore recommended for refusal.

**2.0 SITE DESCRIPTION**

- 2.1 The application site falls to the west of the settlement of West End, within the Green Belt. The site lies on the west side of A322 Guildford Road, forming a part of the wider residential/commercial plot of 154 Guildford Road. Residential properties 152 Guildford Road and 164 Guildford Road (a locally listed building) are to the north and south flanks, respectively. The commercial land to the rear is in the ownership of the applicant with open land beyond. Residential properties in the settlement of West End (149-159 Guildford Road) lie opposite the site on the east side of Guildford Road. The existing access to the site is from Guildford Road.
- 2.2 The wider site of 154 Guildford Road relates to a 0.38 hectare site. The site is roughly wedge shaped, narrowing towards the rear. It includes the existing dwelling and garage located closer to the front of the site along with the gypsy pitches to the rear of the dwelling and a commercial site at the rear of the plot. The gypsy pitches are partly fenced to the access road with post and rail fencing (to a height of about 1.2 metres) with brick piers (to a height of about 1.8 metres).

Parking is provided in front of the mobile homes, between the mobile homes and access drive. A further fence/piers is provided to a similar height and with a similar appearance, and 1 metre high pedestrian gate, between the mobile homes and parking area. A small shed is provided between the mobile homes and close to the south flank site boundary.

- 2.3 There is a building in the rear compound which has had a quasi-residential (rest room accommodation) use but, at the time of the site visit, was not being used. In addition, the garage to the front of the property has been converted into living accommodation which was also vacant at the time of the site visit. These elements fall outside of the application site and are not part of the current proposal.
- 2.4 The site is a minimum distance of about 0.6 kilometres from the Thames Basin Heaths Special Protection Area (SPA). There is an Article 4 direction for the stationing of caravans for this part of the Borough.

### **3.0 RELEVANT PLANNING HISTORY**

The relevant planning history for the wider site is listed below.

- 3.1 SU/04/0238 Erection of a two storey house with detached double garage following the demolition of existing house and garage.  
*Approved in May 2004 and implemented.*  
*Condition 4 of this permission removes permitted development rights for the erection of extensions, garages or other buildings.*
- 3.2 SU/16/0397 Certificate of existing lawful use for the stationing of 2 no residential caravans.  
*Considered to be unlawful in December 2017.*
- 3.3 SU/16/0582 Erection of entrance gates and walls (retrospective).  
*Approved in May 2017.*
- 3.4 SU/18/0223 Certificate of existing lawful use for a mixed use comprising a permanent residential dwelling and a gypsy and traveller site with two pitches.  
*Withdrawn in May 2018.*
- 3.5 SU/19/0006 Erection of 3 no two bedroom bungalows following the demolition of existing building with the retention of the existing dwelling on the site.  
*Currently under consideration and report provided elsewhere on this Agenda.*

### **4.0 THE PROPOSAL**

- 4.1 The proposal relates to the retrospective change of use of part of the residential curtilage of 154 Guildford Road to provide 2 gypsy pitches each including one mobile home and tourer along with associated accommodation. Each of the mobile homes measure 6 by 12 metres, with a general height of about 2.8 metres, and provide two bedroom accommodation.

- 4.2 The use is accessed by the existing site access onto Guildford Road, which is also used by the host dwelling and commercial use at the rear of the site. A parking area is provided to the front of the mobile homes. Whilst the mobile homes have wooden skirts, brick lined concrete slab steps and are connected to services, which give a degree of permanence, they are defined as caravans under the Caravans Act 1968 and could still be capable of moving on and off the site and as a factor of scale and degree are not considered to represent buildings in their own right.
- 4.3 The application site for this proposal has been defined as incorporating a proportion of the wider site and not included the host dwelling nor the commercial use to the rear of the site. There is no boundary between the two pitches. The boundary with the host dwelling is a low post and rail fence and, whilst the occupation across the wider site is by family members, it is concluded that this use provides a separate planning unit.
- 4.4 The applicant resides with his wife in the host dwelling with his father and mother-in-law in one of the mobile homes and his son and family, including two children, in the second mobile home.

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No comments received.
- 5.2 Scientific Officer No objections.
- 5.3 West End Parish Council No comments received

## 6.0 REPRESENTATIONS

- 6.1 At the time of preparation of this report, no representations have been received in support and four representations have been received raising an objection for which the following issues are raised:
- Impact on the Green Belt [See *paragraph 7.3*]
  - Impact on the visual appearance of the property, including the amount of tarmac [See *paragraph 7.3*]
  - Restrictions on existing property i.e. removal of permitted development rights [See *paragraphs 7.3, 7.4 and 7.6*]
  - Planning law has not been followed and retrospective nature of the proposal [Officer comment: *This would not be a reason to refuse this application*]
  - Inappropriate change of use [See *paragraphs 7.3 and 7.4*]
  - Overdevelopment of the site and loss of garden land (“garden-grabbing”) [see *paragraph 7.3*]
  - Impact on the environment [See *paragraph 7.3*]
  - Light pollution from additional lights [See *paragraph 7.3*]
  - Impact on locally listed building [See *paragraph 7.4*]

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP11, CP14, DM6, DM9, DM11 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP), Circular 1/94 Gypsy Sites and Planning Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites; PPS on Green Belt Protection and Intentional Unauthorised development 2015 (GPDIUD); Planning Policy for Traveller Sites 2015 (PPTS); and the Surrey Heath Gypsy and Traveller Accommodation Assessment 2018 (GTAA). In addition, advice in the Residential Design Guide SPD 2017 (RDG); and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPD).
- 7.2 The main issues in the consideration of this application are:
- Impact on the Green Belt;
  - Very special circumstances to support the proposal;
  - The suitability of the site for Gypsy and Traveller accommodation;
  - Impact on local character;
  - Impact on residential amenity;
  - Impact on highway safety;
  - Impact on the Thames Basin Heaths Special Protection Area; and
  - Other matters.

It is accepted that the occupants of the mobile homes are gypsies and travellers under the definition of Annex 1 of the PPTS which states that they are persons of nomadic habit of life whatever their race origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily.

### **7.3 Impact on the Green Belt and character**

- 7.3.1 Paragraph 146(g) of the NPPF indicates that certain other forms of development including material changes of use of land are not inappropriate where they preserve the openness of the Green Belt and do not conflict with the purposes of Green Belt. In this case, a separate planning unit has been created and therefore the development is a material change of use. Even if it were to be considered that the mobile homes represented buildings under Paragraph 145(g) of the NPPF such development would be inappropriate unless the development has no greater impact on the Green Belt than the existing development. Whilst the tests are different, the assessment and outcome would be similar. Paragraph 16 of the PPTS also indicates that traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- 7.3.2 Case law has established that the concept of openness is open textured and has a spatial and visual aspect. In spatial terms, the proposal has provided an increase in development, particularly in terms of the volume and floorspace of the mobile homes, which are key indicators of an increase in the impact on the openness of the Green Belt. In addition, visually the stationing of the mobile homes has an urbanising impact which is harmful to rural character.

7.3.3 The land to each flank are larger residential curtilages (for 152 and 164 Guildford Road) with the land beyond the rear of the wider site more open (a former horticultural site). It is, however, noted that the limited height of the mobile homes and the boundary treatments would limit views from outside the site and therefore the visual harm is more limited from outside of the site. Notwithstanding this, the provision of the mobile homes would have an urbanising impact and would not preserve openness.

7.3.4 As such, the proposed development is considered to be inappropriate development within the Green Belt. This position is accepted by the applicant. In addition, the urbanisation of the site would have an adverse impact on rural character failing to comply with Policy DM9 of the CSDMP.

#### **7.4 Very special circumstances to support the proposal**

7.4.1 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. When considering any planning application, local planning authorities, should ensure that 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 by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.4.2 Paragraph 24 of the PPTS indicates that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

(a) the existing level of provision and need for sites;

(b) the availability (or lack) of alternative accommodation for the applicants;

(c) other personal circumstances of the applicant;

(d) that the locally specified criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and

(e) that they should determine application from sites from any travellers and not just those with a local connections.

7.4.3 Paragraph 26 of the PPTS indicates that when considering applications, local planning authorities should attach weight to the effective use of previously developed land (or untidy or derelict land), sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness; promoting healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and not enclosing a site that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

7.4.4 The applicant has put forward very special circumstances to support this proposal which relate to:

- Lack of provision and availability of gypsy sites against the demonstrated need and the development plan requirements;
- Personal circumstances of the applicant and his family;
- Human Rights and the Public Sector Equality Duty; and

- Use of previously developed land.

Lack of provision and availability of gypsy sites against the demonstrated need and the development plan requirements

- 7.4.5 Policy DM6 of the CSDMP indicates that in assessing applications for gypsies and travellers, sites should promote the effective use of land within the settlement area, in particular previously developed land, and should be accessible to public transport, cycling or pedestrian networks and facilities of meeting day to day needs (education, healthcare and shopping). The Council will also consider proposals in more accessible rural locations outside of the Green Belt giving priority to the urban fringe locations that comprise previously developed land and proposals in the Green Belt will have to demonstrate very special circumstances. The site lies in a relatively sustainable location, close to local services, and is in an urban fringe location, and on previously developed land, albeit within the Green Belt.
- 7.4.6 Paragraph 16 of the PPTS indicates that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt and any other harm to establish very special circumstances. In addition, the GPDIUD indicates that intentional unauthorised development is a material consideration in the assessment of developments.
- 7.4.7 The GTAA sets out the unmet need for gypsy and traveller provision within the Borough. It confirms the need for 12 additional pitches within the borough over the GTAA period (up to 2032); with a need for the provision of 9 pitches required by 2022. There have been no gypsy pitches approved or due to be provided to meet this need. The fact that this need is not being met would mean that the current proposal would provide a benefit in reducing this unmet need within the Borough. It is also known that there are no vacant pitches in the Borough and the existing sites are overcrowded and there has recently been little additional provision provided in the Borough and a identified unmet need for more pitches is established.
- 7.4.9 No other sites have been considered by the applicant on the basis that the need has been for the family to live close together and therefore close to the applicant who resides at the host dwelling. With the applicant residing in the dwelling at the site (and the need to live in close proximity as a family group), it is understood why other accommodation elsewhere may not have been considered as a viable option in this case.
- 7.4.10 The applicant has confirmed that there is insufficient alternative accommodation on the site (including the existing dwelling, rest room outbuilding and converted garage). Whilst it is acknowledged that the applicant resides at the host dwelling, the family occupants of the mobile homes do not wish to live in bricks and mortar accommodation. Gypsies are used to travelling and a nomadic way of life and there is a cultural aversion to such accommodation. However, if this application were to be refused permission, then alternative options have to be considered for the occupants of this accommodation. In this case, the first option would be to address the existing accommodation within the site. For example, potential for an extension to the dwelling. Other bricks and mortar accommodation within the site may not be desirable but it could be put to this use, and cannot therefore be wholly discounted.
- 7.4.11 A gypsy pitch proposal relating to Stonehill Piggery was dismissed on appeal [APP/D3640/A/10/2129293] in August 2017. In this case, the Council did not object to that proposal on Green Belt grounds (that proposal provided net residential accommodation within 400 metres of the SPA), and this identified lack of available sites and the fact that the occupants of this accommodation would have been evicted (as a result of the dismissal of the appeal) with no other available accommodation was given substantial

weight. It is not considered that this would also apply to this case.

#### Personal circumstances of the applicant and his family

- 7.4.12 The applicant has indicated the need for his family members to reside in mobile home accommodation and for the family to remain together and that there is no available accommodation within the site which could provide the same (or similar) accommodation for six adults and two children and that there is no other place elsewhere that they could reside. The applicant has indicated that If this application were to be refused, the occupants of the mobile homes would lose their homes. A welfare statement was provided in August 2018 which indicated health and special needs for the family occupants of the mobile homes and the applicant has recently confirmed that there have been no changes to that statement.
- 7.4.13 The children residing in one of the mobile homes attend local schools, including a son who is educated at a local special needs school and it is clearly in the best interests of the children to remain at the site. There are health and special needs for occupants of the caravans, including an element of care which also reinforce the need for the whole family to remain together in this location.
- 7.4.14 As indicated in the PPTS, subject to the best interests of the child, personal circumstances are unlikely to outweigh the harm to the Green Belt. The applicant resides in the host dwelling but his parents-in-law reside in one of the mobile homes and his son (and his family) reside in the second mobile home. No arguments have been advanced as to why it is essential for the child's best interests that he lives in a mobile home rather than bricks and mortar accommodation. There are other alternatives on the site, as explained at paragraph 7.4.10, and whilst mobile home accommodation is desirable for the applicant given their way of life, in the officer's opinion it is not essential. Consequently, these personal circumstances carry less weight and consistent with the PPTS do not outweigh the harm to the Green Belt.

#### Human Rights and the Public Sector Equality Duty

- 7.4.15 The applicant has cited the Public Duty Equality Duty and advises that failure to make proper provision for fostering good relationships with different communities. The applicant considers that the refusal of this application would lead to eviction from the site and that would result in a breach of the occupants Human Rights under Article 8 which protects the right to a private family life and home. Any approach to actions which interfere with this right have to be proportionate and no more than necessary to address the issue concerned and in accordance with the law. It is accepted that a refusal of this application would result in conditions that would interfere with their human rights and that this needs to be weighed against the wider public interest; which in this case relates to the harm of the development to the Green Belt. It is considered that the refusal of this application due to the identified harm to the Green Belt would be a proportionate approach to the rights under Article 8 of the Human Rights Act 1998.
- 7.4.16 The Council is also aware of the Public Sector Equality Duty and gives due consideration to treating the applicants in an equitable way. In addition, the housing policies seek to address the housing needs for all sectors of the community.

#### Use of previously developed land

- 7.4.17 In assessing against Policy DM6, the site lies in a relatively sustainable location, close to local services, and is in an urban fringe location, and on previously developed land, albeit within the Green Belt.

Whilst the site does include some landscaping, particularly around the caravans and access, soft landscaping is retained to part of the rear garden for the host dwelling and the post and rail fencing around this garden would maintain a connection between this accommodation and the dwelling on this site.

7.4.18 The applicant has not put forward any permitted development fallback. However, it is considered that with the Article 4 direction in place for this part of the Borough for the stationing of caravans; the fact that a new planning unit has been formed; and, there is removal of permitted development rights on the host dwelling for outbuildings within its curtilage (Condition 4 of permission SU/04/0238), it would appear that such remaining rights would be severely limited.

7.4.19 It is considered in weighing up the planning balance, the benefits presented above do not outweigh the harm to the Green Belt to amount to very special circumstances to outweigh the harm and therefore fails to comply, in this respect, with the NPPF.

## **7.5 The suitability of the site for Gypsy and Traveller accommodation**

7.5.1 Policy DM6 of the CSDMP advises that gypsy and traveller sites should be accessible to public transport, cycling and pedestrian networks and facilities for the day to day needs of the occupants including education, healthcare and shopping. This policy also indicates that very special circumstances would be need to applied to such accommodation in the Green Belt. The application site is close to the edge of the settlement of West End, with bus route and local services nearby. Whilst this is acknowledged, the site falls within the Green Belt (for which very special circumstances do not exist to outweigh the harm), as acknowledged above, and therefore fails to comply with Policy DM6 of the CSDMP.

## **7.6 Impact on streetscene and heritage**

7.6.1 Policy DM9 of the CSDMP requires development to respect and enhance the local character paying particular regard to scale, materials, massing, bulk and density.

7.6.2 The proposed development provides two pitches, including 2 no mobile homes, 2 no tourer caravans and associated development which provide additional development in the rear garden of this dwelling. Views into this part of the site are more limited by the existing dwelling. In addition, the east side of Guildford Road falls within the settlement of West End. Coupled with the lower height, mass and setback of development from the highway, this accommodation has a limited impact on this streetscene.

7.6.3 The proposed development is partly visible from adjoining sites, but existing vegetation and buildings limits these views. The locally listed building, 164 Guildford Road, is set about 40 metres from the location of these pitches and therefore the proposal would have a very limited impact on its setting. Notwithstanding the visual harm to the Green Belt and rural character, it is considered overall that the development does not have an adverse visual impact on the Guildford Road streetscene and heritage.

7.6.4 As such, it is considered that the proposed development is acceptable on streetscene and heritage grounds, complying in this regard with Policies DM9 and DM17 of the CSDMP.

## **7.7 Impact on residential amenity**

7.7.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses.



Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.

- 7.7.2 The proposed pitches are located about 18 metres from the flank boundary with 152 Guildford Road and, whilst closer to the boundary with 164 Guildford Road, this dwelling is set some distance from this boundary. As such, no adverse impact on the amenity of the occupiers of these dwellings is envisaged.
- 7.7.3 As such, no objections are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of CSDMP.

## **7.8 Impact on highway safety**

- 7.8.1 The existing access is provided onto Guildford Road. The proposed access would be provided with an adequate level of visibility. Parking is available on the site to meet minimum standards.
- 7.8.2 The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway safety grounds, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

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

- 7.9.1 The application site partly lies within 0.6 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The TBHSPD identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity. The proposal is not CIL liable (i.e. it does not relate to buildings) and this provision would normally be provided through a legal agreement with a contribution of £5,700, required to mitigate the impact on the SPA. However, to date, this contribution has not been provided or secured.
- 7.9.3 The proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. A separate contribution is required through an upfront payment or a planning obligation to secure this contribution, which amounts to £1,052 for this development. Subject to the securing of this contribution through a legal agreement, no objections are raised on these grounds. However, to date, this contribution has not been provided or secured.
- 7.9.4 As such, an objection to the proposal on these grounds is raised with the proposal failing to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the National Planning Policy Framework and advice in the TBHSPD and the TBHSPADF.

## **7.10 Other matters**

- 7.10.1 The Council's Scientific Officer has indicated that there may have been historic land contamination on nearby sites but these are not likely to have affected this site. The risk of land contamination is therefore very low and therefore there are no requirements on his basis. The proposal is therefore considered to be acceptable on these grounds.

7.10.2 The proposal would fall within an area of low flood risk (Zone 1 as defined by the Environment Agency). As such, the proposal is considered to be acceptable on flood risk grounds.

7.10.3 As such, no objections are raised on land contamination or flood risk, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

## **8.0 CONCLUSION**

8.1 The proposed development is considered to be acceptable in relation to its impact on character/heritage; residential amenity; land contamination, drainage and flood risk and highway safety. The proposal would be inappropriate development in the Green Belt for which very special circumstances do not exist sufficient to outweigh the harm of the development to the Green Belt. In addition, without the securing of contributions to mitigate the impact on the SPA, an objection is raised on this ground. As such the application is recommended for refusal.

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

In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of Paragraphs 38-41 of the NPPF. This included the following:-

a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

## **10.0 RECOMMENDATION**

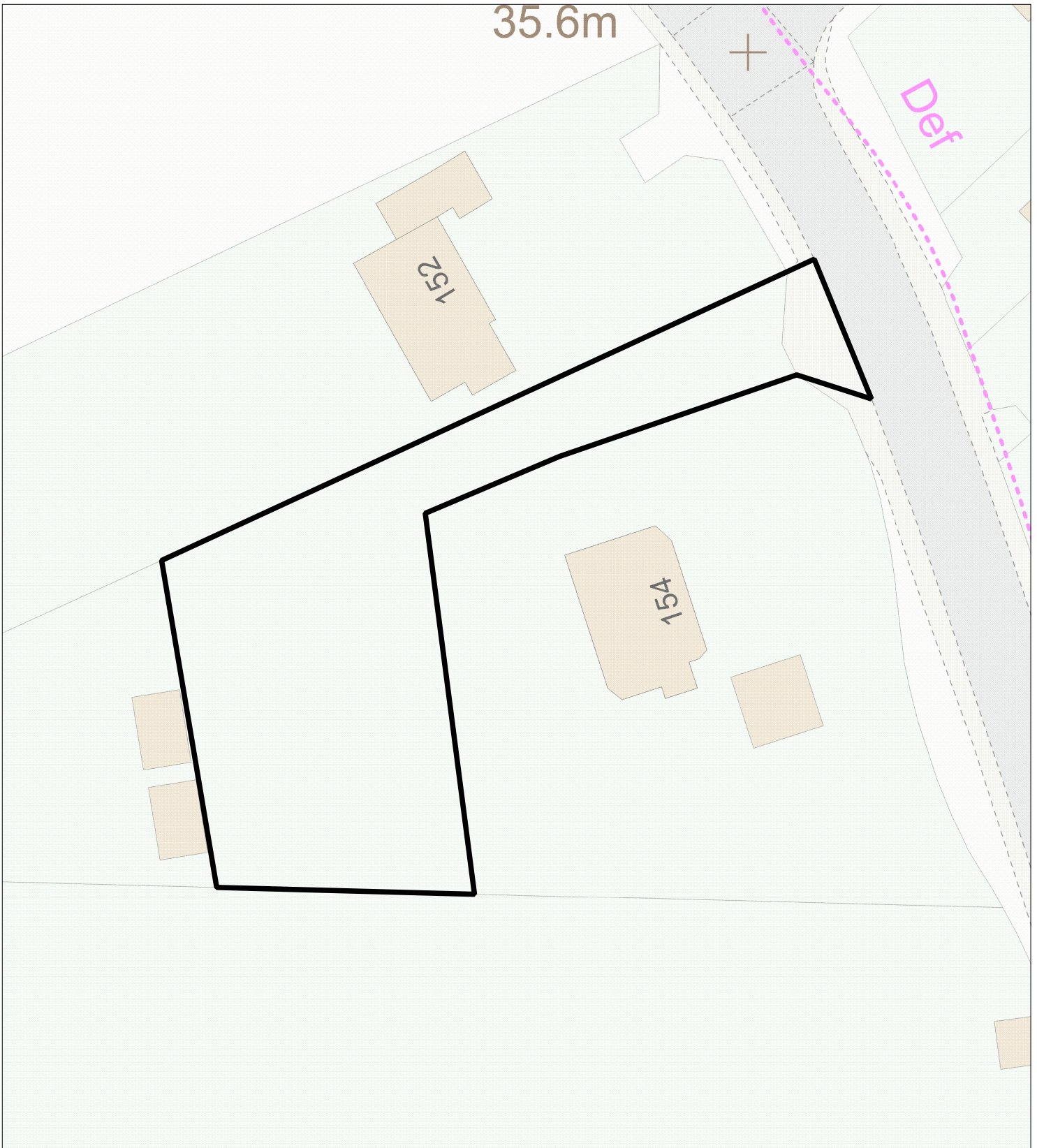
### **REFUSE:-**

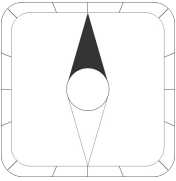
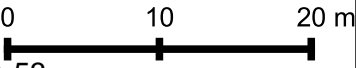

REFUSE for the following reason(s):-

1. The change of use, by reason of the use and the size of the mobile homes stationed on the site and the associated visual impact, would: a) fail to preserve the openness of the Green Belt representing inappropriate and harmful development in the Green Belt; and, b) have a detrimental urbanising impact, harmful to the rural character of the area. There are no very special circumstances sufficient to outweigh this harm (and the harm identified in reason 2 below) and the proposal would be contrary to Policies CP1, DM6 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012; the Planning Policy for Traveller Sites 2015 and the National Planning Policy Framework.
2. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and

Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2019).

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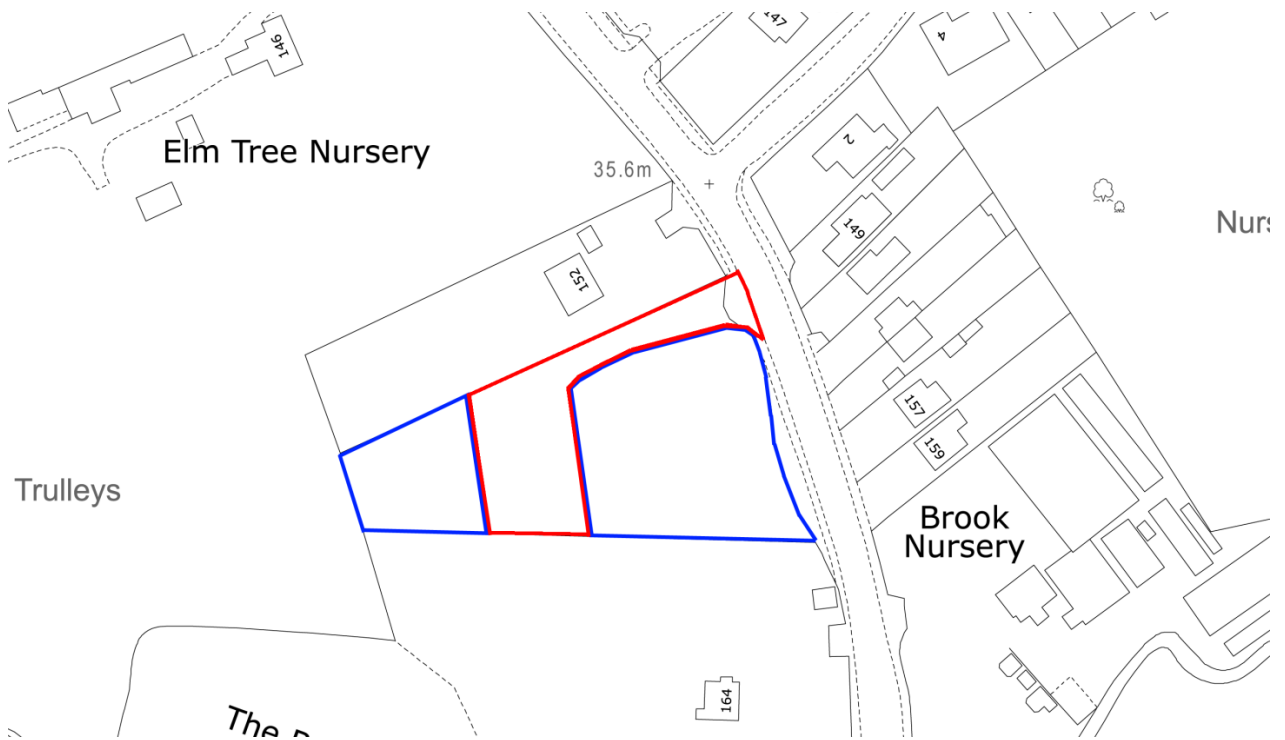


<b>Title</b>	Planning Applications			
<b>Application number</b>	18/0875		<b>Scale @ A4</b>	1:500
<b>Address</b>	154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT		<b>Date</b>	19 Dec 2019
<b>Proposal</b>	Change of use of back garden area to two pitch Gypsy site			
				
Version 4		© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2019		Author: DE

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18/0875 – LAND TO THE SIDE AND REAR OF 154 GUILDFORD ROAD, WEST END

Location plan



Site Plan



Existing site photos

154 Guildford Road, West End



Mobile homes





2019/0006

Reg Date 25/03/2019

Bisley & West  
End

**LOCATION:** 154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT  
**PROPOSAL:** Erection of 3 no. two bedroom bungalows following the demolition of existing building with the retention of existing dwelling on the site.  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr L Wells  
**OFFICER:** Duncan Carty

**This application would normally be determined under the Council's Scheme of Delegation, however, it has been called-in by Cllr Mansfield.**

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 This application relates to the erection of three bungalows to the rear of the host dwelling. The land forms a part of the side/rear garden of Scarlet Manor, 154 Guildford Road and commercial use to the rear which is located close to at the edge of the settlement of West End, falling within the Green Belt.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity and highway safety. The proposal is inappropriate development in the Green Belt. In addition, without a legal agreement or upfront SAMM payment provided, the proposal would add harm to the SPA. Very special circumstances do not exist to outweigh the harm of the proposal on the Green Belt along with the identified added harm. The application is therefore recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site falls to the west of the settlement of West End, within the Green Belt. The site lies on the west side of A322 Guildford Road, forming a part of the wider residential/commercial plot of 154 Guildford Road. Residential properties 152 Guildford Road and 164 Guildford Road (a locally listed building) are sited to the north and south flanks, respectively. The commercial land to the rear is in the ownership of the applicant with open land beyond. Residential properties in the settlement of West End, 149-159 Guildford Road, lie opposite the site on the east side of Guildford Road. The existing access to the site is from Guildford Road.
- 2.2 The wider site of 154 Guildford Road relates to a 0.38 hectare site. The site is roughly wedge shaped, narrowing towards the rear and includes the existing dwelling and garage located closer to the front of the site along with the gypsy pitches to the rear of the dwelling and commercial site/building at the rear of the plot. The gypsy pitches do not have a lawful status.

- 2.3 The site is a minimum distance of about 0.6 kilometres from the Thames Basin Heaths Special Protection Area (SPA).

### 3.0 RELEVANT PLANNING HISTORY

The relevant planning history for the wider site is listed below.

- 3.1 SU/04/0238 Erection of a two storey house with detached double garage following the demolition of existing house and garage.  
*Approved in May 2004 and implemented.*  
*Condition 4 of this permission removes permitted development rights for the erection of extensions, garages or other buildings.*
- 3.2 SU/16/0397 Certificate of existing lawful use for the stationing of 2 no residential caravans.  
*Considered to be unlawful in December 2017.*
- 3.3 SU/16/0582 Erection of entrance gates and walls (retrospective).  
*Approved in May 2017.*
- 3.4 SU/18/0223 Certificate of existing lawful use for a mixed use comprising a permanent residential dwelling and a gypsy and traveller site with two pitches.  
*Withdrawn in May 2018.*
- 3.5 SU/18/0875 Change of use to provide a two pitch gypsy site (retrospective) on land to the side and rear of the property.  
*Currently under consideration and report provided elsewhere on this Agenda.*

### 4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of 3 no two bedroom bungalows at the site following the removal of the existing 2 gypsy pitches and associated accommodation along with the commercial use at the rear. Each bungalow would measure 11.7 metres in width by 8.7 metres in depth with a hipped roof over to a maximum height of 5.5 metres, reducing to 2.4 metres at the eaves. Each bungalow would provide a floor area of 102 square metres and volume of about 293 cubic metres (304 square metres and 879 cubic metres in total).
- 4.2 The proposed use would use the existing access onto Guildford Road with each dwelling facing the access road, perpendicular to the main house and highway. A parking area is provided to the side/front of the dwellings providing two spaces per property.

## 5.0 CONSULTATION RESPONSES

- |     |                          |   |
|-----|--------------------------|---|
| 5.1 | County Highway Authority | No objections.  |
| 5.2 | Scientific Officer       | No objections subject to condition.   |
| 5.3 | Bisley Parish Council    | An objection is raised on the basis that the proposal is inappropriate development in the Green Belt. |

## 6.0 REPRESENTATIONS

6.1 At the time of preparation of this report, no representations have been received in support and two representations have been received raising an objection for which the following issues are raised:

- Inconsistent with limitations on the original property under permission SU/04/0238 (removal of permitted development rights for extensions, garages, or other buildings and use of use as one dwelling only). It is for the applicant to indicate why these restrictions are no longer appropriate [See *paragraph 7.3*]
- Unauthorised provision of two residential units on the site [See *paragraphs 7.3 and 7.4*]
- Impact on a like-for-like basis with existing development which is unauthorised/unlawful [See *paragraphs 7.3 and 7.4*]
- Existing unauthorised development should be removed prior to assessment [*Officer comment: This would not be a reason to refuse this application*]
- Existing development is detrimental to surrounding neighbours [See *paragraphs 7.4 and 7.5*]
- Impact on tarmac on Green Belt land [see *paragraph 7.2*]
- Impact on noise [See *paragraph 7.5*]
- Light pollution from additional lights [See *paragraph 7.5*]
- Impact of “garden grabbing” [See *paragraphs 7.3 and 7.4*]

## 7.0 PLANNING CONSIDERATIONS

7.1 The current proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP11, CP14, DM6, DM9, DM11 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Residential Design Guide SPD 2017 (RDG); the Surrey Heath Green Belt and Countryside Study 2017 (GBCS); the Housing Land Supply Paper 2019-2024 (HSLP); and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPD) are relevant.

7.2 The main issues in the consideration of this application are:

- Impact on the Green Belt and character;
- Impact on streetscene and heritage;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on land contamination; and
- Impact on the Thames Basin Heaths Special Protection Area;

### **7.3 Impact on the Green Belt and character**

7.3.1 Paragraph 145 of the NPPF indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt with a number of exceptions. Paragraph 145(g) includes the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

7.3.2 The proposal relates to development on previously developed land and would result in the loss of the commercial building at the rear of the site (and use) would be removed from this site by this proposal. However, the proposal would lead to a significant increase in size of built form beyond the amount of lawful built form and would result in an increase in the maximum height of development.

7.3.3 Recent case law has indicated that harm can include both spatial and visual aspects. It is concluded above that the proposal would result in significant spatial harm. The land to each flank are larger residential curtilages (for 152 and 164 Guildford Road) with the land beyond the rear of the wider site more open (a former horticultural site). Whilst it is noted that there are boundary treatments which would limit views into the site, the development would be visually more apparent from adjoining land due to the height and mass of development and therefore the development would provide some visual harm to the wider Green Belt. In addition, the urbanisation of the site and increase in built form would lead to an increase in the visual harm of the development to rural character.

7.3.4 As such, the proposal would have a greater impact on the openness of the Green Belt than the existing development and as such would be inappropriate development within the Green Belt and result in an urbanisation of the site harmful to rural character.

7.3.5 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 should be given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, resulting for the proposal, is clearly outweighed by other considerations.

7.3.6 The applicant has put forward the following benefits of the proposal:

- The proposal relates to the replacement of lawful dwellings occupying footprints of a similar size but repositioned to improve dimensions and standards of visual and privacy amenities;
- The proposal would lead to the re-use of previously developed land and would not cause harm to openness; and

- The proposal would contribute towards housing need providing smaller, more affordable housing units to balance with the larger units in the local housing mix.

7.3.7 Whilst the proposal relates to development on previously developed land, it would have a greater impact on the openness of the Green Belt and be harmful to rural character. The current proposal, as indicated above, would have the benefit of removing the commercial use from the site. Whilst a commercial use has not been established, it is clear from evidence that the rear yard of the site has been used for a number of years for such purposes and is likely to be lawful over the passage of time. However, the proposal relies upon the loss of the gypsy site pitches, which is not lawful. The HSLP has indicated that a five year supply of housing (plus buffer) can be provided within the Borough. It is therefore considered that in combination very special circumstances do not exist which outweigh the harm of the proposal on the Green Belt with the proposal failing to comply with the NPPF. In addition, the proposal is harmful to rural character, failing to comply with Policy DM9 of the CSDMP.

#### **7.4 Impact on streetscene and heritage**

7.4.1 The proposal would provide a development scheme towards the rear of the plot and would result in the loss of the commercial use at the rear. The proposed dwellings would be with dwellings orientated perpendicular to the prevailing development. Views into this part of the site are more limited by the existing dwelling. In addition, the east side of Guildford Road falls within the settlement of West End. However, views into this part of the site are more limited by the existing dwelling, their lower height and mass and setback from the highway.

7.4.2 The locally listed building, 164 Guildford Road, is set about 50 metres from the location of the proposed dwellings and therefore the proposal would have a very limited impact on its setting. Notwithstanding the visual harm to the Green Belt and rural character, it is considered overall that the development does not have an adverse visual impact on the streetscene and heritage.

7.4.3 As such, it is considered that the proposed development is acceptable on character and heritage grounds, complying with Policies DM9 and DM17 of the CSDMP.

#### **7.5 Impact on residential amenity**

7.5.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.

7.5.2 The proposed pitches are located about 18 metres from the flank boundary with 152 Guildford Road and, whilst closer to the boundary with 164 Guildford Road, this dwelling is set some distance from this boundary. As such, no adverse impact on the amenity of the occupiers of these dwellings is envisaged.

7.5.3 As such, no objections are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of CSDMP.

#### **7.6 Impact on highway safety**

7.6.1 The new access would be provided onto Guildford Road. The proposed access would be provided with an adequate level of visibility. Parking is available on the site to meet minimum standards.

7.6.2 The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway safety grounds, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

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

7.7.1 The application site partly lies about 0.6 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The TBHSPD identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity. The proposal is CIL liable and this provision would normally be provided under the CIL charging scheme.

7.7.2 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. This project does not form part of the CIL scheme and a separate contribution is required through an upfront payment or a planning obligation or upfront payment to secure this contribution, which amounts to £2,133 for this development. Subject to the securing of this contribution through a legal agreement, no objections are raised on these grounds. However, with this contribution not secured an objection is raised on this ground.

7.7.3 As such, an objection to the proposal on these grounds is raised with the proposal failing to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the National Planning Policy Framework and advice in the TBHSPD.

## **7.8 Impact on land contamination, flooding and drainage**

7.8.1 The proposal would be partly sited on land which has been used for commercial purposes and lies adjacent to land (which has been noted as at (albeit relatively low) risk from land contamination. No objections have been raised by the Environmental Health Officer on these grounds, subject to the imposition of a condition to deal with any land contamination. The proposal is therefore considered to be acceptable on these grounds.

7.8.2 The proposal would fall within an area of low flood risk (Zone 1 as defined by the Environment Agency). As such, the proposal is considered to be acceptable on flood risk grounds.

7.8.3 As such, no objections are raised on land contamination and flooding grounds, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

## **7.9 Impact on local infrastructure**

7.9.1 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council in July 2014. There are a number of infrastructure projects which would be funded through CIL (The Regulation 123 list) which would include open space, local and strategic transport projects, pedestrian safety improvements, play areas and equipped play spaces, indoor sports and leisure facilities, community facilities, waste and recycling, and flood defence and drainage improvements. These projects need not be directly related to the development proposal. As the CIL Charging Schedule came into effect on 1 December 2014, an assessment of CIL liability has been undertaken. This Council charges CIL on residential and retail developments where there is a net increase in floor area (of such uses).

The proposed amount of floorspace has been provided and an estimation of the amount of CIL liability is about £67,000. CIL is a land charge that is payable at commencement of works. An informative advising of this is to be added.

- 7.9.2 It is therefore considered that the proposal would not have an adverse impact on infrastructure delivery and complies with Policy CP12 of the CSDMP, the IDSPD and the NPPF.

## **8.0 CONCLUSION**

- 8.1 The proposed development is considered to be acceptable in relation to its impact on character; residential amenity; land contamination, flood risk, and highway safety. The proposal would be inappropriate development in the Green Belt for which very special circumstances do not exist sufficient to outweigh the harm of the development to the Green Belt. As such, the application is recommended for refusal.

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

In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of Paragraphs 38-41 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

## **10.0 RECOMMENDATION**

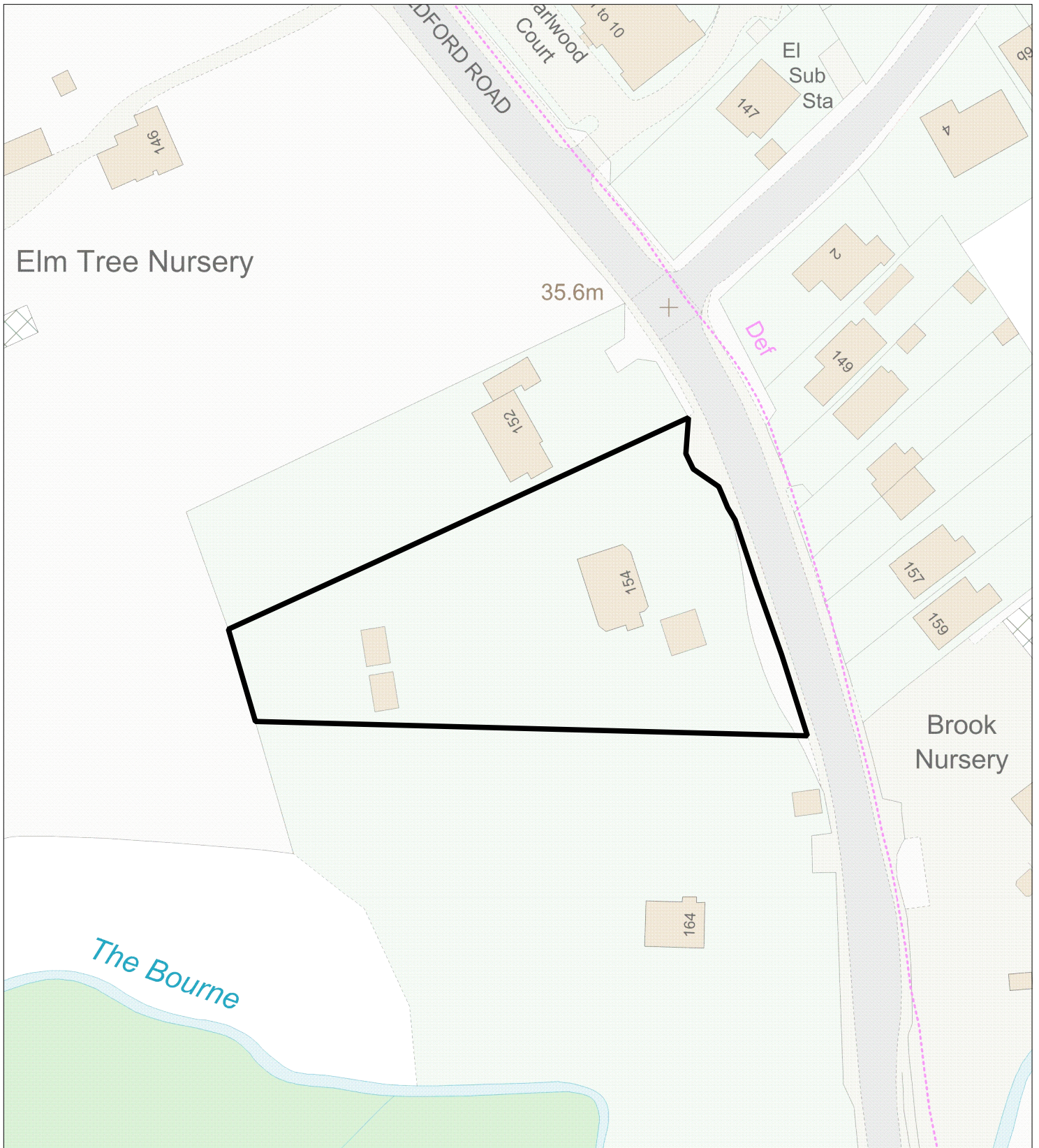
### **REFUSE for the following reasons:-**

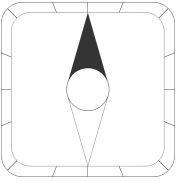
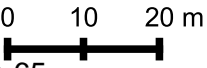
REFUSE for the following reason(s):-

1. The proposed development, by reason of the dwellings' height, mass and overall increase in the quantum of development, would have a greater impact on the openness of the Green Belt than the existing development and would therefore represent inappropriate development in the Green Belt. In addition, the development would have an urbanising impact harmful to the rural character of the area. There are no very special circumstances to outweigh this harm (and the harm identified in Reason 2), thereby failing to comply with Policies CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 the National Planning Policy Framework.
2. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and

Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2019).





<b>Title</b>	Planning Applications		<b>Scale @ A4</b>	1:1000
<b>Application number</b>	19/0006		<b>Date</b>	19 Dec 2019
<b>Address</b>	154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT		 	
<b>Proposal</b>	replacement of 3no. existing dwellings within the curtilage of 154 Guildford Road with 3no. single-storey 2-bedroom detached bungalows with dedicated gardens and parking spaces, all accessed from existing driveway and hardstanding areas.			
Version 4		© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2019		Author: DE



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Existing site photos

154 Guildford Road, West End



Mobile homes



2019/0728

Reg Date 06/09/2019

Bagshot

**LOCATION:** 9 HEYWOOD DRIVE, BAGSHOT, GU19 5DL  
**PROPOSAL:** Raising of land levels in garden up to 1m in height and erection of a 1.8m closed board fence on new land levels to the sides, and a 2.2m fence to the rear on previous land levels (retrospective).  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr & Mrs Scott  
**OFFICER:** Mr N Praine

## UPDATE

- i This application was deferred at the request of Members from the Planning Applications Committee of 9 January 2020 to allow a Member site visit. This site visit has now been undertaken and the original report as presented to committee on the 9 January 2020 is copied below.

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 Valerie White due to concerns regarding overlooking and loss of privacy at neighbouring properties.

## **RECOMMENDATION: GRANT subject to conditions**

### **1.0 SUMMARY**

- 1.1 This application seeks part retrospective planning application for raising of land levels in the garden up to 1m in height and erection of a 1.8m closed board fence on the new land levels to the sides and a 2.2m fence to the rear on previous land levels. The proposed development is considered to be in keeping with the established character of the area and will not form any over-dominant impacts or any significant overshadowing of neighbouring properties. In addition screening is proposed to boundaries to mitigate any adverse loss of privacy and therefore the application is recommended for approval.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site falls within the settlement area of Bagshot. The application site comprises a detached two storey style dwelling. Historically the rear garden fell away from the rear of the house as the rear garden headed east toward 7 Heywood Drive. The drop was gradual starting at approximately 280mm from the finished floor level of the dwelling but increasing to nearer 1.3m below finished floor at the far eastern corner of the garden, at the boundary shared with 7 Heywood Drive.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 18/0945 - Erection of a two storey side extension and single storey rear extension following demolition of existing detached garage – approved 04/01/2019 and at the time of the officer site visit was under construction.

### **4.0 CONSULTATION RESPONSES**

- 4.1 Windlesham Parish Council: No objection, however, the Parish Council also noted that it does not support retrospective applications.

### **5.0 THE PROPOSAL**

- 5.1 The application proposed is part retrospective and follows a Corporate Enforcement investigation, this investigation invited a planning application to allow a full planning assessment of the proposal. Therefore, this part retrospective planning application seeks to regularise the raising of land levels in the garden of up to approximately 0.3m at its shallowest sections and up to approximately 1m in height at its deepest sections (far eastern corner of the garden, at the boundary shared with number 7 Heywood Drive). It is also proposed to erect a 1.8m closed board fence on new land levels to the sides, and a 2.2m fence to the rear on previous land levels.

### **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report no letters of support and three objections have been received. The objections raise the following concerns:

- Loss of privacy - [*Officer comment: see Section 7.3*]
- Overbearing - [*Officer comment: see Section 7.3*]
- 1.5m hedge not sufficient to screen views - [*Officer comment: see Section 7.3*]
- Loss of light - [*Officer comment: see Section 7.3*]
- Issues with damp proof course, access to rainwater pipes and structural loading – [*Officer comment: these are not material planning considerations*]

### **7.0 PLANNING ISSUES**

- 7.1 The application site is located in the settlement area of Bagshot. The application should therefore be determined against Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012. The Residential Design Guide Supplementary Planning Document (RDG) SPD 2017 and National Planning Policy Framework are also material planning considerations.

#### **7.2 Impact on the character of the area**

- 7.2.1 Policy DM9 (Design Principles) of the CSDMP seeks to promote high quality design that respects and enhances the local environment. The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. Paragraph 129 of the NPPF requires design policies to be

sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 7.2.2 The application site sits within a cul-de-sac of five properties off of Heywood Drive and dwellings in the area are all of similar age, but design finish is mixed. The proposals are to the rear of no. 9 Heywood Drive and in the main are not visible from public vantage points. That said, the proposed 1.8m fence to the south side of the garden (facing 10 Heywood Drive) will sit approximately 800mm above the existing wall. This would be visible for a length of approximately 3m along the wall before ending at the existing detached garage which serves no. 10 Heywood Drive, this garage will obscure further views of the fence. Given the fence would only sit above the existing wall by approx. 800mm for a length of approximately 3m this is not considered to adversely impact on the wider character of the area.
- 7.2.3 Having regard to the above built form relationships it is considered that this proposal would respect the character of the area and the development is therefore considered to be in accordance with the design requirements of Policy DM9, of the CSDMP and the NPPF in respect to its impacts upon the wider character of the area.

### **7.3 Impact on residential amenity**

- 7.3.1 Paragraph 127 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. The Residential Design Guide (RDG) Supplementary Planning Document 2017 sets out at paragraphs 8.1 and 8.2 that residential amenity, in the form of light, privacy, outlook is an important design matter that has a very strong influence on the quality of resident's living environment.
- 7.3.2 Principle 8.1 of the RDG states that developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted. Principle 8.3 of the RDG advises that developments should not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access.
- 7.3.3 Paragraph 8.3 of the RDG explains the importance of people being able to enjoy a degree of privacy which makes them feel comfortable inside their dwellings and also able to enjoy their private outdoor spaces without feeling overlooked. The RDG identifies areas of particular sensitivity as habitable rooms and the first 3m of private space behind a rear elevation of a dwelling. Page 37 of the RDG explains that screening (such as walls, fencing, hedges and general landscaping), provided it does not create significant overshadowing, can be used to provide privacy to private spaces.
- 7.3.4 Paragraphs 8.5 and 8.6 of the RDG states that although there is no right to a view, residents should be able to enjoy good quality outlook to the external environment from habitable rooms, without walls (or fences) being overbearing or visually intrusive. A poor outlook can be caused by dense high vegetation significantly dominating the outlook of a habitable room or area. Topographical changes can also create overbearing relationships and poor outlooks.
- 7.3.5 No. 7 Heywood Drive is located to the rear of the application property and sited east of the proposal. By reason of this easterly orientation and the height of boundary fence at 2.2m in height, it is not considered to result in any adverse overshadowing or overbearing impacts. For the same reasons the proposed 1.5m hedge is also not considered to result in any adverse impact upon neighbour amenity enjoyed at 7 Heywood Drive.

- 7.3.6 Turning to the raising of the land, it is noted that the increase in height will allow views over the fence into the garden area of 7 Heywood Drive. This would also enable views onto the side elevation of this neighbouring dwelling, however, no primary windows exist on this side elevation. The pathway down the side of no. 7 is also not considered to be a sensitive area either (see paragraph 7.3.3 above). On this basis the proposal would not achieve any views into the habitable or sensitive areas of the dwelling house itself. That said, when standing in the southeast corner of the garden of the application site, views into the most sensitive areas of no. 7's garden are possible. While at this corner point of the applicant garden, the views are particularly penetrating, the applicant has offered to plant this eastern rear boundary with a hedge to a minimum of 1.5m in height and this is considered to considerably reduce opportunities for overlooking. However, an actual height of 1.8m in height is considered to be a more appropriate to reduce opportunities for any actual or perceived overlooking. The most penetrating views can only be achieved from a corner in the rear garden of the application site and people often spend the least amount of time occupying these far corners of gardens (the first 3m of private space behind a rear elevation of a dwelling are the most used, RDG para 8.3). On this basis and subject to a condition to secure the planting, no objections are raised in respect to any impacts upon no. 7 Heywood Drive.
- 7.3.7 No. 8 Heywood Drive is located to the side of the application property and sited north of the proposal. The land levels are such that the height of boundary fence will undulate between 1.8m and at 2.2m in height and will be no higher than the existing trellis of the existing fence. However, given the change in levels, the proposed fence will be sited up to 2.8m above ground at the far end of number 8 for approximately 2 metres in length. While this height is noted as being significant, it is sited at the least sensitive rear section of the garden where the land levels drops by approximately 1m with the main dwelling and primary garden levels sited on higher land. As such the fence will not be overbearing or overshadowing to these higher, primary areas and only runs for a distance of approximately 2m. No objections are raised in respect to any loss of privacy upon 8 Heywood Drive.
- 7.3.8 No. 10 Heywood Drive is located to the south side of the application property and sited south of the proposal. The closest windows of this neighbour are approximately 5m from the closest boundary of the applicant property where the fence is proposed. As indicated above at paragraph 7.2.2, the proposed 1.8m fence to the south side of the garden (facing 10 Heywood Drive) will sit approximately 800mm above the existing wall. This would be visible for a length of approximately 3m along the wall before the existing detached garage, which serves number 10, will obscure views of the fence. The officer also notes that number 10, is splayed away from the proposal, so direct views from these windows are to the north west away from the proposed fence. Coupled with the separation distance of at least 5m (further increasing, due to the splayed siting, to nearer 7m away) and northerly orientation of the proposal, in the officer's opinion this is sufficient to ensure the fence will not be overbearing or overshadowing to the windows of no. 10. Views from the garden area of 10 Heywood Drive are screened by their existing detached garage. Therefore, the proposal is not considered to be adversely overbearing or result in any significant overshadowing of no. 10. Finally, given the presence of a 1.8m fence along the boundary no objections are raised in respect to any loss of privacy upon 10 Heywood Drive.
- 7.3.9 Having regard to the retained separation distances and / or screening to all other adjoining or nearby neighbours in Heywood Drive and beyond, it is considered that no undue loss of residential amenity will result from this proposed development to the occupiers of any other adjoining or nearby residential properties.



7.3.10 In conclusion the proposal is considered to comply with Policy DM9 (Design Principles) of the Surrey Heath Core Strategy and Development Management Policies 2012, the RDG and the NPPF.

## **8.0 CONCLUSION**

8.1 The proposed development is considered to be in keeping with the established character of the area and will not form any over-dominant impacts or any significant overshadowing of neighbouring properties. In addition screening is proposed to boundaries to mitigate any adverse loss of privacy and therefore the application 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, 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. The building works, hereby approved, shall be retained / constructed in external fascia materials to match those as specified on the application forms and drawings, unless otherwise agreed in writing with the Local Planning Authority.

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.

2. The proposed development shall be retained in accordance with the following approved plans: CS2, CS3 and GP 1 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.

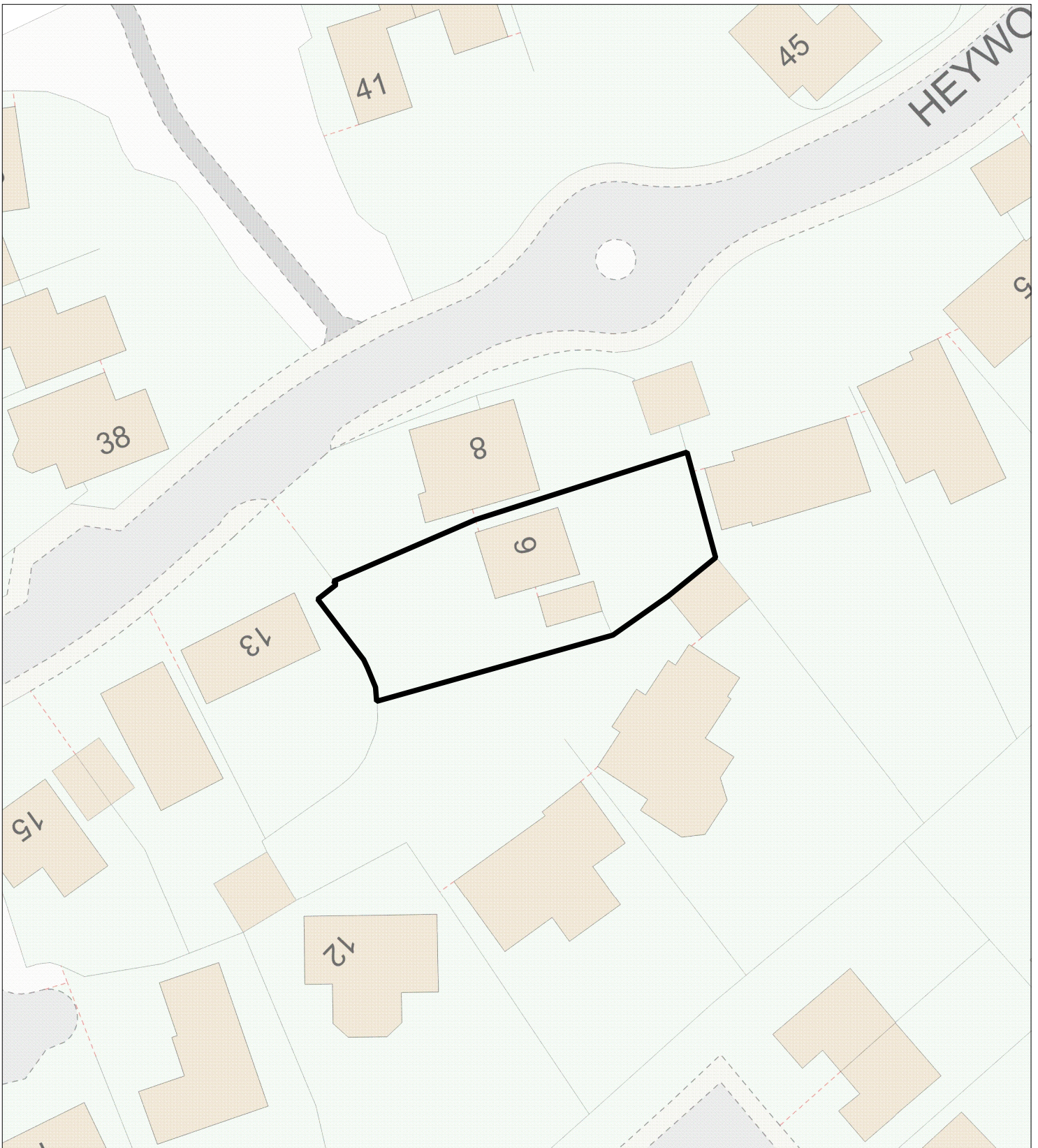
3. Within 2 months of the date of this decision notice, full details of all soft landscaping to the rear boundary of the application site (i.e. facing 7 Heywood Drive) shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented

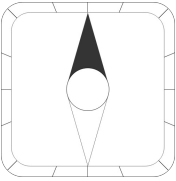
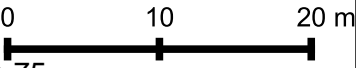

within 2 months of agreement. The submitted details should include an indication of species, spread, location, heights of planting (to be maintained at 1.8m in height required) and programme for maintenance. Once implemented the landscaping shall be retained to the satisfaction of the Local Planning Authority and if 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.

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. Party Walls (etc) Act 1996 DE3
4. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.
5. Whilst it would appear from the application that the development is to be entirely within the curtilage of the application site, care should be taken to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land.

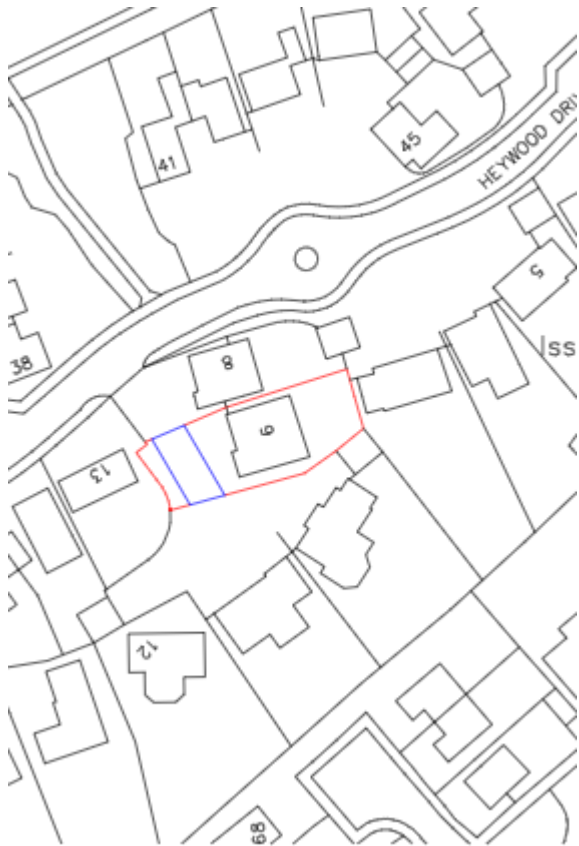


<b>Title</b>	Planning Applications			
<b>Application number</b>	19/0728	 	<b>Scale @ A4</b>	1:500
<b>Address</b>	9 Heywood Drive Bagshot GU19 5DL		<b>Date</b>	20 Jan 2020
<b>Proposal</b>	<p>Raised ground level to rear garden forming a flat surface with extended patio area. Associated raising of side boundary fences to 1.80m above new ground level, Replacement boundary fence to rear of garden with planting.</p>			
<p>Version 4</p>		<p>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2020</p>		

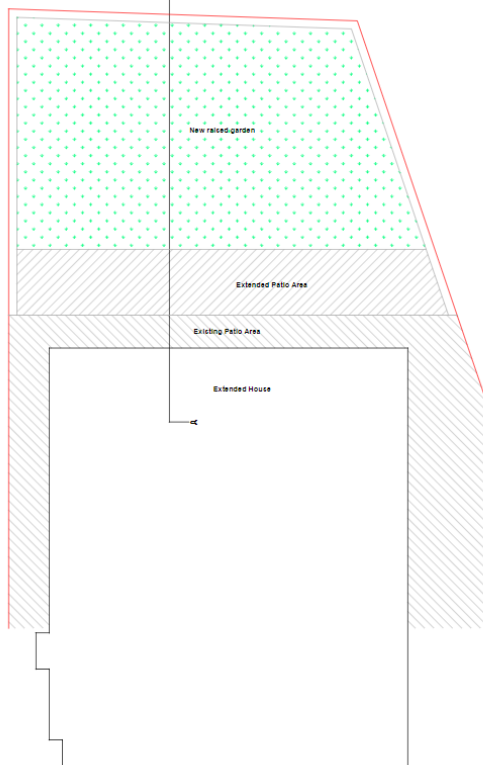
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19/0728 - 9 HEYWOOD DRIVE, BAGSHOT, GU19 5DL

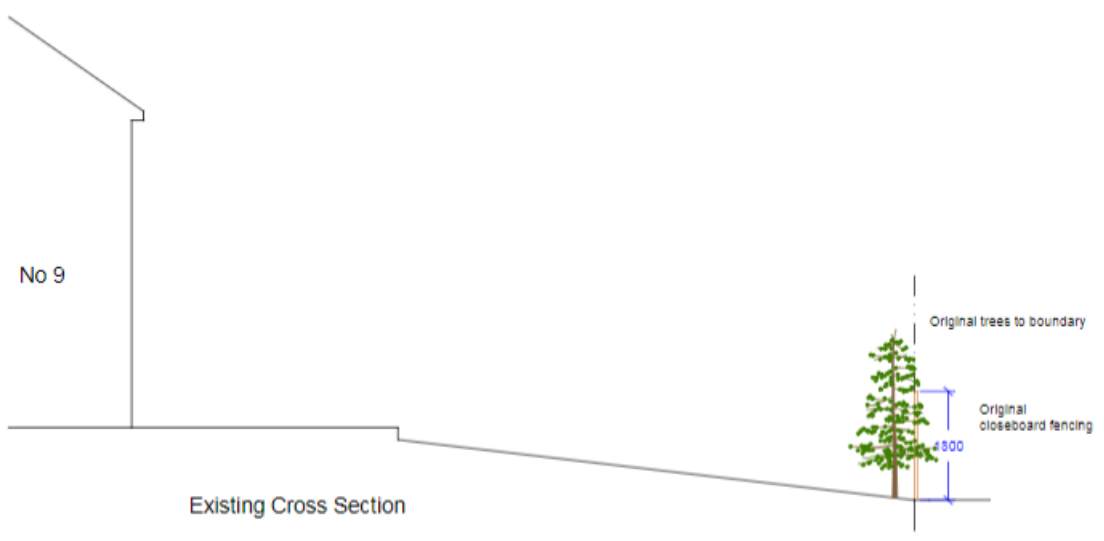
Location plan



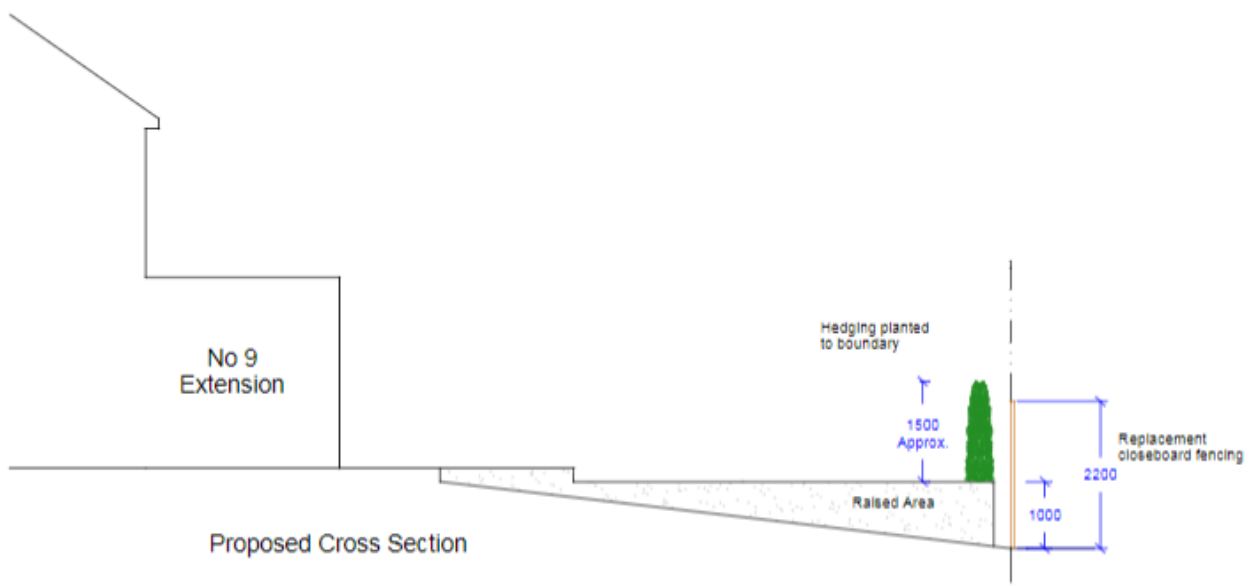
Existing garden cross-section



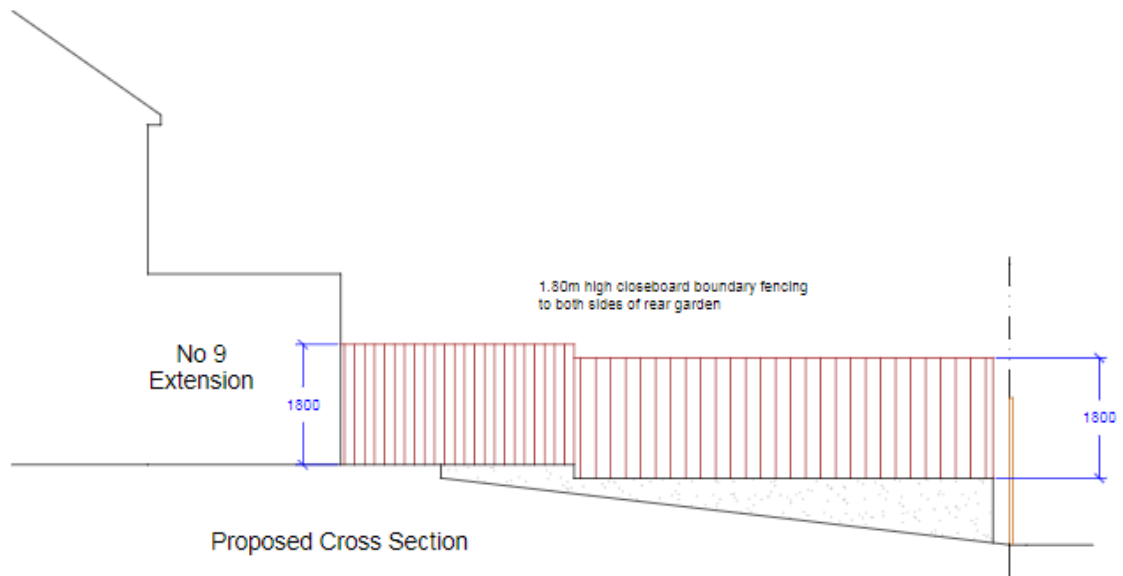
Existing garden cross-section



Proposed garden cross-section



Elevation of proposed side fence



Site Photos

Previous garden layout



Proposed garden layout looking toward number 7 Heywood Drive



Current view looking toward the application site from the garden of number 7 Heywood Drive





2019/0675

Reg Date 30/09/2019

Bagshot

**LOCATION:** BAGSHOT MANOR, 1 GREEN LANE, BAGSHOT, GU19 5NL  
**PROPOSAL:** Dormer roof extensions, roof lights and fenestration alterations in connection with the residential use approved under prior approval 19/0271.  
**TYPE:** Full Planning Application  
**APPLICANT:** Bagshot Manor Developments Ltd  
**OFFICER:** Mr R 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 Valerie White due to concerns about overdevelopment of the site which will cause parking issues and highway issues.**

**RECOMMENDATION: GRANT, subject to conditions**

#### **1.0 SUMMARY**

- 1.1 This application seeks planning permission for rooflights and fenestration alterations. The existing building benefits from extant Prior Approval (19/0271) for the change of use of the existing building (including its roofspace) to 83 flats across three floors. The initial proposal included second floor dormer extensions and was reported to the December 2019 meeting with an officer recommendation for refusal. However, the application was deferred prior to the meeting given the applicant's willingness to amend the scheme. This approach was consistent with positive/proactive working under the NPPF. The dormers have now been removed to be replaced by rooflights, along with the removal of the proposed first floor external balustrades below. This amended design would now provide 79 units (75 one-bed and 4 two-bed).
- 1.2 It is considered that the current maintenance of the existing hipped pitched roof form would now avoid an unacceptably overdominant appearance. In combination with the removal of the external balustrades below, it is now considered that the current proposed fenestration would avoid an incongruous, contrived or utilitarian appearance, as the more smoother and simply-designed elevations would be appropriate for the consented residential use of the host building. It is therefore considered that the current proposed rooflights and external fenestration alterations would respect the character and quality of the surrounding area.
- 1.3 It is considered that no overlooking perceived or otherwise, would arise from the proposed rooflights, owing to their small size, distance above eaves level, their height above and distance from surrounding dwellings, and their angle towards the skyline. Surrey County Highway Authority raised no objections on grounds of highway safety, capacity or policy, with the site near to Bagshot rail station and local bus stops. The current proposal would now facilitate a reduced number of 79 units, still to be served by 87 off-street parking spaces within the site, as approved under 19/0271.
- 1.4 The application is therefore recommended for approval.

## **2.0 SITE DESCRIPTION**

- 2.1 The 0.85ha application site (including parking/amenity areas) comprises a vacant two storey office block, located on the eastern side of Green Lane. The wooded area immediately to the east of the existing building is covered by a Woodland Tree Preservation Order (Ref: TPO 13/87). The site is surrounded by detached bungalows on Broomsquires Road to the south, two storey dwellings of Elizabeth Avenue and recently developed contemporary wooden-clad dwellings of Manor Wood Grove to the east, along with a variety of single storey and two storey dwellings along Green Lane to the west. The surrounding area is therefore residential in character and although there are a variety of architectural eras and roof forms, surrounding dwellings are limited to two storey in height.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 SU/1986/1248 Construction of two storey office building  
Decision: Granted (implemented)
- 3.2 SU/1990/0095 Continuation of use of offices approved under SU/86/1248 without complying with condition 12 (occupancy restriction).  
Decision: Granted
- 3.3 SU/2017/0363 Application for the Prior Approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing office building to 35 one bedroom and 4 two bedroom flats with associated parking and bin storage.  
Decision: Granted (not implemented)
- 3.4 SU/2018/0897 Application for the prior approval under schedule 2, part 3, class O of the general permitted development order for the conversion of the existing office building to provide 85 flats across three floors.  
Decision: Refused
- 3.5 SU/2019/0185 Application for the Prior Approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing office building to provide 84 flats across three floors.  
Decision: Withdrawn
- 3.6 SU/2019/0271 Application for the prior approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing building to provide 83 flats across three floors.  
Decision: Granted
- 3.7 19/2321/GPD Application for the prior approval under Schedule 2, Part 3, Class O of the General Permitted Development Order for the conversion of the existing building to provide 79 flats across three floors.  
Decision: Pending

## 4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the installation of rooflights and fenestration alterations in connection with the residential use approved under Prior Approval 19/0271. The works now proposed would facilitate conversion of the existing building to 79 flats across three floors (75 one-bed and 4 two-bed), as opposed to 83 units as previously approved (82 one-bed and 1 two-bed).
- 4.2 The proposed rooflights would be within each second floor roof elevation, to serve second floor bedrooms, living areas, shower rooms and stairways. The other proposed alterations would comprise new and replacement windows, doors and fenestration finishes.
- 4.3 The proposed external materials comprise cladding panels to the main facades. The windows, doors and panelling will be in a French Grey/Green finish. The proposed elevations also show smoke vents on the existing roof.
- 4.4 The scheme would utilise the two existing vehicular accesses to the site off Green Lane to provide for 87 off-street parking spaces within the site. The existing parking areas and landscaping areas would remain unaltered, save for the removal of three low grade trees – two within the car park and one adjacent the eastern rear elevation.
- 4.5 The application is supported by a tree survey report and an ecological report, including bat surveys. A flood risk assessment and drainage strategy has also been provided. The above documents will be referred to in the report below where appropriate.

## 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objection [*See Section 7.6 and Annex B*]
- 5.2 Surrey Wildlife Trust No objection, subject to condition [*See Section 7.8*]
- 5.3 Council Arboricultural Officer No objection, subject to condition [*See Section 7.7*]
- 5.4 Council Scientific Officer No objection raised
- 5.5 Windlesham Parish Council Object - on the grounds of over development, bulk, height and potential highways issues due to insufficient parking and increased vehicular movement.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, one objection has been received, raising the following concerns:

### Residential amenity

- Loss of privacy – building will be bigger and higher
- Increased noise from traffic
- Negative impact from construction work

[*See Section 7.5*]

## Highways

- Increased traffic on already busy roads  
*[See Section 7.6]*

## **7.0 PLANNING CONSIDERATION**

7.1 The application site is located in Bagshot, a settlement area as outlined in the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). The proposal is considered against the principles of Policies CP1, CP2, CP3, CP5, CP6, CP8, CP14, DM9, DM10 and DM11 of the CSDMP, and the NPPF. The Residential Design Guide Supplementary Planning Document (RDG SPD) was adopted in 2017 and therefore forms an additional material consideration in the determination of this application.

7.2 The main issues to be considered are:

- Principle of development;
- Impact on character of the host building and surrounding area;
- Impact on amenities of neighbouring properties and future occupiers;
- Impact on access, parking and highway safety;
- Impact on trees;
- Impact on ecology;
- Impact on flood risk;
- Impact on local infrastructure, and;
- Impact on the Thames Basin Heaths SPA.

## **7.3 Principle of the development**

7.3.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes, and to boost significantly the supply of housing. The application site is within a defined settlement area of Bagshot and it is considered that the proposal would be a sustainable form of development, being within this settlement area and approx. 700m walk to Bagshot District Centre and approx. 850m walk to its rail station, with bus links along Guildford Road en-route. Although the proposal would lead to the loss of office accommodation, the site is outside of a Core Employment Area and benefits from extant Prior Approval (19/0271) for full conversion to flats.

7.3.2 The principle of residential development in this location therefore remains acceptable, subject to the other planning considerations as outlined below.

## **7.4 Impact on character of the host building and 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 (DM9 i and ii). 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).

- 7.4.2 Principle 7.8 of the RDG advises that architectural detailing should be used to create attractive buildings that positively contribute to the character and quality of an area. Buildings that employ architectural detailing that is unattractive, low quality or is not honest or legible will be resisted. Principle 7.9 advises that window design visible in the public realm should be high quality and create visually balanced and harmonious compositions. Poor quality window design will be resisted, especially where it will be visible in the street scene.
- 7.4.3 The supporting paragraphs to the above Principles advise that attention to detail is vital to ensure that a development is successful. Buildings where the elements have been well put together will be pleasing to the eye, will last well and will complement the spaces they face, whatever the style of architecture. Designers will be expected to pay particular attention to window proportions, positioning and symmetry.
- 7.4.4 No overall ridge height increase is proposed and it is also accepted that the use of the application building for 83 residential units is consented under 19/0271. The current proposed rooflights replacing the previously proposed flat roof dormers, are mostly significantly set down from the existing ridge, apart from several set further towards the ridge to serve habitable rooms or communal stairways. All proposed rooflights would be considerably above the existing eaves level. The current proposal also no longer includes external balustrades.
- 7.4.5 The current proposed combination of the second floor rooflights and fenestration alterations to both floors below would still lead to a number of new and altered windows which would not align with each other. However, it is considered that the current maintenance of the existing hipped pitched roof form would now avoid an unacceptably overdominant appearance. This is because the legible two storey scale and appearance of the existing 1980s purpose-built office building would be retained, through the omission of the large flat roof dormers to be replaced by small rooflights.
- 7.4.6 In combination with the removal of the external balustrades below, it is now considered that the current proposed fenestration would avoid an incongruous, contrived or utilitarian appearance, as the more smoother and simply-designed elevations would be appropriate for the consented residential use of the host building. The existing clear focal point at the main entrance would still also be legible, with the maintenance of the front gable sited beyond the hipped roof forms now to be retained, with windows within it facing the highway. The precise specification and colour can be secured by planning condition, to ensure that the final appearance would respect the established suburban residential character of the surrounding area.
- 7.4.7 In light of all the above, it is considered that the current proposed rooflights and external fenestration alterations would now respect the character and quality of the surrounding area, in compliance with the design requirements Policy DM9 of the CSDMP and the relevant Principles of the RDG.

## **7.5 Impact on amenities of neighbouring properties and future occupiers**

- 7.5.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development. Principle 8.1 of the RDG states that new residential development should be provided with a reasonable degree of privacy to habitable rooms and sensitive outdoor amenity spaces. Paragraph 8.4 of the RDG advises that a minimum distance of 20m is this Council's generally accepted guideline for there to be no material loss of privacy between the rear of two storey buildings directly facing each other (i.e. a back to back relationship). It is also stated here that extra separation may be needed where there are significant changes in level between buildings, or where new development is greater than 2 storeys in height.
- 7.5.2 It is accepted that the existing ground and first floor windows on the same elevation facing the neighbouring dwellings of Manor Wood Grove to the east would be at the same proximity and benefit from lawful residential use under 19/0271. The current proposal would include a number of small-sized rooflights above these windows, all set significantly above the existing eaves level.
- 7.5.3 The easternmost elevation would contain five second floor rooflights to serve bedrooms and a bathroom, facing towards the two storey detached dwelling of No. 2 Manor Wood Grove to the east. The rooflights would be recessed within the existing roof slope and with some mature shrubbery covered by a Woodland Tree Preservation Order sited in between. The proposed site section towards this neighbour demonstrates that the proposed rooflights, although at a distance of approx. 16m-20m from this neighbouring elevation, would be sufficient to avoid overlooking, owing to their height above this neighbouring dwelling and their angle towards the skyline.
- 7.5.4 The proposed two rooflights further to the south would serve bedrooms, sited approx. 16m from the primary amenity area of the two storey semi-detached dwelling of No. 4 Manor Wood Grove to the east. The rear elevation of this neighbour is sited further to the south, as it has an irregular site layout. The northern side elevation of this neighbour is fully glazed to serve a ground floor dining area and a bedroom on the first floor, and would be sited approx. 19m at almost a right angle to the nearest proposed rooflight. However, similar to No. 2 no overlooking would arise owing to their height above the dwelling and their angle towards the skyline. The small size of the rooflights and their positioning significantly above eaves level is also considered sufficient to avoid any perceived sense overlooking towards the abovementioned neighbours.
- 7.5.5 The proposed rooflights on the inset elevation further to the south would be sited approx. 29m at their closest point from the rear elevation habitable windows of the semi-detached pair of 4 & 6 Manor Wood Grove, and the primary amenity area of No. 6 to the south. The proposed southernmost rooflight would be sited approx. 30m from the nearest habitable window of the two storey detached dwelling No. 8 Manor Wood Grove. Further to the south again, the nearest rooflight would be sited at an angle approx. 32m from the rear garden area of No. 1a Elizabeth Avenue. To the front facing Green Lane, the nearest separation distance to the dwellings opposite would be approx. 46m. The proposed southern side rooflights would be sited approx. 43m from the rear garden boundaries of the Broomsquires Road dwellings. The nearest proposed northern rooflight to Whitmoor Road would be sited approx. 43m from the nearest dwelling opposite. All the above separation distances are considered sufficient to avoid material harm in terms of loss of privacy, perceived or otherwise.

- 7.5.6 The proposal also includes two new second floor windows on each of the existing front and rear gable ends, serving living areas and bedrooms. The rear windows would be sited approx. 27m from the rear elevations of Nos. 4 & 6 Manor Wood Grove directly, with the front windows sited approx. 40m from the nearest opposite dwelling on Green Lane. These separation distances are considered sufficient to avoid adverse harm in terms of loss of privacy.
- 7.5.7 Most of the 29 ground floor units to be served by the proposed fenestration alterations do not comply with the national technical housing standards in terms of their internal living space. However, the size and amount of these units already benefit from consent under 19/0271.
- 7.5.8 Most of the other 50 units on the second and third floors would still necessitate the proposed rooflights, as they would either be laid out over two floors or within the second floor only. However, the proposed use of rooflights as opposed to dormers would now not provide any additional habitable floorspace than what can be lawfully achieved within the existing shallow hipped pitched roofs. As such, the current proposed rooflights comprise fenestration alterations to facilitate lawful conversion to residential use as allowed under 19/0271. As such, similar to the proposed internal living spaces, it is now also considered that a reason for refusal on grounds of insufficient outlook would now also be unreasonable, given that the proposal now fully relates the existing floorspace that benefits from a lawful change of use to residential flats.

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

- 7.6.1 The application site benefits from two vehicle accesses to two car parking areas, one either side of the building, and both off Green Lane. Green Lane is a local residential road, which leads from Whitmoor Road and the A322 and includes a primary school. The extant 19/0271 prior approval for 83 flats would utilise the two existing vehicular accesses to the site off Green Lane to provide for 87 off-street parking spaces within the site.
- 7.6.2 A transport statement was provided as part of the 19/0271 scheme, including a trip generation and traffic impact assessment using TRICS data, which outlined that the site will continue to use the existing accesses from Green Lane which have adequate visibility of 2.4M x 43M. The report concluded that there is adequate parking, two vehicle access points meeting highway standards, and a predicted reduction in vehicle trips by up to 8 vehicle trips compared to the existing lawful office use capacity of the building.
- 7.6.3 Concerns were raised by neighbours in respect of increased traffic generation and insufficient parking provision on a road leading to a primary school and to main roads that already suffer from peak hour congestion. However, the County Highway Authority (CHA) raised no objections on safety, capacity or policy grounds, subject to conditions. The CHA has maintained no objection to the current planning application proposal (their consultation responses are appended).
- 7.6.4 In light of the above and given that the current proposal would now facilitate a reduced number of 79 units, near to Bagshot rail station and local bus stops, no objections are raised on grounds of highway safety, capacity or policy.

## **7.7 Impact on trees**

- 7.7.1 The wooded area immediately to the east of the existing building is covered by a Woodland Tree Preservation Order (Ref: TPO 13/87). An arboricultural report including impact assessment, method statement and tree protection plan has been provided. This advises that three low grade trees (two within the car park and one adjacent the eastern rear elevation) would be removed to facilitate adequate parking. The trees are not protected by the TPO. Pruning works to four further individual trees and one tree group are also proposed (which are subject to the TPO), to allow construction access and to create a sustainable separation with the building. Tree fencing and ground protection measures would be installed to protect the Root Protection Areas (RPAs) of all trees surrounding the parking area and adjacent the building.
- 7.7.2 The Council's Arboricultural Officer has raised no objection, subject to a condition requiring submission of photos of all tree and ground protection measures, to ensure that are implemented in accordance with the approved Tree Protection Plan

## **7.8 Impact on ecology**

- 7.8.1 Bat emergence and re-entry surveys have been undertaken, which identified day roosts of four common pipistrelle bats within the building. The report advises that the proposed development can be completed under a Natural England bat mitigation class licence, which would include specific mitigation/compensation measures. Surrey Wildlife Trust has raised no objection, subject to a Sensitive Lighting Management Plan submitted to the Council for approval prior to commencement of development. This is a conditional requirement of the 19/0271 approval.

## **7.9 Impact on flood risk**

- 7.9.1 The application site falls entirely within Flood Zone 1 (the lowest probability category for flooding from rivers). Most of the existing building is also immediately surrounded by areas of low, medium and high risk from surface water flooding, much of which would flood to a depth above 300mm (according to Environment Agency data and the Surrey Heath Strategic Flood Risk Assessment 2015).
- 7.9.2 A Flood Risk Assessment and Drainage Strategy was provided as part of the 19/0271 prior approval scheme. The current proposal still includes a communal ground floor access to the building on the existing northern elevation, and is not reliant on the additional proposed direct access points to the ground floor flats. Additionally, no new hard standing areas are proposed. It is therefore still considered that the development would not lead to a material increase in flood risk within or around the site.

## **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. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential developments involving one or more new dwellings through new build. As the proposal no longer includes additional floorspace in the second floor provided by the dormers, the development is no longer CIL liable.



## **7.11 Impact on Thames Basin Heaths SPA**

- 7.11.1 The proposed conversion to residential use falls within 5km of the Thames Basin Heaths SPA and as such, mitigation for any new residential development is necessary. The proposal site is outside of the 400m exclusion zone of the SPA boundary and there is still SANG with capacity within the catchment of the development to provide mitigation for the proposed residential use.
- 7.11.2 Following an Executive resolution which came into effect on 1 August 2019, due to the currently limited capacity available for public SANGs in parts of the Borough, applications for development which reduce SANG capacity (as in the case of this application facilitating the 19/0271 prior approval) will be valid for one year (rather than three years), unless there are reasons why the development cannot be commenced within this shorter timescale. The decision on the recently submitted prior approval (19/2321/GPD), for 79 units to correspond with the current proposed alterations, is pending. If approved, the scheme would be required under condition to provide SANG mitigation.

## **8.0 CONCLUSION**

- 8.1 The current maintenance of the existing hipped pitched roof form would now avoid an unacceptably overdominant appearance. In combination with the removal of the external balustrades below, the current proposed fenestration would avoid an incongruous, contrived or utilitarian appearance and would now respect the character and quality of the surrounding area. No overlooking, perceived or otherwise, would arise from the proposed rooflights, owing to their small size, distance above eaves level, their height above and distance from surrounding dwellings, and their angle towards the skyline. Surrey County Highway Authority and the Council's Arboricultural Officer have raised no objections subject to conditions. The application 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.
  - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## 10.0 RECOMMENDATION

1. The development hereby permitted shall be begun within one year 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. 0413 P2 - received on 30 September 2019; Proposed site plan (Drawing No. 0412 P2); Proposed site section (Drawing No. 0184 P1);  
Proposed first floor plan (Drawing No. 0414 P3); Proposed second floor plan (Drawing No. 0415 P3); Proposed roof plan (Drawing No. 0416 P2); Proposed northwest and southwest elevation (Drawing No. 0422 P6); Proposed southeast and northeast elevation (Drawing No. 0423 P6) - all received on 10 December 2019, unless the prior written approval has been obtained from the Local Planning Authority.

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

3. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed tile and fenestration. Once approved, the development shall be carried out using only the agreed materials.

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

4. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by Barrell Tree Care [Alex Needs] and dated 16 October 2019. 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.



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<b>APPLICATION NUMBER</b>	<b>SU/19/0271</b>
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## DEVELOPMENT AFFECTING ROADS

### TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

**Applicant:** Bagshot manor Developments Ltd

**Location:** Bagshot Manor, 1 Green Lane, Bagshot, GU19 5NL

**Development:** Application for prior approval for the conversion of the existing building to provide 83 flats across three floors.

<b>Contact Officer</b>	Angela Goddard	<b>Consultation Date</b>	2 April 2019	<b>Response Date</b>	29 April 2019
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

1. The development hereby approved shall not be first occupied unless and until facilities for the secure parking of at least 83 bicycles within the development site have been provided in accordance with the approved plans and thereafter the approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.
2. The development hereby approved shall not be occupied unless and until at least 17 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
3. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority for:
  - a). A Travel Information Pack to be provided to residents to include the availability and whereabouts of public transport/walking/cycling/car sharing clubs/car clubs.

and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

## **Reason and Policy**

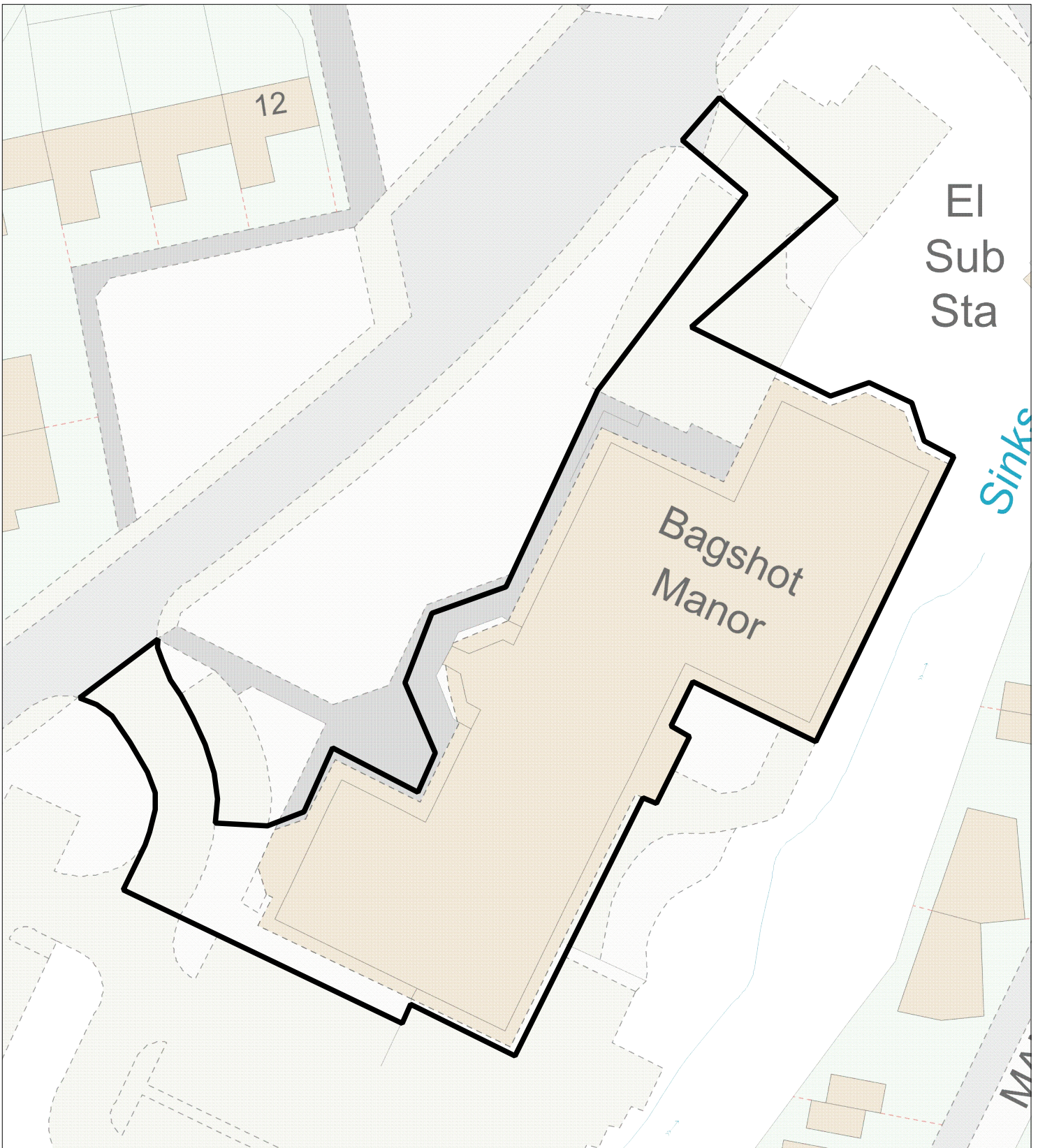
The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012'.

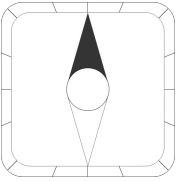
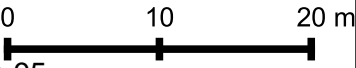

## **Informative**

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

## **Note to Planner**

The applicant has provided a Transport Statement and an assessment of the likely trip generation for the residential use when compared to the existing office use is likely to lead to a reduction in am and pm peak traffic movements. It is proposed to provide one parking space per flat with three visitor spaces which meets Surrey County Councils minimum standards for residential development. One cycle parking space per flat will be provided in accordance with minimum standards. The Highway Authority considers that the proposal is unlikely to have a material impact on highway issues.

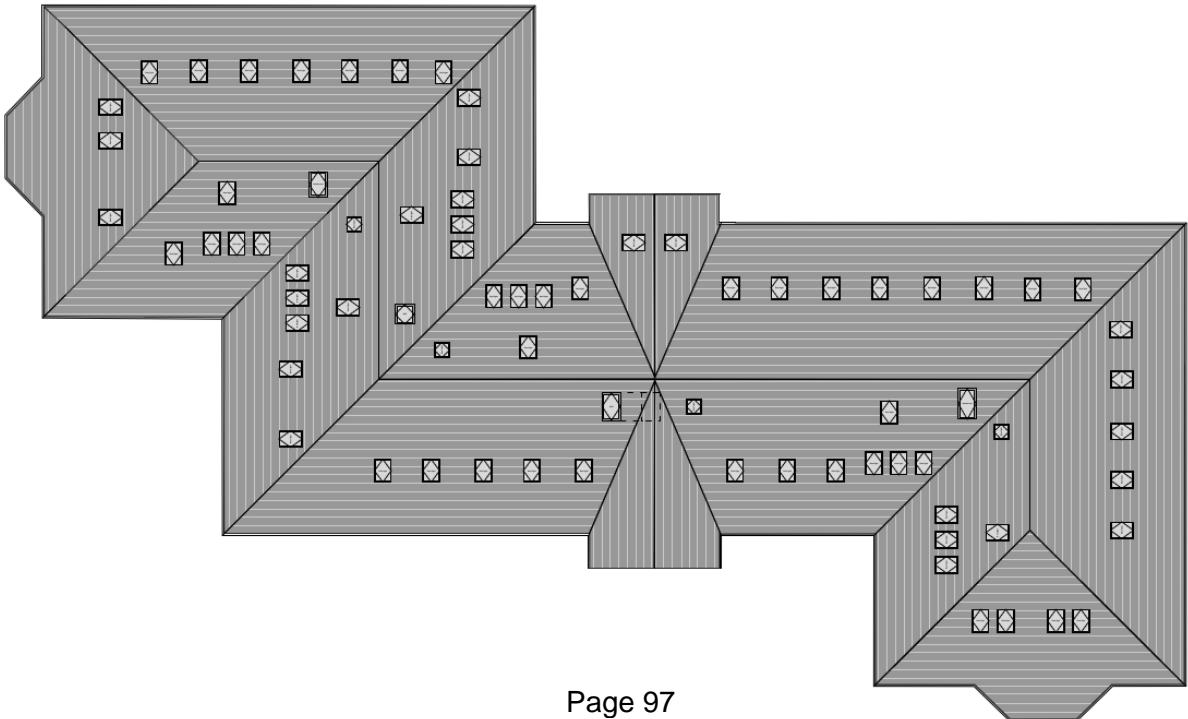


<b>Title</b>	Planning Applications		
<b>Application number</b>	19/0675	<b>Scale @ A4</b>	1:500
<b>Address</b>	Bagshot Manor 1 Green Lane Bagshot GU19 5NL	<b>Date</b>	20 Jan 2020
<b>Proposal</b>	External alterations including fenestration changes and roof alterations in connection with the residential use (approved under Prio Approval 19/0271)		  Page 95
			
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Proposed location/site plan and roof plan



Existing elevations

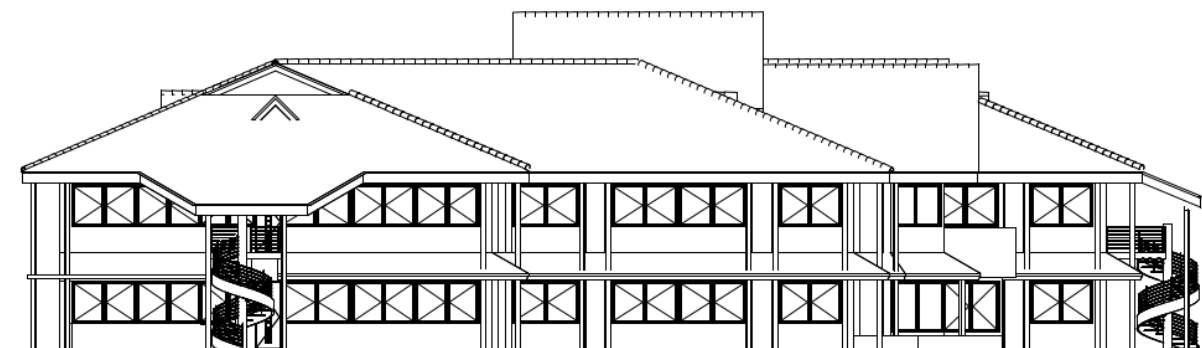
Front (facing Green Lane)



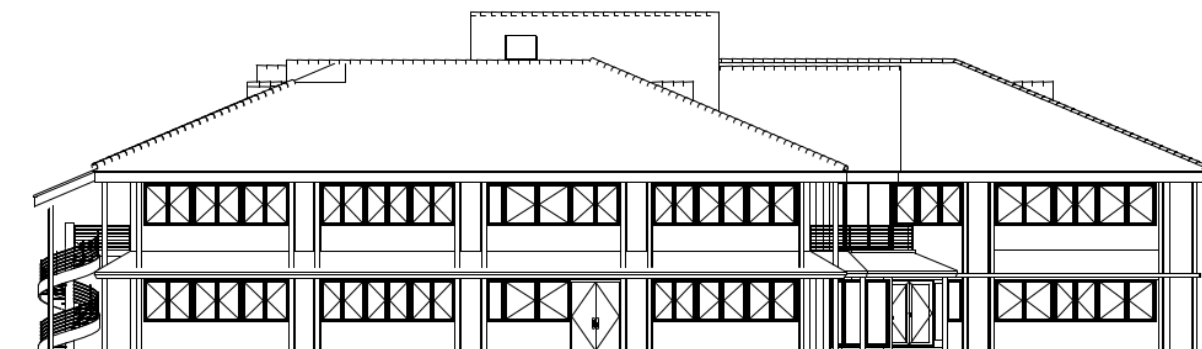
Rear (facing Manor Wood Grove)



Side (northeast)



Side (southwest)



Proposed floor plans

Front (facing Green Lane)



Rear (facing Manor Wood Grove)



Side (northeast)

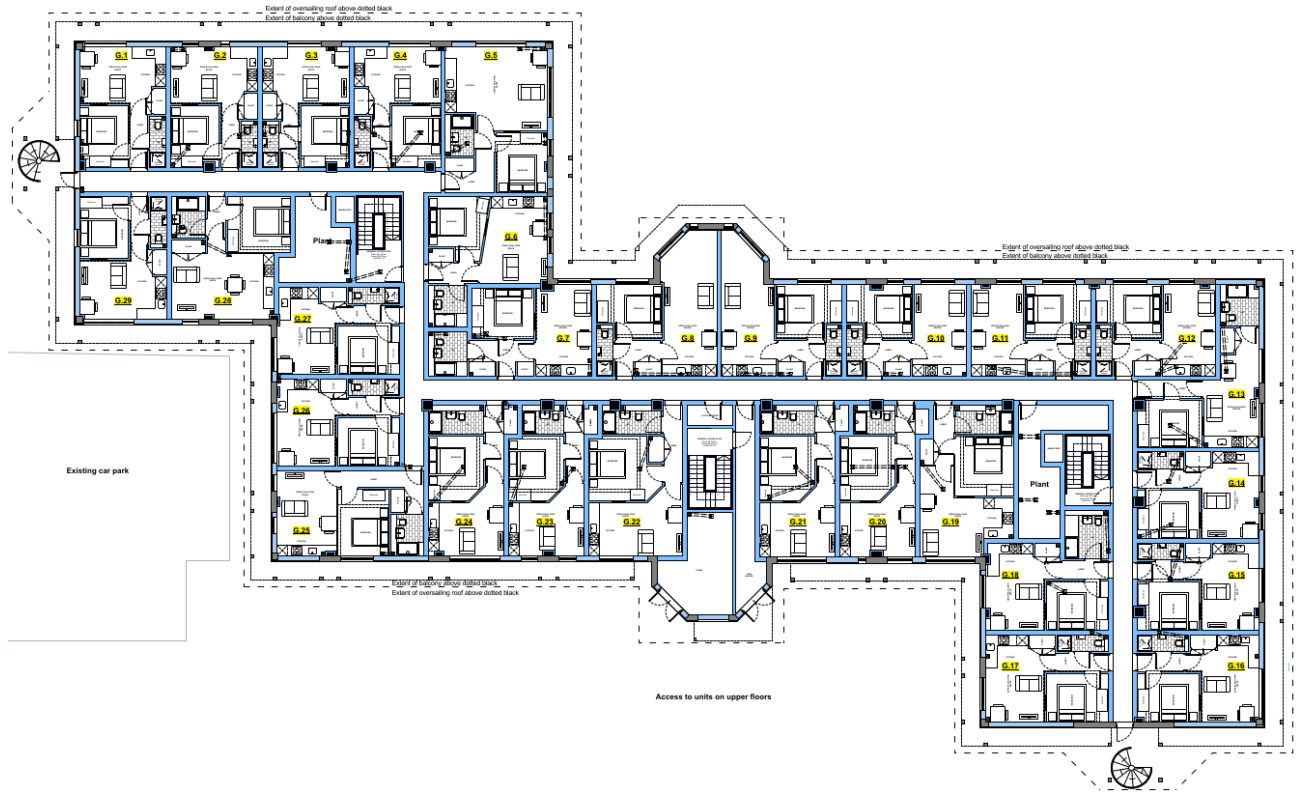


Side (southwest)

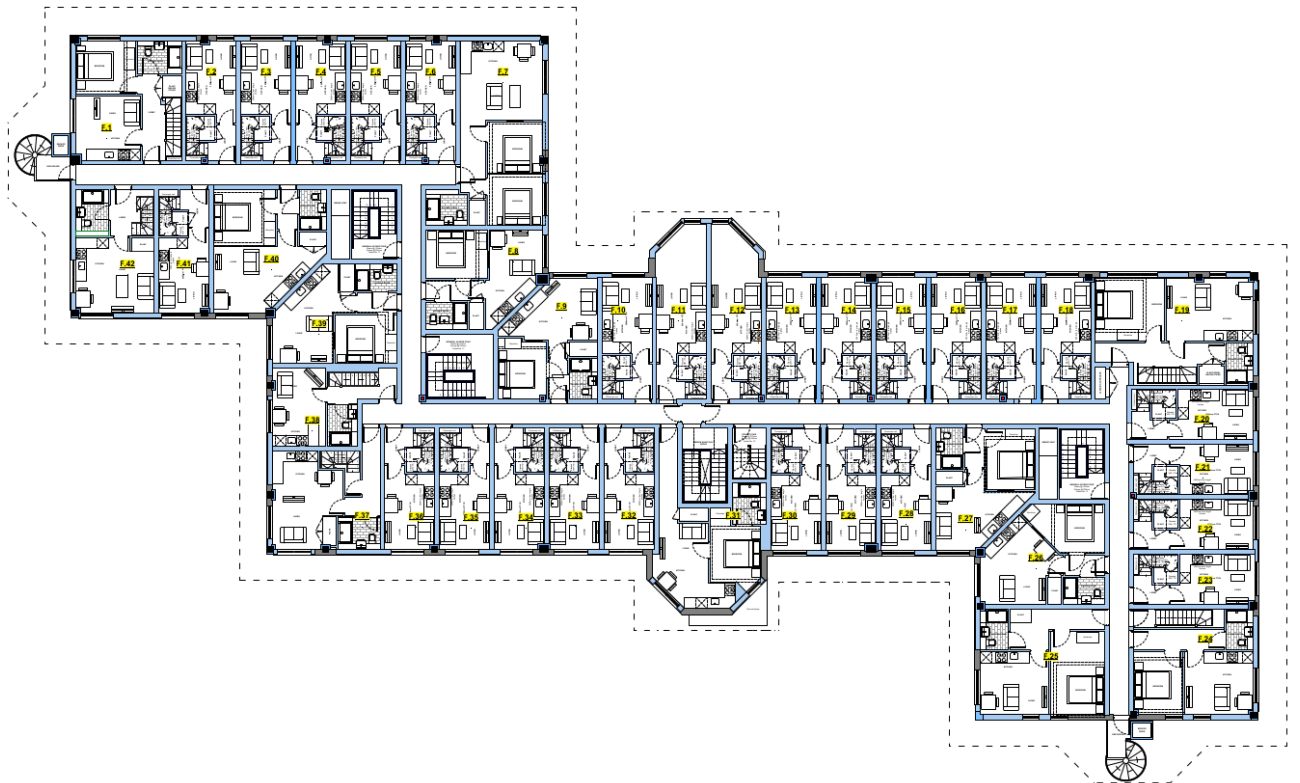


Proposed floor plans

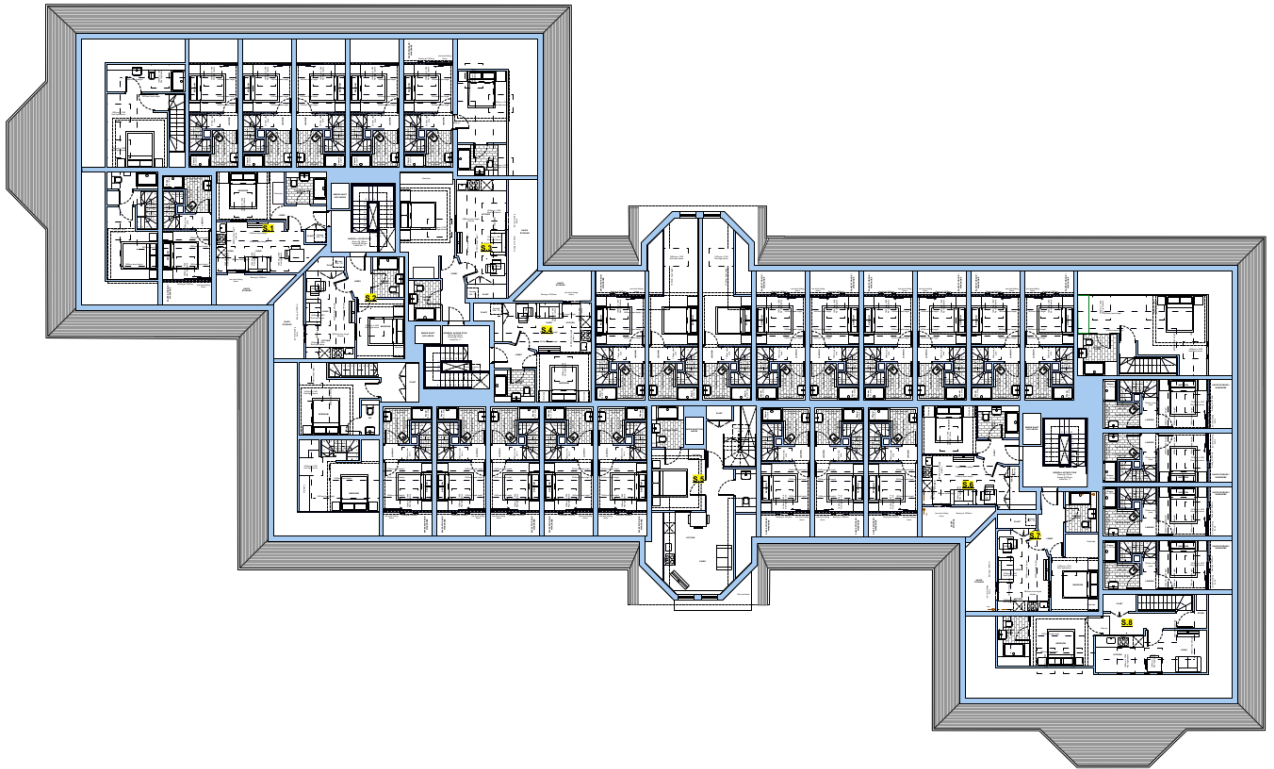
Ground floor



First floor



Second floor



Tree protection



Site Pictures

Front elevation facing Green Lane and streetscene



Rear elevation facing Manor Wood Grove



Rearmost elevation facing Nos 2 & 4 Manor Wood Grove





**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.