

**Surrey Heath Borough Council**

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Tuesday, 8 September 2020

To: The Members of the **Planning Applications Committee**
(Councillors: Edward Hawkins (Chairman), Victoria Wheeler (Vice Chairman),
Graham Alleway, Peter Barnett, Cliff Betton, Colin Dougan, Shaun Garrett,
David Lewis, Charlotte Morley, Robin Perry, Darryl Ratiram, Morgan Rise,
Graham Tapper, Helen Whitcroft and Valerie White)

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

Substitutes: Councillors Dan Adams, Richard Brooks, Sarah Jane Croke, Paul Deach,
Sharon Galliford, Ben Leach, Emma-Jane McGrath, John Skipper and Pat Tedder

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, 17 September 2020 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded and live streamed on
<https://www.youtube.com/user/SurreyHeathBC>

Yours sincerely

Tim Pashen

(Acting) Chief Executive

AGENDA

		Pages
1	Apologies for Absence	
2	Minutes of Previous Meeting	3 - 12

To approve as a correct record the minutes of the meeting of the Planning Applications Committee held on 13 August 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.

4	Heathpark Woods TPO Report	13 - 38
5	Application Number: 19/2248 - Land Adjacent To Chobham Farm Cottage, Philpot Lane, Chobham, Woking, Surrey, GU24 8HD	39 - 50
6	Application Number: 20/0461 - The Camberley Theatre, Knoll Road, Camberley, Surrey, GU15 3SY	51 - 64
7	Application Number: 20/0310 - 24 The Close, Lightwater, Surrey, GU18 5RH	65 - 74
8	Exclusion of Press and Public	75 - 76
9	Application Number: 18/0875 - Land To The Side And Rear Of 154 Guildford Road, West End, Woking, GU24 9LT	77 - 110
10	Review of Exempt Items	

To review those items or parts thereof which can be released as information available to the public.

* indicates that the application met the criteria for public speaking

Glossary

**Minutes of a Meeting of the Planning
Applications Committee held at
Virtually - Public Meeting on 13 August
2020**

+ Cllr Edward Hawkins (Chairman)
+ Cllr Victoria Wheeler (Vice Chairman)

- | | |
|-------------------------|------------------------|
| + Cllr Graham Alleway | + Cllr Robin Perry |
| + Cllr Peter Barnett | + Cllr Darryl Ratiram |
| + Cllr Cliff Betton | + Cllr Morgan Rise |
| + Cllr Colin Dougan | + Cllr Graham Tapper |
| + Cllr Shaun Garrett | + Cllr Helen Whitcroft |
| + Cllr David Lewis | + Cllr Valerie White |
| + Cllr Charlotte Morley | |

+ Present

- Apologies for absence presented

Members in Attendance: Cllr Rodney Bates, Cllr Paul Deach,
Cllr David Mansfield, Cllr Emma McGrath and
Cllr Pat Tedder

Officers Present: Ross Cahalane, Duncan Carty, Michelle Fielder,
Gavin Ramtohal, Patricia Terceiro, and Eddie Scott

12/P Minutes of Previous Meetings

The sets of minutes of the meetings held on 18 June 2020 and 16 July 2020 were confirmed and signed by the Chairman.

13/P Application Number: 19/2074 - LAND ADJ. GUILDFORD ROAD (SOUTH OF THE M3), LIGHTWATER, GU19 5NT

The application was for a proposed Gypsy/Traveller site (two pitches) comprising the siting of two mobile homes, two touring caravans, the erection of two day rooms, hard standing and landscaping (part-retrospective).

The application would have normally been determined under the Council's Scheme of Delegation, however, it had been called-in by Councillor Rebecca Jennings-Evans on the basis of concerns raised by local residents and potential environmental impact on a Special Protection Area.

Members were advised of the following updates on the application:

Correction

Section 7.3.14 of the agenda report should refer to a "buffer zone".

Proposed conditions

The applicant has proposed that in place of “No development shall commence”, the proposed conditions be reworded such that they treat the development as though it were retrospective – i.e. “Within X weeks of the date of this permission”.

The applicant has argued that rewording the conditions as such would enable the development to “commence” in the form of the applicants moving back onto the site, but allowing for no further works until the details are submitted are approved, and argues that this is a sensible approach to take giving consideration to the current accommodation situation for the applicants.

The applicant would however accept the pre-commencement conditions as they are, should these alternatively worded conditions require further consideration by members of the Committee.

Officer comment

The conditions should remain as pre-commencement or pre-occupation as outlined, as due to the site’s location near to major roads and the SPA, issues such as landscaping, contamination and noise levels are fundamental to the acceptability of the scheme, and would therefore be at the heart of any planning permission if granted.

Additional consultation response

The Council’s Arboricultural Officer has raised no tree or landscape related objections. The Arboricultural Officer has however commented that due to the progressive presence of Oak Processionary Moth within the eastern sector of the Borough, Oaks should not be planted as part of the proposed landscaping and replanting. Scots Pine and Birch are represented within the area and should be primarily considered. *Rhododendron ponticum* is present throughout the adjacent wooded sectors and presents a pernicious issue with regards to the future of these areas. This should ideally be managed as part of the broader landscape management of the site.

Officer comment

In order to reflect the above comments, Condition 4 (p26) is proposed to be reworded as highlighted below:

Notwithstanding the submitted proposed site plan (Drawing No. J003396 - CD03 Rev A), no development or soft or hard landscaping works shall take place until a further proposed site plan is submitted to and approved in writing by the Local Planning Authority. This plan shall include the following:

- a) *Proposed location and specification of a physical barrier between the application site and the Thames Basin Heaths Special Protection Area 400m buffer zone;*

- b) Proposed location of any other walls, fences or access features;
- c) Precise areas of hard standing to be removed and retained - ensuring that no hard standing is within the above buffer zone;
- d) Location and species of all retained and proposed planting. Replacement planting species shall be of native provenance, **excluding any Oak species**;
- e) Details of the measures to be taken to protect existing features during the construction of the development, **and**;
- f) A **Landscape Management Plan, including management timescales and maintenance schedules for all landscape areas, to include the identified presence of Rhododendron ponticum within the whole site under control of the applicant.**

Reason: To preserve and enhance the visual amenities of the locality and to avoid adverse impacts on the Thames Basin Heaths Special Protection Area, in accordance with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

The following additional condition is proposed, to secure the implementation and retention of the approved landscaping details:

Additional planning condition:

All hard and soft landscaping works shall be carried out in accordance with the approved details within the first planting season following the first occupation of the site.

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.

Agenda report

Paragraph 4.3, p18

For clarity, the definition of “gypsies and travellers”, as set out in Annex 1 of the PPTS is as follows:

Persons of nomadic habit of life whatever their race or 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, but

excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Accordingly, Condition 3 is proposed to be reworded as highlighted below:

The site shall be occupied by no more than two gypsy pitches, each comprising no more than one mobile home, one tourer caravan and one day room. In addition the accommodation hereby approved shall only be occupied by persons meeting the definition of “gypsies and travellers”, as defined in Annex 1 of Planning Policy for Traveller Sites 2015 (or any planning policy statement replacing or superseding that statement).

Reason:

To ensure the approved gypsy pitches are retained for their designated purpose in perpetuity and to protect the countryside and visual amenity of the area and to accord with Policies CP1, CP2, CP7, DM6 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework and the Planning Policy for Traveller Sites.

Paragraph 7.7, p24-25

Condition 5 (p27) is proposed as recommended by Surrey Wildlife Trust (SWT) to provide mitigation and enhancement measures to cover the likely presence of reptiles. This condition can be reworded as highlighted below to clarify that the additional ecological measures required by this condition, once agreed, will have to be implemented, maintained and secured:

No development shall commence until a Reasonable Avoidance Measures Document, written by a suitably qualified ecologist, is submitted to and approved in writing by the Local Planning Authority, with the agreed mitigation and enhancement measures implemented and then maintained and secured in accordance with the agreed Document. This Document shall include the proposed ecology mitigation and enhancement measures for the likely presence of reptiles.

Reason: To conserve and enhance biodiversity and legally protected species and landscapes, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

An additional planning condition is proposed as follows, to ensure compliance with the mitigation and enhancement measures as recommended in the submitted Preliminary Ecological Appraisal:

Additional planning condition:

The development hereby approved shall be undertaken in accordance with all the avoidance, mitigation and enhancement actions within Section 5 of the Preliminary Ecology Appraisal (David Archer Associates, November 2020). Any external

lighting installed on this development shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series".

Reason: To conserve and enhance biodiversity and legally protected species in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.

The recommended mitigation and enhancement measures include: protection of the woodland edge; replanting of native specimens of local provenance; restriction of light spill towards woodland areas; control of rhododendron, and; installation of bird and bat boxes.

Paragraph 7.8, p25

The SANG contribution would be £19,824.00 and the SAMM contribution would be £1,988.28. The applicant is willing to secure this by means of a Section 106 legal agreement.

Section 10.0 - Recommendation

Accordingly, the recommendation in Section 10 is altered as follows:

GRANT subject to a legal agreement to secure the contributions towards SANG and SAMM, and the following conditions:

[...]

In the event that a satisfactory legal agreement has not been completed by 30 September 2020, or any other period as agreed with the Executive Head of Regulatory, the Executive Head of Regulatory be authorised to REFUSE for the following reason:

- 1. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14 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 Suitable Alternative Natural Greenspace (SANG) and 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 2019."*

The officer recommendation to grant the application was proposed by Councillor Morgan Rise, seconded by Councillor Cliff Betton and put the vote and carried.

RESOLVED that application 19/2074 be granted subject to the conditions in the officer report and updates.

Note 1

A roll call vote was conducted and the voting in relation to the application was as follows:

Voting in favour of the recommendation to grant the application:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Darryl Ratiram, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

14/P Application Number: 20/0480 - LAND TO THE EAST OF PENNY COTTAGE, BAGSHOT ROAD, CHOBHAM

The application was for the creation of a 2 pitch Gypsy/Traveller site comprising the siting of 1 mobile home and 1 touring caravan per pitch and associated works and access.

The application would have normally been determined under delegated authority. However, the application had been called-in by Councillor Graham Alleway.

Members were advised of the following updates on the application:

"The SAMM and SANG contributions required for this proposal are £3,408.48 and £33,984, respectively."

As the application had triggered the Council's Public Speaking Scheme, a speech written by an objector to the application was read out by the Democratic Services Officer. The objector wished to remain anonymous for the purposes of public speaking.

The officer recommendation to refuse the application was proposed by Councillor Helen Whitcroft and seconded by Councillor Victoria Wheeler.

RESOLVED that application 20/0480 be refused.

Note 1

It was noted for the record that Councillors Victoria Wheeler and Graham Alleway had been in communication with neighbours to the site.

Note 2

A roll call vote was conducted and 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, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Darryl

Ratiram, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

**15/P Application Number: 20/0279 - DEEPCUT BUSINESS CENTRE, 123-127
DEEPCUT BRIDGE ROAD, DEEPCUT, CAMBERLEY, SURREY, GU16 6SD**

The application was for the erection of 3 x 3-bedroom terraced dwellings with associated parking and amenity space.

The application would have normally been determined under the Council's Scheme of Delegation, however, it had been reported to the Planning Applications Committee at the request of Councillor Helen Whitcroft due to concerns regarding overdevelopment, mass and scale of the development and being out of keeping with the street scene.

Members were advised of the following updates on the application:

Corrections

Condition 2 should read as:

The proposed development shall be built in accordance with the following approved plans, unless the prior written approval has been obtained from the Local Planning Authority.

-Drawing no FLU.803.HS.02 rev T- proposed site plan, received 13 August 2020

-Drawing no FLU.803.HS.04 rev G -Plots 1 & 3 Floor Plans & Elevations, received 22 April 2020

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

Condition 7 should read as:

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 plan FLU.803.HS.04 for vehicles to park and 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 at all times.

Reason: To ensure the provision of on-site parking accommodation and turning area and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative

10 – The applicant is advised that no bins shall be kept in the front of the building".

It was noted for the record that there were some typographical errors in relation to the spelling of Woodend Road in the officer report.

As the application triggered the Council's Public Speaking Scheme, Mr Fraser Shorey, the applicant, sent in a video-recorded public speaking speech in support of the application which was played to the Committee. Mr Alan Barnard sent in a written public speaking speech in objection to the application, which was read out by the Democratic Services Officer.

Members had concerns in respect of potential overbearing from the proposal on 6 Blackdown Road. As a result it was agreed to amend the existing conditions to the officer's recommendation to require walls facing 6 Blackdown road, to be rendered white or magnolia to mitigate any such impacts.

Moreover there were also reservations on the impact that the proposal may have on nearby residential amenity including the loss of privacy. Consequently existing proposed conditions were amended to secure a landscape scheme that further comprises details of the new fences and fences to be replaced around the perimeter of the site.

The officer recommendation to grant the application was proposed by Councillor Edward Hawkins, seconded by Cliff Betton and put to the vote and carried.

RESOLVED

- I. **that application 20/0279 be granted subject to the conditions in the officer report and updates, and the additional conditions;**
- II. **the proposed conditions 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. A Committee Site Visit had taken place on the application.
- II. Councillors Helen Whitcroft and Morgan Rise:
 - a. had been in both verbal and written correspondence with local residents on the application and
 - b. had written to local residents asking their opinions on the application;
 - c. however they had not expressed an opinion on the application.

Note 2

A roll call vote was taken and the voting in relation to the application was as follows:

Voting in favour of the recommendation to grant the application:

Councillors Cliff Betton, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Robin Perry, Darryl Ratiram, Graham Tapper and Valerie White.

Voting against the recommendation to grant the application:

Councillors Graham Alleway, Morgan Rise, Victoria Wheeler and Helen Whitcroft.

Voting in abstention on the recommendation to grant the application:

Councillor Peter Barnett.

16/P Application Number: 20/0222 - 30 BOLDING HOUSE LANE, WEST END GU18 5RH

The application was for a single storey front extension and part-two storey, part-single storey side and rear extension following demolition of existing garage.

The application would normally have been determined under the Council's Scheme of Delegation, however, it had been called-in by Councillor Graham Alleway due to concerns regarding impact on the character of the area and neighbouring amenity.

As a result of concerns in respect of overdevelopment, a condition was added to the officer recommendation to restrict any second floor accommodation in the loft space hereby approved.

The officer recommendation to grant the application was proposed by Councillor Cliff Betton, seconded by Councillor Robin Perry and put to the vote and carried.

RESOLVED

- I. **that application 20/0222 be granted subject to the conditions in the officer report and the additional condition; and**
- II. **The wording of the additional condition be delegated to the Executive Head of Regulatory in consultation with the Chair and Vice Chair of Planning Applications Committee.**

Note 1

A roll call vote was conducted and the voting in relation to the application was as follows:

Voting in favour of the recommendation to grant the application:

Councillors Cliff Betton, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Darryl Ratiram, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

Voting against the recommendation to grant the application:

Councillors Graham Alleway and Peter Barnett.

17/P Application Number: 19/2277- 21 RIVERMEAD ROAD CAMBERLEY GU15 2SD

The application was for the erection of a part two storey side / rear extension with a part single storey side extension and the erection of a detached outbuilding to the rear to serve as an annex, all following demolition of existing detached garage.

The application would have normally been determined under the Council's Scheme of Delegation, however, the applicant's agent was an employed officer of Surrey Heath Borough Council. As such, at the request of the Executive Head of Regulatory, the application had been referred to the Planning Applications Committee for transparency purposes.

The officer recommendation to grant the application was proposed by Councillor Cliff Betton and seconded by Councillor Robin Perry.

Note 1

A roll call vote was conducted and the voting in relation to the application was as follows:

Voting in favour of the recommendation to grant the application:

Councillors Peter Barnett, Cliff Betton, Colin Dougan, Shaun Garrett, Edward Hawkins, David Lewis, Charlotte Morley, Darryl Ratiram, Morgan Rise, Graham Tapper, Victoria Wheeler, Helen Whitcroft and Valerie White.

Voting against the recommendation to grant the application:

Councillor Graham Alleway.

Chairman

TREE PRESERVATION ORDER

Portfolio
Ward(s) Affected:

Purpose

To seek authority to confirm Tree Preservation Order No. TPO 01/20 as originally made

Background

1. On 19 March 2020 the Executive Head of Regulatory authorised the making of a Tree Preservation Order (TPO) in accordance with the Scheme of Delegation of functions to Officers.
2. The TPO relates to land known as Land to the east of Heathpark Drive Woodlands Lane Windlesham. The trees protected by the Order are as set out below.

SCHEDULE 1**SPECIFICATION OF TREES**

Trees specified individually
(encircled in black on the map)

Reference	Description	Situation
on Map		

Trees specified by reference to an area
(within a dotted black line on the map)

Reference	Description	Situation
on Map		

Groups of trees
(within a broken black line on the map)

Reference	Description	Situation
on Map		

Woodlands		
Reference	Description	Situation
on Map		
W1	A woodland area of approximately 10.3 Hectares of mature, mixed deciduous broadleaf and coniferous trees namely Scots Pine (<i>Pinus sylvestris</i>) Sweet Chestnut (<i>Castanea sativa</i>), Silver Birch (<i>Betula pendula</i>), Black Pine (<i>Pinus nigra</i>), Mountain Ash (<i>Sorbus aucuparia</i>), Holly (<i>Ilex aquafolium</i>), English Oak (<i>Quercus robur</i>) and Norway Spruce (<i>Picea abies</i>)	See Plan annexed as Appendix 1 to this report

3. The Planning Practice Guidance states that:

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future”

4. In this case it was considered expedient to make the TPO in the interests of amenity as the mixed broadleaf and coniferous woodland makes a visually significant contribution to the established landscape character and profile of the area and is visible from adjoining properties and highways. The woodland trees appear outwardly sound and healthy with a reasonable safe useful life expectancy. This mature mixed species woodland is subject to potential development interest and its loss without appropriate controls being in place would impact significantly on the landscape character of the area. Furthermore, a felling licence has been sought for land at Chamness, although subsequently found to be invalid by the Forestry Commission (please see below).
5. The TPO was made on 19 March 2020 and served upon the owners and occupiers of the land, by Recorded Delivery mail, according to the information ascertained by searches of Land Registry and other interested parties, affected by the tree preservation order. A copy of the Order is appended to this report (Appendix B). In accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012 these parties were given a minimum of 28 days to object or make written representations about the making of the TPO. At this time the Council were aware that the owner of Woodlands Woodlands Lane had died. Copies of the Order were sent to the property and to his executors by Recorded Delivery mail. These letters were returned by Royal Mail. The Council were subsequently advised that Woodlands Woodlands Lane had been sold. A further search of the Land Registry showed this

registration taking place on 23 March. A copy of the Order was subsequently served by Recorded Delivery mail on the new owner and a financial institution as parties having an interest in the land. These parties were also given a minimum of 28 days to object or make written representations on the making of the TPO.

6. Outline planning permission, 15/0590, was granted on appeal in July 2017 for the development of part of the land the subject of the TPO in question for the erection up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG) (Details of access only to be agreed).
7. A reserved matters application, 20/0318/RRM, has been submitted for 120 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions 5 (drainage strategy), 6 (ground investigation in part), 7 (greenfield runoff rates), 8 (surface water management), 9 (programme of archaeological work), 15 (surface materials), 16 (visibility zones), 18 (travel plan), 19 (finished floor levels), 20 (tree reports), 21 (external lighting), 22 (badger method statement), 23 (landscape and ecological management), 25 (SANG management plan), 26 (bat survey), 27 (dormice survey), 28 (cycle and refuse storage areas), 29 (vehicle and cycle parking provisions) and 32 (sound attenuation) all pursuant to outline planning permission 15/0590 allowed on appeal dated 26 July 2017. This is currently under consideration and will be reported to the Planning Applications committee in due course.

Representations

8. The following objections have been received to the making of this order as follows:

From Charles Church Southern Ltd in respect of the land the subject of outline planning permission 15/0590

- Object in strongest possible terms to the making of the order
- The wording of the paragraph and the whole justification for the order is misleading as follows:
“Part of your justification for the order is “the mature mixed species woodland is subject to a potential development interest and its loss would impact significantly on the landscape character of the area”. This is an incorrect statement, the site the subject to the TPO has an outline planning permission for residential development,... and therefore in accordance with the permission that has been granted, a residential scheme will be delivered on the site, resulting in the loss of much of the woodland area”

- It is not helpful for the general public to think that the TPO is currently proposed will be there in perpetuity as when the reserved matters application currently under consideration is approved this will override the Order;
- Given the comments made the appeal Inspector in respect of landscape character and the contribution the woodland makes to this established character, the proposed additional landscaping and tree planting and the draft Landscape Management Plan (of which a final version has been submitted as part of the reserved matters application) the impact on the established character and profile of the area in which the site is located can be reduced and mitigated without the need for a TPO;
- Reference is made to paragraph 99 of the appeal decision where the Inspector stated that:
“I am satisfied that the loss of some 5ha of mainly coniferous woodland would not lead to adverse impacts on the biodiversity value of the retained woodlands around it”;
- We have not sought to undertake any felling of the trees on site and we will not remove any trees prior to agreement therefore the purpose of the TPO in advance of the reserved matters approval being granted is void;
- A woodland TPO that covers what will be a new housing development is inappropriate in principle as there are issues with general maintenance by future occupiers eg clearance of self seeded trees;
- More appropriate to hold off issuing a TPO until the reserved matters is approved and then an order can be made just for the retaining trees. Whilst a woodland TPO can be amended, it is an unnecessary process to go through when the original order is flawed

From Chris Rook-Blackstone as owners of Chamness Woodlands Lane

- We undertook an extensive tree survey to ascertain the integrity of the trees as part of a risk assessment. A number of trees were deemed unsafe and a number had fallen in the winds of early 2019. It was recommended that thinning the trees would only increase wind load on the remaining trees which had grown tall and spindly. As a result, a full felling licence was sought and approved by the Forestry Commission;
- It is my understanding that with a felling licence agreed that this exempts any subsequent Tree Preservation Orders;

- Request the land at Chamness be removed from TPO 01/20 in light of the approved felling licence which would by default alter the landscape character of the setting.

From Falcon Developments in relation to the land at Chamness

- Before making a TPO it is recommended that the LPA Officer issuing the Order should visit the site of the tree or trees in question to consider whether a TPO is justified. The land at Chamness is private land and there has been no request by the LPA to access the landholding to allow the necessary and correct assessment of the woodland within Chamness including the species, or condition of trees;
- The only public view of the trees at Chamness is from the public highway frontage along Woodlands Lane and therefore a preliminary assessment does not allow sufficient judgement to be made for the inclusion of the land within the Order;
- An application for a Felling Licence was approved by the Forestry Commission on 27 June 2019 application reference 019/1523/2019. The application followed the due consultation process and expires on 27th June 2024. Works approved by the Forestry Commission once a felling licence have been issued only require the Owner to notify the LPA with a copy of the licence and associated maps before felling the trees. The landscape character at Chamness therefore does not accord with the LPA statement, as they can be felled within the timeframe of the licence.

9. An e-mail of support for the making of the Order has been received from Mr Robbins a resident of Heathpark Drive

Response to the Representations / Objections and Justification for the Order

10. With regard to the objection received from Charles Church Southern Limited, it is noted that until the pre-commencement conditions on the outline planning permission and the reserved matters applications are approved there is no lawfully implementable permission. Whilst the principle of tree removal of some 5ha on part of the site the subject of the Order, within their ownership, has been established by the appeal decision in 2017, until the outline permission and reserved matters approval are implemented there is no protection afforded to the existing woodland. Whilst it is welcome to note that the company would not undertake any works to the trees without consultation with the Council there is no requirement on them to do so until the outline permission and reserved matters approval are implemented and the relevant conditions

come into force. As such tree removal could take place within the woodland without further reference to the Council.

11. The making and confirmation of an order does not mean that tree removal will not be permitted. It is a mechanism to ensure that where, as in this case, tree removal and replacement tree planting would be managed in a way to facilitate the development, as and when approved, in the context of good tree management, in the interests of nature conservation/biodiversity and climate change. It is also important to note that with the proposed site layout as set out in the reserved matters application that views of the woodland particularly to the east and to land at Chamness and Woodlands will be opened up and be of significant amenity value to both the emerging character of the area and existing/future residents.
12. By way of information, following completion of the redevelopment of that part of the land that is subject to the proposed residential development, the Council may, if expedient to do so, and on the basis the made order 01/20 as proposed is confirmed, revisit the Order and determine whether a different form of TPO would be appropriate post development for the long-term management of the retained and planted trees.
13. With regard to the objections from Mr Rook-Blackstone and Falcon Developments in respect of land at Chamness it is noted that this land is not subject to any permission for residential development, albeit it is within the housing reserve site as defined by saved policy H8. In this case the Council is of the view that woodland within this part of the land is at risk from development pressures. As such it remains expedient to include this land within the terms of the Order. It is also clear from the application to the Forestry Commission that there is an intention to fell a large number of trees on this land.
14. The Council has been in contact with the Forestry Commission with regard to the felling licence that has been referred to by both parties. It has confirmed by e-mail that due to an error in the application form there is no valid licence in place for the felling of trees on this land. It also confirms that it has advised the potential developer of this. Given this no weight is afforded to the felling licence in these objections.
15. With regard to the query concerning the site visit, the woodland was assessed as an entity and not individual sections as there appears to be little demarcation or definitive boundaries internally within the woodland therefore the assessment was taken as the whole woodland entity. As there are no physical changes throughout the woodland either from a topographic, species or age class there should not be any reasoning why this area should be omitted from the Order given that it part of the greater woodland area.
16. As a general note and as indicated in the PPG the woodland category's purpose is to safeguard a woodland as whole. So it follows that while

some trees may lack individual merit, all trees within a woodland that merits protection are protected. It is also noted that the Council is of the view that the confirmation of the Order would not hinder beneficial woodland management.

Legislation

17. The power to make a TPO arises under Section 198 of the Town and Country Planning Act 1990. Under the Act, local planning authorities may make a tree preservation order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a tree preservation order. In the Secretary of State's view, a tree preservation order should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public.
18. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 before the local planning authority can confirm a TPO it must first consider any objections or representations duly made in respect of that order. Having considered any objections or representations, the local planning authority may then confirm the order with or without modification or may determine not to confirm the order. In terms of modifications to the order, there is no defined statutory limit on this power, although the Courts have held that this power cannot be used to effectively create a different order from the one originally imposed.
19. As the order contained a direction under Section 201 of the Town and Country Planning Act 1990 it took effect immediately upon the making of the order. If the order is not confirmed within six months of the date upon which it was made, the provisional protection afforded by Section 201 comes to an end. In this instance, the protection will cease to be applicable on 19 September 2020.
20. Once confirmed, the validity of a TPO may not be questioned in any legal proceedings whatsoever, except by way of an application to the High Court under Section 288 of the Town and Country Planning Act 1990 on a point of law within six weeks from the date on which any order is confirmed.

Development Plan Policies and Government Policy

21. Paragraph (iv) of policy CP2 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 states:

"The Borough Council will require development to...

(iv) *Ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments:..."*

Paragraph (iv) of policy DM9 of the Surrey HeathCore Strategy and Development Management Policies Document 2012 states: -

"Development will be acceptable where it achieves the following design principles..."

(iv) *Protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate....*

The supporting text explains that trees are an essential feature of the built and countryside environments and that individually or in groups they make a valuable contribution to the visual amenity of the area. On the specific issue of tree preservation orders, the explanatory text to the policy states that an order can be imposed by the Council on individual trees, groups of trees or woodlands where it considers:

- a) that the tree or trees are in good health;
- b) that the tree or trees make a significant contribution to public amenity; and / or
- c) that there is a potential threat to their long term retention

22. The National Planning Policy Framework (NPPF) and Practice Guidance (PPG), referred to paragraph 3 above, and paragraphs 170, 170a and 170 b of the NPPF state:

"Planning policies and decisions should contribute to and enhance the natural and built environment by:

- (a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- (b) *recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

Options

23. The options available to the Committee are:

- (a) to confirm the Order as originally imposed; or
- (b) to confirm the Order subject to modifications
- (c) not to confirm the making of the Order.

Recommendation

24. (a) That Tree Preservation Order 01/20 is confirmed as originally made.

Background Papers: Planning applications 15/0570 and 20/0318/RRM and pre-application submission on land at Chamness

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APPENDIX 1



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APPENDIX 2



SURREY HEATH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER NO 01/20

**LAND TO THE EAST OF HEATHPARK
DRIVE WOODLANDS LANE WINDLESHAM**

**SURREY HEATH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
TREE PRESERVATION ORDER (No. 01/20)**

Surrey Heath Borough Council, in exercise of the powers conferred on it by section 198 of the Town and Country Planning Act 1990 hereby make the following Order

Citation

1. This Order may be cited as the Surrey Heath Borough Council Tree Preservation Order Number 01/20.

Interpretation

2. In this Order “the authority,” means Surrey Heath Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. Subject to Regulation 4 this Order takes effect provisionally on the date on which it is made.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to the exceptions in Regulation 14, no person shall

(a)cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b)cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order except with the written consent of the authority in accordance with Regulations 16 and 17 or the Secretary of State, in accordance with those conditions.

Exemptions

5. (1) Nothing in Regulation 13 shall prevent

a. the cutting down, topping, lopping or uprooting of a tree—

- i.which is dead;
- ii.in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance;
 - by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
 - (aa) in the interests of the safe operation of the undertaking;
 - (bb)in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker;
 - (cc)to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended(1);
 - (iv)where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980(2) (procedures for making or confirming certain orders or schemes);
 - (v)where that work is urgently necessary for national security purposes;
 - (vi)where that tree is cultivated for the production of fruit in the course of a business or trade and such work is in the interests of that business or trade;
 - (vii)so far as such work is necessary to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (iii)(cc), a permission granted by or under the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended granted on an application under Part III of the Town and Country Planning Act 1990 (control over development), or deemed to have been granted (whether for the purposes of that Part or otherwise);
 - (viii)by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended; or
 - (ix)by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose “drainage body” and “drainage” shall have the same meanings as in section 72(1) of the Land Drainage Act 1991(3) (interpretation);
- b. the removal of dead branches from a living tree;
- c. the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to the works being undertaken;
- (d)the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit; or
- (e)without prejudice to sub-paragraph (a)(ii), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989(4) (other powers etc of licence holders - felling and lopping of trees etc).

- (2) Where paragraphs (1)(a)(i) or (1)(c) apply, notice in writing of the proposed activities shall be given to the authority—
- (a)in the case of works urgently necessary to remove an immediate risk of serious harm, as soon as practicable after the works become necessary; and
 - (b)in any other case at least five working days prior to the date on which the works are to be commenced.
- (3) In paragraph (1), “statutory undertaker” means any of the following—
- (a)a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;
 - (b)a relevant airport operator (within the meaning of Part V of the Airports Act 1986(5) (status of certain airport operators as statutory undertakers, etc));
 - (c)the holder of a licence under section 6 of the Electricity Act 1989(6) (licences authorising supply, etc);
 - (d)a gas transporter;
 - (e)an operator to whom the telecommunications code (set out in Schedule 2 to the Telecommunications Act 1984(7)) applies;
 - (f)a water or sewerage undertaker;
 - (g)the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000(8) (air traffic services);
 - (h)a universal postal service provider in connection with the provision of a universal postal service.

Applications for consent under the Order

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall

- (a)identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b)specify the work for which consent is sought; and
- (c)contain a statement of the applicant’s reasons for making the application.

Application of provisions of the Town and Country Planning Act 1990

- 7.(1)** The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated (“the relevant land,”) a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to

(a) species;

(b) number of trees per hectare;

(c) the preparation of the relevant land prior to the replanting; and

(d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9 (1) If, on a claim under Regulation 24, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under these Regulations in respect of this Order;
- (b) the grant of any such consent subject to conditions; or
- (c) the refusal of any consent, agreement or approval required under such a condition,

that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this regulation—

- a. if more than 12 months have elapsed since the date of the authority’s decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- b. if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under these Regulations for the felling in the course of forestry operations of any part of a woodland area—

- (a) they shall not be required to pay compensation to any person other than the owner of the land;
- (b) they shall not be required to pay compensation if more than 12 months have elapsed since the date of the authority’s decision or, where such a decision is subject to an appeal to the Secretary of State, the date of the final determination of the appeal; and

(c)such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any case other than those mentioned in paragraphs (2) or (3), no compensation shall be payable to a person—

- (a)for loss of development value or other diminution in the value of the land;
- (b)for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c)for loss or damage reasonably foreseeable by that person and attributable to that person's failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d)for costs incurred in appealing to the Secretary of State against the refusal of any consent required under these Regulations or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 of the Forestry Act 1967(1) (terms of compensation on refusal of licence) shall apply to the assessment of compensation under paragraph (3) as they apply to the assessment of compensation where a felling licence is refused under section 10 of that Act(2) (application for felling licence and decision of Commissioners thereon), as if—

- (a)for any reference to a felling licence there were substituted a reference to a consent required under these Regulations; and
- (b)for the reference to the Commissioners there were substituted a reference to the authority.

(6) Claims for payment of compensation by virtue of paragraph (1) shall be made in writing to and paid by the authority.

(7) (a) This paragraph applies where—

- i.an authority have granted consent under regulation 17(1) and (3) for felling in the course of forestry operations all or any part of a woodland area to which an order applies;
 - ii.such consent is granted subject to a condition under regulation 17(2)(a) requiring trees to be planted; and
 - iii)the Forestry Commissioners decide not to make a grant or loan under section 1 of the Forestry Act 1979(3) (finance for forestry) in respect of the planting required by such a condition as is mentioned in paragraph (ii) for the reason that such a condition frustrates the use of the woodland area for the growing of timber or other forest products for commercial purposes and in accordance with the rules or practice of good forestry;
- (b)where this paragraph applies, the Forestry Commissioners shall, at the request of the person under a duty to comply with such a condition as is mentioned in sub-paragraph (a)(ii), give a certificate stating whether they have decided not to make such a grant or loan as is mentioned in sub-paragraph (a)(iii) and, if so, the grounds for their decision.

- (8) Any question of disputed compensation under this regulation shall be referred to and determined by the Upper Tribunal(4).
- (9) In relation to the determination of any such question, the provisions of section 4 of the Land Compensation Act 1961(5) (costs for proceedings of Upper Tribunal) and sections 22 (Tribunal Procedure Rules) and 29 (costs or expenses) of the Tribunals, Courts and Enforcement Act 2007 shall apply subject to any necessary modifications and to the provisions of these Regulations.
- (10) This regulation shall not apply to orders to which regulations 26(3) or 26(4) apply.
- (11) In this regulation—

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and
“owner” has the meaning given by section 34 of the Forestry Act 1967(6) (meaning of “owner”).

Dated 19 March 2020

Signed on behalf of Surrey Heath Borough Council



.....
Mrs J Rickard
Head of Regulatory
Surrey Heath Borough Council

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the Surrey Heath Borough Council without modification on the .

OR - This Order was confirmed by the Surrey Heath Borough Council, subject to the modifications indicated by .

Signed on behalf of the Surrey Heath Borough Council

Signature:.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Surrey Heath Borough Council on .

Signed on behalf of the Surrey Heath Borough Council

Page Break
SCHEDULE 1

SPECIFICATION OF TREES

Reference on Map	Description	Trees specified individually (encircled in black on the map)	Situation
Reference on Map	Description	Trees specified by reference to an area (within a dotted black line on the map)	Situation

Reference on Map	Description	Situation
Groups of trees (within a broken black line on the map)		
Reference on Map	Description	Situation
W1	A woodland area of approximately 10.3 Hectares of mature, mixed deciduous broadleaf and coniferous trees namely Scots Pine (<i>Pinus sylvestris</i>) Sweet Chestnut (<i>Castanea sativa</i>), Silver Birch (<i>Betula pendula</i>), Black Pine (<i>Pinus nigra</i>), Mountain Ash (<i>Sorbus aucuparia</i>), Holly (<i>Ilex aquafolium</i>), English Oak (<i>Quercus robur</i>) and Norway Spruce (<i>Picea abies</i>)	See Plan
Woodlands (within a continuous black line on the map)		



SCHEDULE 2

PART I PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)</p> <p>(i) omit</p> <p>”, in such manner as may be prescribed by a development order,“,</p> <p>”such“ in the second place where it appears, and</p> <p>”as may be so prescribed“; and</p> <p>(ii) substitute ”matters relevant to tree preservation orders made by the authority“ for ”applications for planning permission“.</p> <p>(b) In subsection (2)</p> <p>(i) after ”contain“ insert ”, as regards each such order“; and</p> <p>(ii) for paragraphs (a) and (b) substitute</p> <p>(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.“.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>

Section (determination applications: considerations)	<p>70(a) In subsection (1)</p> <p>(i) substitute</p> <p>"Subject to subsections (1A) and (1B), for "Where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" "planning permission" where those words appear; and "consent under the order" for "planning permission" in both of the other places those words appear;</p> <p>(ii) after "think fit", insert "(including conditions limiting the duration of the consent or requiring the replacement of trees); and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (1) insert</p> <p>"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where felling is carried out in the course of forestry operations (but may give directions for securing replanting).".</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute</p> <p>(i) "Any" for the words from "Without" to "any";</p>

	<p>(ii) "consent under a tree preservation order" for "planning permission to develop land";</p> <p>(iii) "the consent" for "the permission"; and</p> <p>(iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute</p> <p>(i) "the authority" for "a local planning authority";</p> <p>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</p> <p>(iii)"consent under such an order" for "planning permission" in the second place where those words appear;</p> <p>(iv)for paragraph (c) substitute</p> <p style="padding-left: 40px;">"(c)give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p style="padding-left: 40px;">(d)fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,“.</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute</p> <p style="padding-left: 40px;">"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served</p> <p style="padding-left: 40px;">(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or</p>

	<p>the direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.“.</p> <p>(d) For subsection (4), substitute</p> <p>”(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).“.</p> <p>(e) For subsection (5), substitute</p> <p>”(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.“.</p>
Section (determination appeals)	<p>79(a) In subsections (1) and (2), substitute “the authority“ for “the local planning authority“.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute</p> <p>(i)“section 70(1), (1A) and (1B)“ for ”sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5“;</p> <p>(ii)“consent under a tree preservation order“ for ”planning permission“; and</p> <p>(iii)“the authority“ for ”the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.“.</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after ”section 78“.</p>

AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards each such order
 - (a)details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b)a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order
 - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b)they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

(1) On an appeal under section 78 the Secretary of State may

- (a)allow or dismiss the appeal, or
- (b)reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.

LOCATION: Land Adjacent To Chobham Farm Cottage, Philpot Lane, Chobham, Woking, Surrey, GU24 8HD,

PROPOSAL: Erection of single storey side extension.

TYPE: Full Planning Application

APPLICANT: Mr S Hollis

OFFICER: Mr Ross Cahalane

This application would normally be determined under the Council's Scheme of Delegation, however, it has been called-in by Cllr Victoria Wheeler due to concerns regarding inappropriate over-development within the Green Belt.

1.0 SUMMARY

- 1.1 This application relates to a proposed single storey side extension to a new dwelling in the Green Belt, approved and implemented under 17/1131.
- 1.2 It is considered that the proposed extension would not form a disproportionate addition to the host dwelling in the Green Belt. The proposal would not give rise to an overdominant or incongruous impact upon the host dwelling and the rural character of the area, nor would it adversely impact the amenity of surrounding neighbours. The proposed parking provision is also considered sufficient for the size of the resultant dwelling. The proposal is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The 0.34 hectare application site is to the north east of the main dwelling of Chobham Farm Cottage. The site formally contained a stable block and associated ménage and hardstanding leading from the access of Philpot Lane, which also serves Chobham Farm Cottage. The new dwelling as approved under 17/1131 is currently under construction.
- 2.2 The application site is on the east side of Philpot Lane, in a rural location within the Green Belt beyond any defined settlement. Philpot Lane is characterised by low density development set in spacious plots. The area has a verdant character which is considered to be a defining feature of the area.

3.0 RELEVANT PLANNING HISTORY

- 3.1 17/1131 Single storey dwelling including rooflights, basement, revised vehicular access and parking area, entrance gates, landscaping and bin and cycle storage, following demolition of ancillary stables and outbuilding and removal of menage and hardstanding.

Decision: Granted.

- 3.2 18/0402 Single storey dwelling including basement, revised vehicular access and parking area, entrance gates, landscaping and cycle storage following demolition of ancillary stables and outbuilding, and removal of menage and hardstanding.

Decision: Refused.

- 3.3 18/0477 Variation of Condition 2 (Approved plans) of 17/1131 (New single storey dwelling) to allow for enlarged basement area.

Decision: Granted.

- 3.4 18/1014 Lawful development certificate for the existing new 2m high close board fencing to north of main dwelling of Chobham Farm Cottage.

Decision: Granted.

- 3.5 20/0396/NMA Non material amendment to 17/1131 (new dwelling) to allow for alterations to front porch and entrance elevation.

Decision: Granted.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the erection of a single storey side extension.

- 4.2 The proposed extension would consist of hipped pitched roof forms concealing a lower crown roof, and would have a maximum width of approx. 6.9m, maximum depth of approx. 9.7m, maximum eaves height of approx. 2.5m and maximum ridge height of approx. 3.8m.

- 4.3 The proposed extension would provide an additional two bedrooms, resulting in a four bed dwelling.

5.0 CONSULTATION RESPONSES

- 5.1 Chobham Parish Council Objection for the following reasons:

- Proposed development represents a disproportionate addition over and above the size of the original buildings and is therefore inappropriate development in the Green Belt (NPPF)
- The Parish Council contends that the “original” should be classed as the stable buildings on the plot prior to the redevelopment (NPPF)

[Officer comment: See Section 7.3]

- Discrepancy in ownership of land between Chobham Farm Cottage and new dwelling (as shown in 19/0674/FFU) must be resolved in order to retain control the openness of the Green Belt (NPPF)

[Officer comment: The current application does not rely upon any land/development outside of current ownership]

- The Parish Council is not satisfied that there will be no net increase to the flood risk in the vicinity (DM10).

[Officer comment: See Section 7.7]

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report, one representation of support and two of objection have been received.

6.2 The following matters are raised in support:

- Percentage increase would be less than 30% and therefore not a disproportionate increase.
- Extension would complete symmetry of house and make it more balanced.
- Will enable the property to function as a family sized property appropriate to the size of the plot.
- Will enable short term local employment opportunities in the construction sector.

6.3 The objection raises the following matters relevant to the current application:

- Developer has misused planning law and procedure.
- Has used up all structural rights with original application.
- Impact on openness of Green Belt.
- No further expansion should be allowed, including below ground.
- *[Officer comment: See Section 7.3].*
- Dwelling is hideous and not in keeping with the area. Grass roof should be installed to mitigate.
- *[Officer comment: See Section 7.4].*
- Increase in people, noise, cars, traffic and pollution.
- *[Officer comment: See Sections 7.5 and 7.6].*
- The land is flood plain and has been in and out of flood since October.
- Land around development has been raised preventing volume and flow of floodwater – will be made worse by further development.
- *[Officer comment: See Section 7.7. Reports of adjacent land works were forwarded to the planning enforcement team for investigation].*
- Impact on habitat and biodiversity.
- *[Officer comment: It is not considered that the proposed extension above an existing basement would lead to a material impact].*
- Address is wrong – should be land adjacent to Chobham Farm Cottage.
- *[Officer comment: The application address has been changed, although the application site has historically formed part of Chobham Farm Cottage].*
- Current development not in accordance with approved plans.
- *[Officer comment: Application ref: 20/0396/NMA has been submitted to seek to rectify this].*
- Development has been ongoing since 2016. It would seem that the developer did not make his full intentions known at the time and is still trying to circumvent the planning system.
- *[Officer comment: Each application must be considered having regard to relevant current planning policies].*

7.0 PLANNING CONSIDERATION

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are Policies DM9, DM10 and DM11. The National Planning Policy Framework (NPPF) and the advice contained within the Council's Residential Design Guide Supplementary Planning Document (RDG) are also material considerations to the determination of this application.

7.2 The main issues to be considered are:

- Principle and appropriateness of development in the Green Belt;
- Impact upon the character of the area;
- Impact on residential amenity;
- Impact on access, parking and highway safety;
- Impact on flood risk, and;
- Impact on infrastructure.

7.3 Principle and appropriateness of development in the Green Belt

7.3.1 Paragraph 145 of the NPPF states that:

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

One of the listed exceptions to the above outlined in paragraph 145 is:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

“Original building” is defined in the NPPF annexe as “A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. For the purposes of this case, the original dwelling is that consented under the 2017 permission.

7.3.2 The previous planning applications have established that the application site, prior to its redevelopment, formed previously developed land (PDL/ brownfield land). Consequently, its redevelopment benefitted from support under Para 145 g) of the NPPF, as there was no greater impact on the openness of the Green Belt and the purpose of including land within it than the previous development.

7.3.3 The applicant has submitted the current proposed extension as a separate planning application, on the basis that the approved dwelling would be at an advanced stage of construction by the time of the determination of this application. On this basis, the applicant contends that the proposal can be assessed under Para 145 c) of the NPPF as quoted above. It is accepted that there is no statutory definition of “substantially completed” and that this must be decided as a matter of fact and degree.

7.3.4 The applicant has now provided photographs to show that all external elevations of the 17/1131 dwelling have now been completed, along with its roof. This has allowed for substantial internal works, including plastering, kitchen appliances, bathrooms, electrics and plumbing, with decoration works well advanced. In light of the above, the dwelling as approved under 17/1131 is considered to be substantially complete. On this basis the proposed extension to this dwelling, is a separate building operation, and can be assessed under para 145c) of the NPPF.

7.3.5 The following table compares the current proposed extension with the 17/1131 approved dwelling:

	<u>17/1131 approved dwelling</u>	<u>Proposed extension</u>	<u>Differences</u>
Footprint (above ground)	176 sq m	54 sq m	+30.7%
Volume	565 m 3	151 m 3	+26.7%

The roof form of the proposed extension would also be fully single storey, and would be between approx. 0.5m – 1.2m lower than the highest roof form of the host dwelling.

- 7.3.6 The NPPF does not contain specific percentage figures for extensions to buildings in the Green Belt. However, the Local Planning Authority is of the view that the above proposed footprint and volume increases to the “original” dwellinghouse (as approved and implemented under 17/1131), coupled with the lower single storey form and massing in relation to the dwelling, would mean that the extension is not considered disproportionate for the purposes of Para 145 c) of the NPPF.
- 7.3.7 No objections are therefore raised on Green Belt grounds, as the proposed extension is considered to benefit from support under Chapter 13 of the NPPF. An informative is added to remind the applicant of the existing planning condition removing permitted development rights for any additional extensions, roof additions or outbuildings to this dwelling.

7.4 Impact on character of the area

- 7.4.1 The NPPF requires design policies to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Development which fails to integrate into its context, promote or reinforce local distinctiveness and fails to take the opportunity to improve the character and quality of the area and the way it functions should be refused (paragraphs 59, 61 and 64 of the NPPF). Policies CP2 (iv) and DM9 (ii) of the CSDMP reiterate these requirements.
- 7.4.2 The area in the vicinity of the site is verdant and rural in character, with surrounding residential development set behind mature shrubbery with open land to the east. The proposed extension would be set back at some distance from the highway boundary with significant mature screening along it. Its siting would also be at sufficient distance from the site boundaries to avoid the creation of a cramped appearance.
- 7.4.3 The proposed extension would be single storey in appearance, with some traditional design features including hipped pitched roof forms and decorative brick features to reflect the design of the host dwelling. The extension would also have a lower roof form towards the side, and would also be set back from the main front elevation to give a subservient appearance.
- 7.4.4 It is therefore considered that the proposed extension would not give rise to an overdominant or incongruous impact upon the host dwelling and the rural character of the area, in compliance with the design requirements Policy DM9 of the CSDMP.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.5.2 The proposed extension would remain sited up to approx. 11m from side boundary of Hook Meadow to the northeast. Given this separation distance and the single storey form proposed, It is considered that no adverse impact to amenity would arise in terms of loss of light, privacy or overbearing impact. It is considered that the proposal would not give rise to adverse harm to the amenity of the other surrounding neighbours, given the significant distance to the elevations and private amenity areas.
- 7.5.3 In light of all the above, in accordance with Policy DM9 (Design Principles) of the CSDMP the development would respect the amenities of neighbouring properties.

7.6 Impact on access, parking and highway safety

- 7.6.1 The dwelling would still utilise the existing access to Chobham Farm Cottage, as approved following consultation with Surrey County Highway Authority. Although the proposed extended dwelling would have four bedrooms, it would still be served by four off-street parking spaces – also as previously approved. This parking provision is considered sufficient for the size of the resultant dwelling. It is therefore considered that the current proposed development would not prejudice highway safety nor cause inconvenience to other highway users.

7.7 Impact on flood risk

- 7.7.1 The eastern edge of the application site is within Flood Zones 2 and 3a, with the rest of the site, including the area of the proposed extension, within Flood Zone 1. A site-specific flood risk assessment (FRA) was provided under previous applications, to take into account the implemented 17/1131 dwelling and its larger subterranean basement (18/0477), and the Environment Agency raised no objection. The proposed extension would be constructed on top of the approved extended basement. It is therefore considered that the proposed extension would not lead to a material increase in flood risk either within or around the site.

7.8 Impact on infrastructure

- 7.8.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on 16 July 2014. As the CIL Charging Schedule came into effect on 01 December 2014, an assessment of CIL liability has been undertaken. As the proposed extension includes residential floorspace that is less than 100 sq m, the development would not be CIL liable.

8.0 POSITIVE/PROACTIVE WORKING

- 8.1 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 1 or more of 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.

9.0 CONCLUSION

- 9.1 It is considered that the proposed extension would not form a disproportionate addition to the host dwelling in the Green Belt as approved and implemented under 17/1131. The proposal would not give rise to an overdominant or incongruous impact upon the host dwelling and the rural character of the area, nor would it adversely impact the amenity of surrounding neighbours. The proposed parking provision is also considered sufficient for the size of the resultant dwelling. The proposal is therefore recommended for approval.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

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

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

2. The proposed development shall be built in accordance with the following approved plans:

Proposed context plan (Drawing No. CP101); Proposed ground floor plan (Drawing No. 104); Proposed roof plan (Drawing No. 105); Proposed elevations (Drawing No. 106) - all received on 06 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. The building works, hereby approved, shall be constructed in external fascia materials to match those of the existing building.

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.

Informative(s)

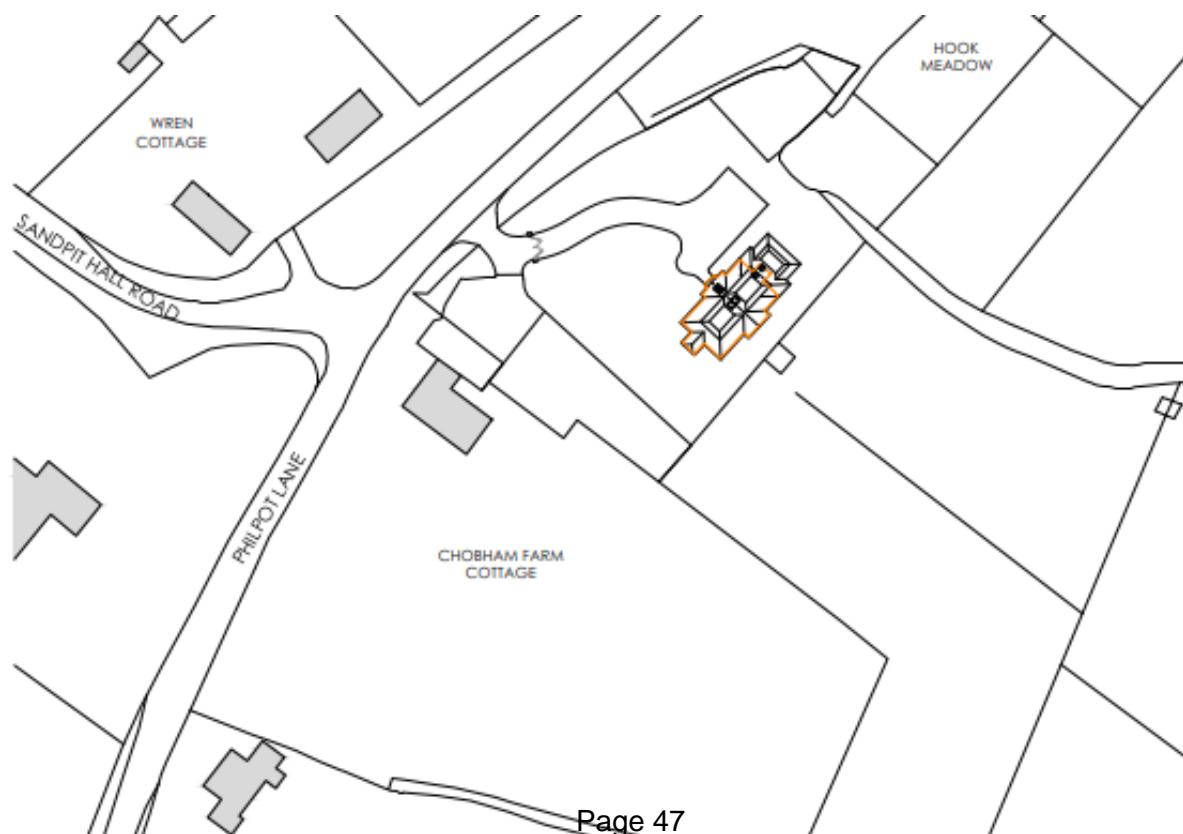
1. The applicant is reminded that Condition 12 of the 17/1131 planning permission for the dwelling removes permitted development rights for any further extensions, roof extensions or outbuildings.

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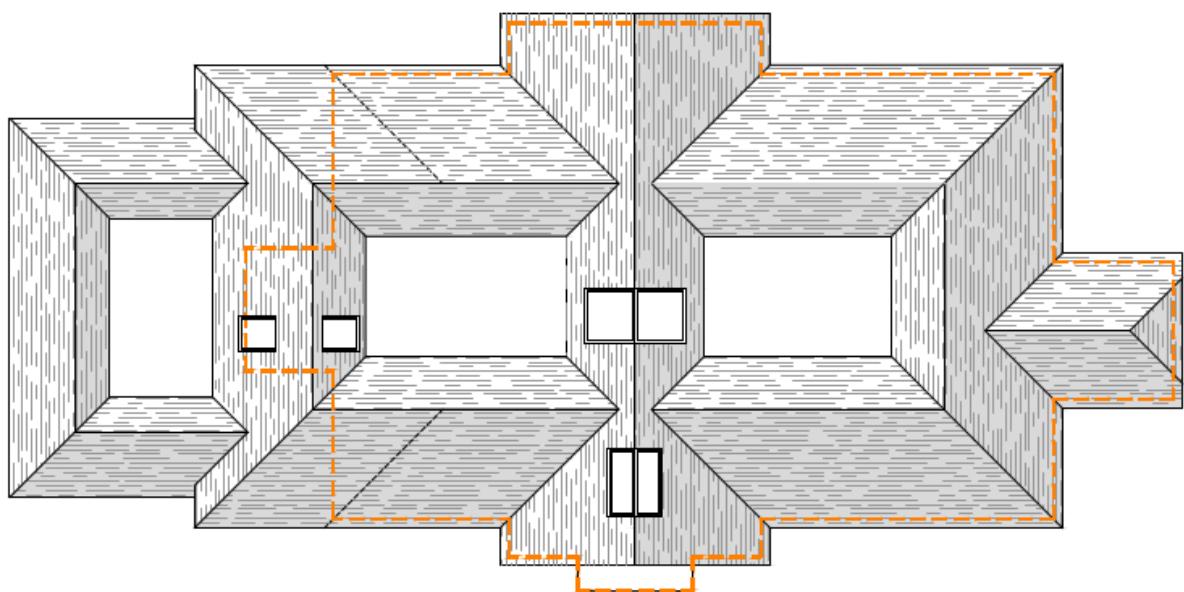
Location plan



Proposed Site Plan



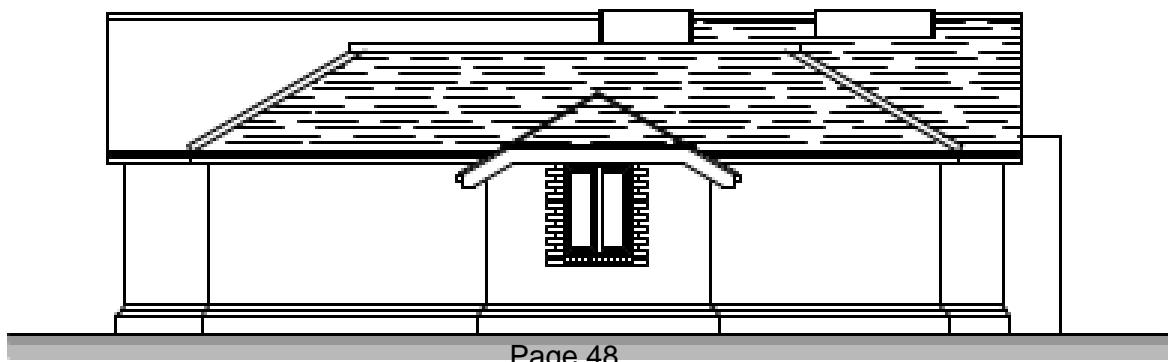
Existing/proposed roof plan



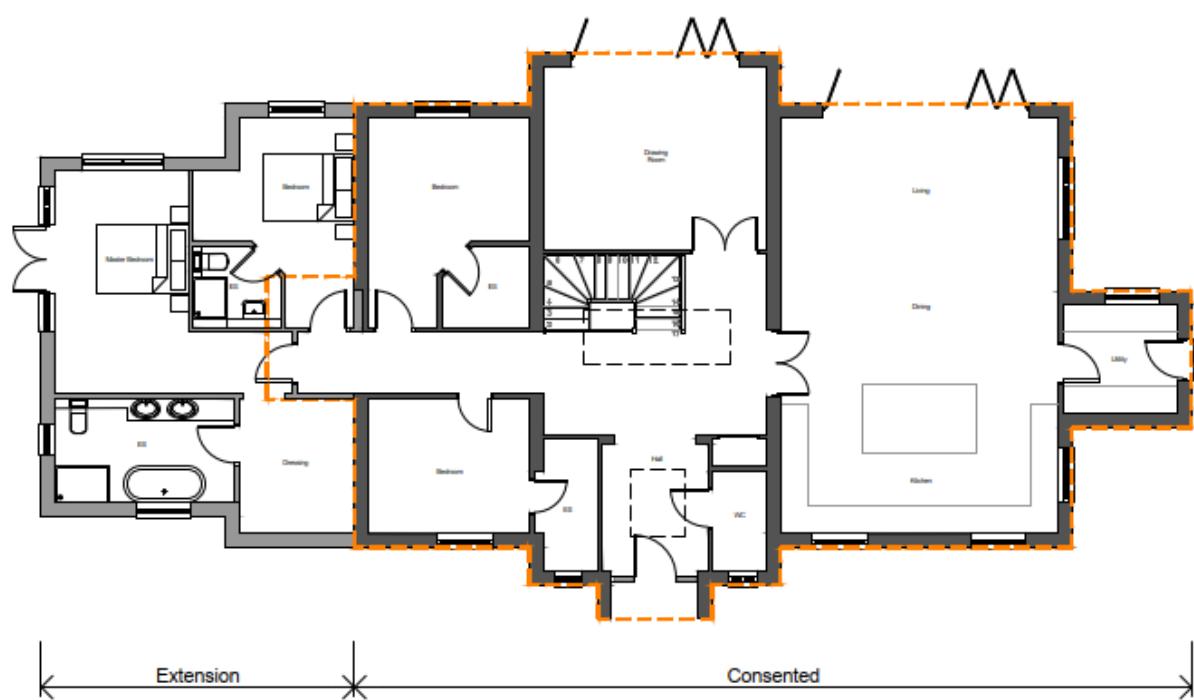
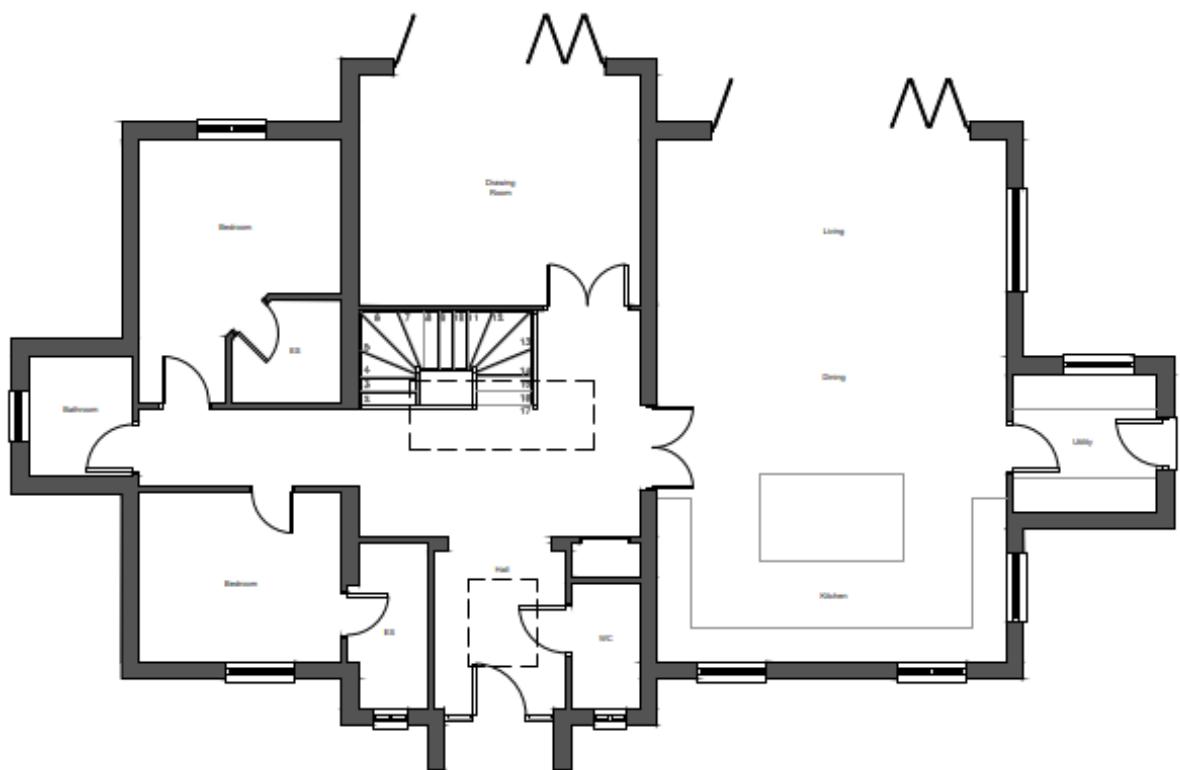
Existing elevations



Consent Front Elevation
SCALE 1:100



Existing/Proposed floor plans



Existing site photos

Front elevation



Side elevation and location of proposed extension



LOCATION: The Camberley Theatre, Knoll Road, Camberley, Surrey, GU15 3SY,

PROPOSAL: Removal of existing canopy and replace with aluminium canopy and external fenestration alterations.

TYPE: Full Planning Application

APPLICANT: Mr Keith Rann

OFFICER: Mr Ross Cahalane

This application is for determination by the Planning Applications Committee as the applicant is Surrey Heath Borough Council.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application seeks planning application for the removal of the existing front canopy of The Camberley Theatre to be replaced with a new aluminium canopy, along with external fenestration alterations to the front elevation.
- 1.2 The principle of the improvement works to the theatre is supported. The design and scale is considered to be appropriate for this location, as it recognises the importance of the site as a civic building within one of the focal points of the town centre, and would complement the urban regeneration of the town centre. The proposal benefits from the support from the Theatres Trust and the Council's Urban Design Consultant. No material impacts would arise in terms of the amenity of surrounding neighbours or parking and highway arrangements. The proposal is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to The Camberley Theatre, a two storey civic building originally constructed in 1966. The building has subsequently been extended to the side and rear to provide the Ian Goodchild Centre, and the existing theatre frontage was redeveloped in the 1990s to include the existing ornate steel and glass front canopy feature. However, the building still retains its original fenestration design behind the canopy, along with its original front elevation grey tiles.
- 2.2 The site lies on the eastern side of Knoll Road within an area comprising a number of different civic and amenity uses, including Camberley Library to the north and the later additions of the High Cross Church to the south and Knoll Road public multi-storey car park to the east. The opposite side of Knoll Road was also redeveloped in the 1980s/90s to provide office buildings, one of which is now converted to flats. Despite the level of surrounding redevelopment, the application site still benefits from a spacious setting and a prominent position, with public amenity space retained to the front including mature trees. The site also commands a key focal point location, as it faces towards the Knoll Walk pedestrian walkway linking Knoll Road to Camberley High Street.

3.0 RELEVANT PLANNING HISTORY

- 3.1 94/0972 Refurbishment of existing civic hall including new chiller plant, bin stores, new fire escapes, new canopy and alterations to entrance doors and fenestration and the siting of eight extract fan units on the roof.
Decision: Granted (1995 - implemented)
- 3.2 97/0140 Display of a free-standing illuminated matrix sign [at front of building]
Decision: Granted (1997 - implemented)
- 3.3 13/0291 Erection of a new entrance including ramp access and exterior landscaping.
Decision: Granted (2013 - implemented)

4.0 THE PROPOSAL

- 4.1 The application proposed is for the removal of the existing canopy to be replaced with an aluminium canopy, along with external fenestration alterations to the front elevation.
- 4.2 The proposed replacement canopy would have an irregular curved shape, with a flat roof supported by pillars. The proposed canopy would have a maximum depth of approx. 2.4m, maximum width of approx. 10.8m, and flat roof height of approx. 5m. 3D illuminated sign lettering for Camberley Theatre would project above the roof.
- 4.3 The proposed external fenestration alterations to the front elevation would include off-white scraped texture render to replace the existing defective tiles, retention of existing front glazing areas with replacement aluminium door and window frames (to match the material of the proposed canopy), and two areas for wall signage at either side of the entrance and external light fittings.
- 4.4 The proposal does not involve any alterations to the internal layout, or to the entrance ramp access and exterior landscaping.
- 4.5 Amended plans were received following collaboration with the Council's Urban Design Consultant. The changes involve:
- Removing the proposed first floor wood cladding and signage within, with retention of existing glazed fenestration instead;
 - Replacement of proposed off-white smooth render walls with off-white scraped texture render;
 - Redesign of proposed entrance canopy to provide a curved structure, with illuminated 3D letter signing attached above, and;
 - Redesign of wall signage at each side of entrance – to provide variation in size and to be externally illuminated from above.

5.0 CONSULTATION RESPONSES

- 5.1 The Theatres Trust No objection [See Section 7.2]
- 5.2 Council Urban Design Consultant No objection, subject to conditions [See Section 7.3]

6.0 REPRESENTATION

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

7.0 PLANNING ISSUES

7.1 This application site falls within Camberley Town Centre, as defined in the Surrey Heath Core Strategy & Development Management Policies 2012 (CSDMP). The proposal is considered against the principles of Policies CP10 (Camberley Town Centre), DM9 (Design Principles) and DM14 (Community & Cultural Facilities) of the CSDMP. Policies TC1, TC6, TC11 and TC18 of the Camberley Town Centre Area Action Plan 2014 (AAP) and the National Planning Policy Framework (NPPF) are also material considerations. The main issues to be determined are:

- Principle of development
- Impact on character;
- Impact on residential amenity, and;
- Impact on parking and highway safety.

7.2 Principle of development

- 7.2.1 Policy CP10 of the CSDMP supports development which enhances the role of Camberley Town Centre as a centre for cultural activity in the Borough and this is consistent with the objective of paragraph 92 of the NPPF. Policies TC1 and TC6 also support proposals that enhance the town centre's appearance, its function and vitality and supports regeneration opportunities. The site lies within the Land East of Knoll Road Opportunity Area as identified by TC18 of the AAP, which seeks improvements to the public realm and enhancements to the Theatre.
- 7.2.2 The site has an existing theatre use with ancillary café/bar facilities, and there are no proposed changes to this use as part of this application. The proposal benefits from the Theatres Trust as the national advisory body for theatres, commenting that the works would give the theatre a bolder and more contemporary appearance, which will help draw more people in to the building and support the theatre's overall viability and role as a cultural asset. The Theatres Trust has been reconsulted on the amended scheme, and an addendum update will be provided should an additional response be provided.
- 7.2.3 In light of all the above, it is considered that the proposed external works would not conflict with the relevant objectives of the Council's CDSMP and AAP, or the NPPF, as quoted above. The principle of the proposed development is therefore acceptable. The scale and quality of the proposal is assessed under Section 7.3 below.

7.3 Impact on character

- 7.3.1 Paragraph 122 of the NPPF identifies the importance of securing well-designed, attractive and healthy places. 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.
- 7.3.2 Policy DM14 of the CSDMP is reflective of the NPPF, as it states that the Council will seek to identify opportunities to enhance and improve community and cultural facilities in the Borough. Policy DM9 of the CSDMP states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing and bulk.
- 7.3.3 Policy TC11 of the AAP states that new development will be required to make a positive contribution toward improving the quality of the built environment. Where appropriate new development should respect its local context, including use of materials sympathetic with local character. In addition, new development should:

- (i) Give consideration to the introduction of contemporary materials that respect or enhance existing built form;
- (ii) Include a level of architectural detail that gives the building visual interest for views both near and far;
- (iii) Make a positive contribution to the public realm – facing the street, animating it and ensuring that all adjacent open space is positively used, and;
- (iv) Accommodate the delivery of new civic spaces and improved movement corridors as identified in the Public Realm Strategy.

- 7.3.4 The Council's Urban Design Consultant has negotiated improvements to the design of the scheme and has raised no objection, commenting that the current amended scheme works with the key attributes of the existing building. It retains the grand opening to the front, including the original first floor fenestration, to provide a sense of lightness to the composition and to accentuate the entrance to the theatre. The retention of the first floor front fenestration is also vitally important for the usefulness, adaptability and quality of the building's interior. The entrance fenestration will be carried out in a high quality charcoal grey metal framework, which will provide a pleasing contrast to the off-white walls. The exterior walls will be finished in an interesting, raw texture, which would work well with the character of the original concrete base. Although the existing grey tiled cladding has lasted for half a century, it has started to show evidence of wear and tear and now requires replacement.
- 7.3.5 The replacement canopy with its curved design would be lower in height and smaller in span. However, it is considered that the curved design would add sufficient animation and interest to the theatre entrance as a key focal point location, whilst also achieving a crisp and contemporary appearance for the building as a whole. The building will also be enhanced by the display of 3D internally-lit signage above the entrance, in combination with additional wall lighting, some of which would be set within the underside of the soffit. Program adverts will be placed to the sides of the entrance, in a varied size sequence, both attached with steel rods.
- 7.3.6 The proposed design and scale is considered to be appropriate for this location, as it recognises the importance of the site as a civic building within one of the focal points of the town centre, and would complement the urban regeneration of the town centre. The Council's Urban Design Consultant has recommended two planning conditions requiring: small-scale drawings of the replacement fenestration, entrance doors, canopy and signage, and samples of the proposed external materials, including an on-site meeting once the existing tiles have been removed.
- 7.3.7 In light of all the above, it is considered that the proposed development would comply with the design requirements of Policy DM9 of the CSDMP and the relevant supporting guidance of the RDG and the WUAC.

7.4 Impact on residential amenity

- 7.4.1 Policy DM9 (Design Principles) of the CSDMP requires that the amenities of the occupiers of the neighbouring properties and uses are respected.
- 7.4.2 The nearest residential properties would be the converted flats of Bradley Court, on the opposite side of Knoll Road to the west. Given the separation distance of approx. 45m, at an angle and bisected by the highway, it is considered that no adverse impact would arise in terms of visual impact or general noise and disturbance. The proposal is therefore considered to be in compliance with the amenity requirements of Policy DM9 of the CSDMP.

7.5 Impact on parking and highway safety

- 7.5.1 Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.

- 7.5.2 No alterations to access points are proposed and the proposal does not involve any change to the existing theatre and café/bar capacity. As such, it is considered that this proposal would not have any detrimental impacts on movement, parking or highway safety.

8.0 WORKING IN A POSITIVE/PROACTIVE MANNER

- 8.1 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.
 - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
 - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The principle of the improvement works to the theatre supported. The design and scale is considered to be appropriate for this location, as it recognises the importance of the site as a civic building within one of the focal points of the town centre, and would complement the urban regeneration of the town centre. The proposal is therefore recommended for approval.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

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

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

2. The proposed development shall be built in accordance with the following approved plans:

Proposed ground floor plan (Drawing No. P.07 A); Proposed roof plan (Drawing No. P.08 B); Proposed front elevation (Drawing No. P.09 B); Proposed side elevations (Drawing No. P.10 B) - all received on 14 August 2020;
Proposed site layout (Drawing No. P.02 A) - received on 19 August 2020 , 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 detailed sample drawings in the scale of 1:5 and 1:20, showing the replacement fenestration, entrance doors, canopy and signage, are submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

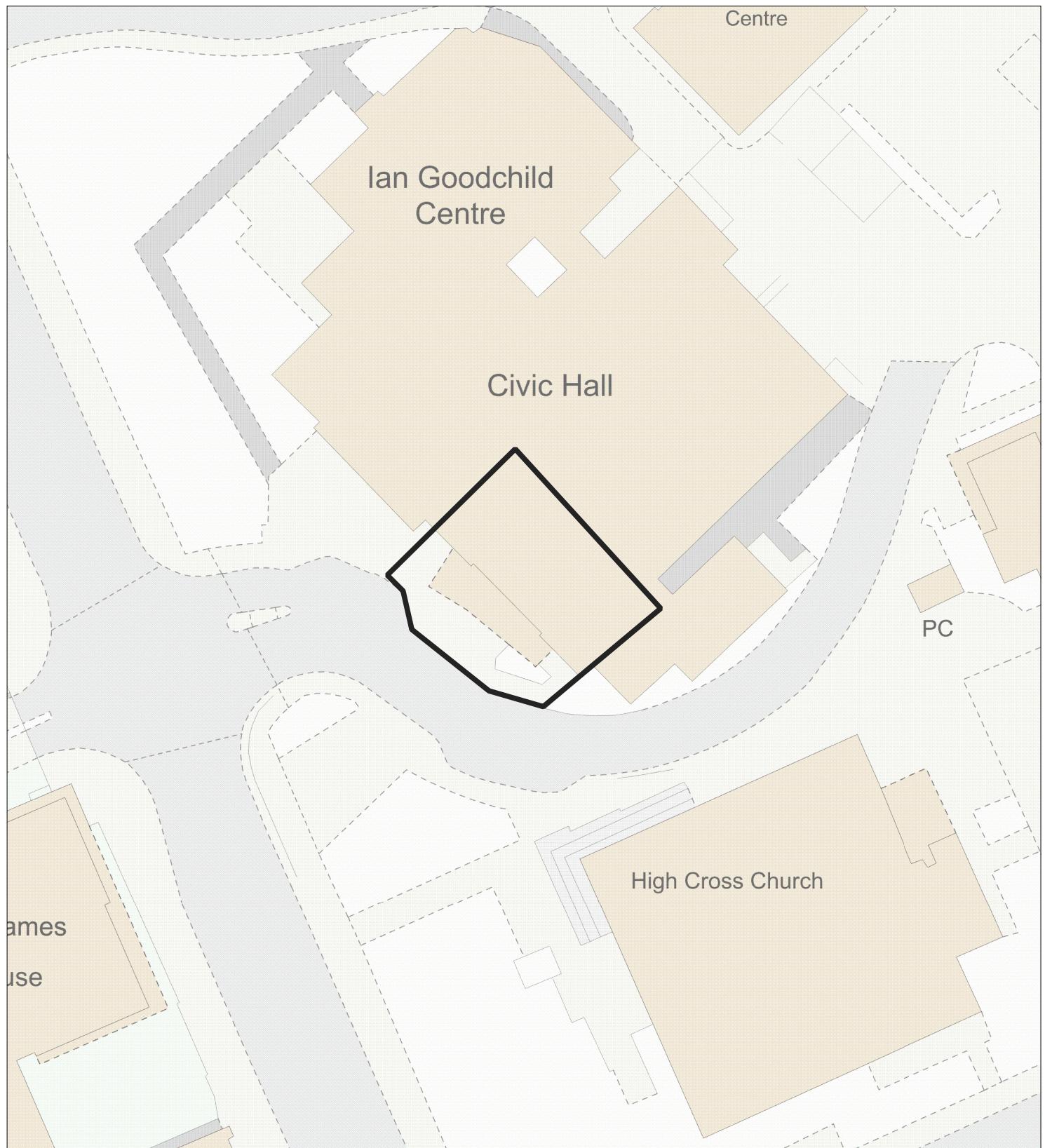
Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

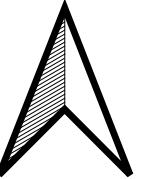
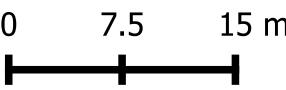
4. No development shall take place until samples and details of the steel construction of the replacement fenestration, entrance doors and canopy (including dimensions, colour and finish) are submitted to and agreed in writing by the Local Planning Authority.

Samples of the wall treatment (raw finish) in off-white shall be provided on site and agreed upon in writing by the Local Planning Authority, once existing tiles have been removed prior to the commencement of all other construction works.

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.



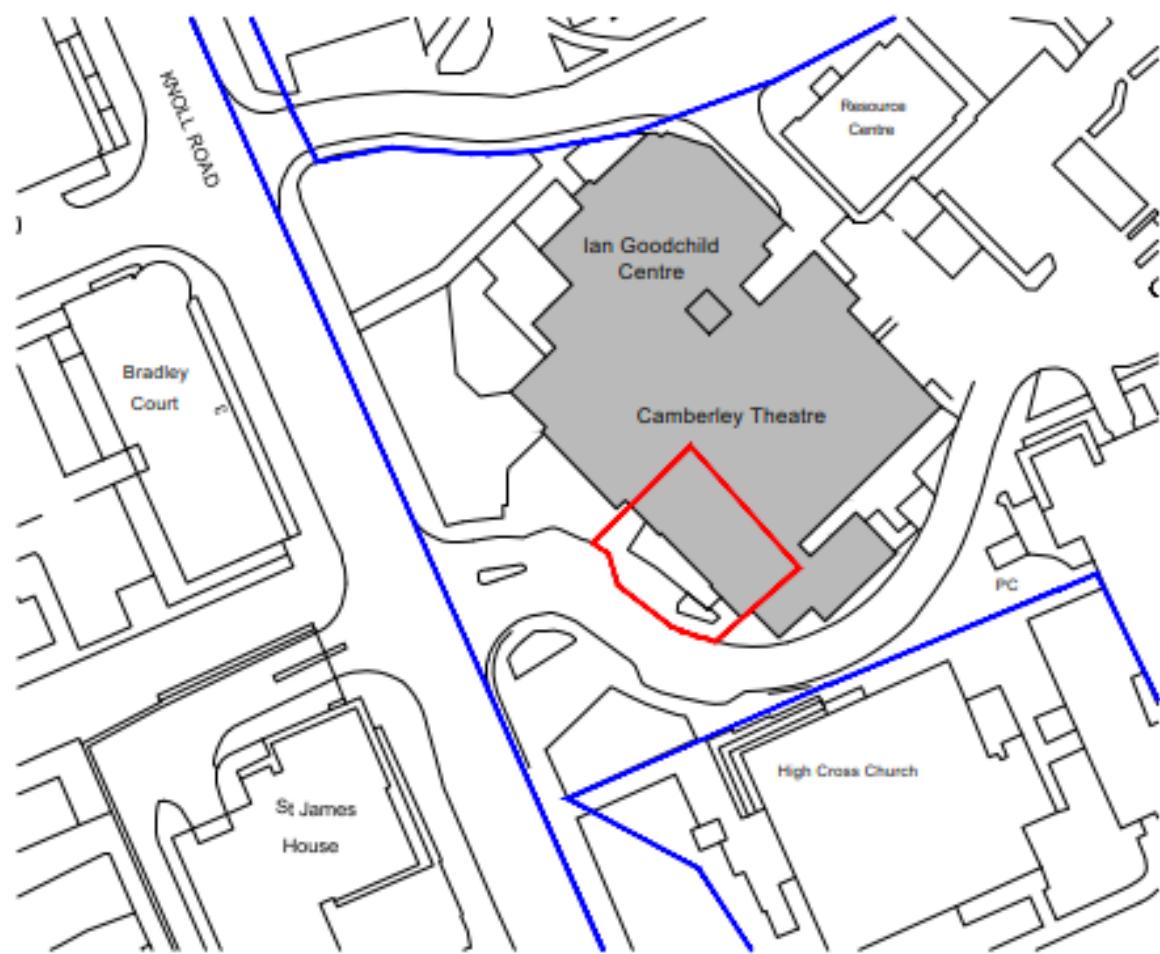
Planning Applications	
Application number	20/0461/FFU
Address	The Camberley Theatre Knoll Road Camberley Surrey GU15 3SY
Proposal	Removal of existing canopy and replace with aluminium canopy and external fenestration alterations.
 	
Page 57	
<small>Version 5 © Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2020 Author: DE</small>	



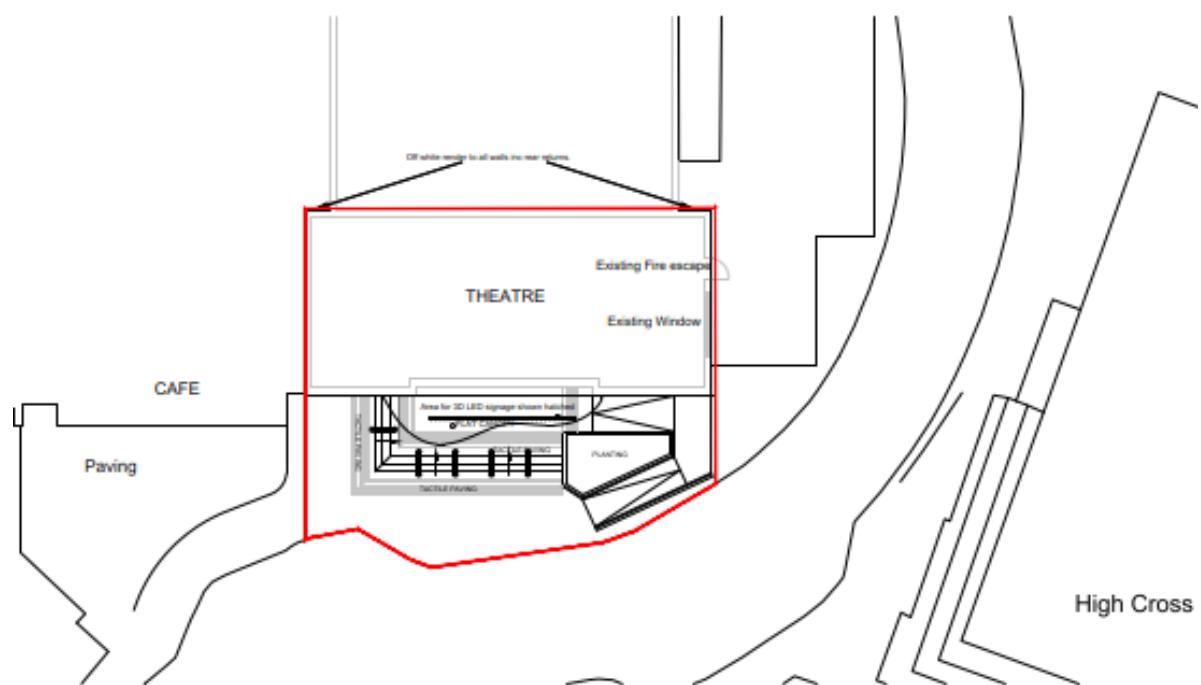
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20/0461/FFU – THE CAMBERLEY THEATRE, KNOLL ROAD, CAMBERLEY

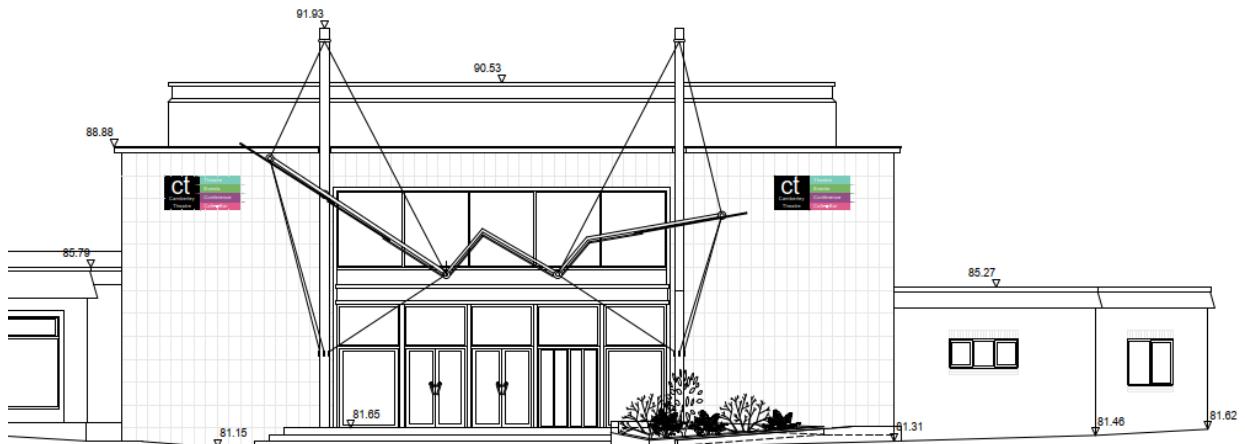
Location plan



Proposed Site Plan



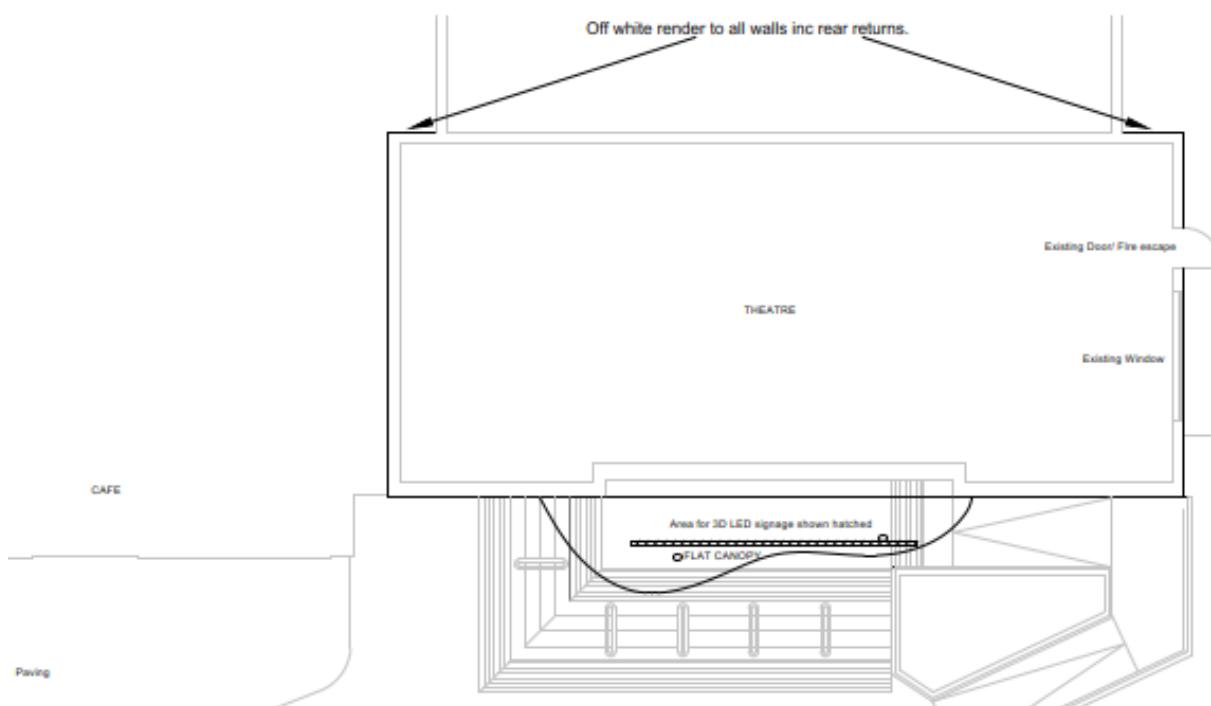
Existing front elevation



Proposed front elevation



Proposed roof plan



Existing site photos

Front elevation



Facing High Cross Church



Facing Theatre Café/Ian Goodchild Centre



Knoll Road streetscene



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LOCATION: 24 The Close, Lightwater, Surrey, GU18 5RH,
PROPOSAL: Erection of a single storey rear extension.
TYPE: Full Planning Application
APPLICANT: Mr Mark Harding
OFFICER: Ms Louise Fuller

This application would normally be determined under the Council's Scheme of Delegation. However, it is being reported to the Planning Applications Committee at the request of the Executive Head of Regulatory.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 This application seeks planning permission for the erection of a single storey rear extension following demolition of the existing rear conservatory.
- 1.2 The proposal would not have an adverse impact on local character, highway safety nor would it give rise to a significant impact on residential amenity. The application is therefore recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site is situated within the settlement area of Lightwater. It is a semi-detached two storey dwelling sat in a corner plot to the northern side of the highway. The site is enclosed by a hedge and post and rail fence to the front boundary and a solid fence to the side boundary facing the highway. The property benefits from an area of off road parking formed by gravel located to the side / front of the site. The surrounding area is characterised by residential development.

3.0 RELEVANT PLANNING HISTORY

- 3.1 93/0300 Two storey side extension – approved and implemented.
- 3.2 20/0309 Certificate of lawful development for a loft conversion with rear dormer and 3 roof lights to front. Agreed.
- 3.3. 20/0492 Certificate of lawful development for a rear extension 3m deep, 6m wide, 2.5m to eaves and 3.2m to mono pitch ridge. Agreed.

4.0 THE PROPOSAL

- 4.1 Full planning permission is sought for the erection of a single storey rear extension following demolition of the existing conservatory. The proposed extension would have a depth of 3.8m, a width of 9m and a maximum height of 3.6m with a full hip and eaves height of 2.5m.
- 4.2 Corrected plans were been received on 14 July to address a scaling issue between the floor and elevation plans of the proposal. This addressed a discrepancy where, using the Council's scaling software, the floor plan of the proposal scaled deeper than the proposed elevations. The agent has addressed this by submitting a revised floor plan which scales to just under 3.8m deep. The assessments made within this report are based on this measurement.

5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Highway Authority No objections

6.0 REPRESENTATION

- 6.1 A neighbour consultation was undertaken and this generated extensive comments of objection. However the objections have now been withdrawn in full.

7.0 PLANNING CONSIDERATION

- 7.1 The application site is located in a residential area within the defined settlement of Lightwater, as set out on the Policies Map of the Surrey Heath Core Strategy and Development Management Policies 2011 - 2028 (CSDMP). As such, consideration is given to Policies DM9 (Design Principles) and DM11 (Traffic Management and Highway Safety) of the CSDMP. Regard is also had to guidance contained within the Residential Design Guide (RDG) SPD 2017, in addition to the Lightwater Village Design Statement 2007 (LVDS).
- 7.2 The main issues to be considered within this application are:
 - Impact on character and appearance of the surrounding area
 - Residential amenity
 - Transport and highways considerations.

7.3 Impact on character of area

- 7.3.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP) seeks to promote high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density. The Lightwater Village Design Statement (LVDS) also seeks good design that respects and enhances village character of the area as a key objective. The RDG provides further guidance on extensions and alterations to a dwelling house. In particular, Principle 10.4 states that rear extensions should not materially erode neighbour amenity and should be sympathetic and subservient to the design of the main building.
- 7.3.2 The scale and design of the rear extension is considered to be acceptable to that of the host dwelling. Given the rear siting the proposal it would not be visible from the front elevation nor impact on the street scene from that vantage point. There is screening to the side / rear boundary however due to the corner plot siting of the application site there may be glimpsed views of the proposal from the highway which runs along this boundary. However, the single storey form and hipped roof reduce the mass of the proposal such that it would not appear dominant or incongruous from any glimpsed view that may be obtained.

7.3.3 The proposed external materials would match in appearance those of the existing dwelling and, in light of the comments above it is not considered that the proposal would have any significant affect upon the character of the property or wider street scene. In light the above, it is not considered that the proposal would conflict with Policy DM9 (Design Principles) of the CSDMP or principles B1 to B4 and B8 of the LVDS or principles 10.1 and 10.4 of the RDG.

7.4 Impact on residential amenity

- 7.4.1 Policy DM9 of the Core Strategy and Development Management Policies DPD (CSDMP) states that development should respect the amenities of the adjoining properties and uses. Principles 10.1 and 10.4 of the RDG indicates that extensions should not result in a material loss of amenity to neighbouring properties as a result of overshadowing, eroding privacy or being overbearing.
- 7.4.2 The proposal would extend 3.8m along the side shared boundary with No.23 to the west. There would be a set in at floor level of 0.20m off this boundary and the roof / eaves would be flush with it. This neighbour has a ground floor rear facing window. The eaves height would be 2.5m and the pitch of the hipped roof would pull the mass of the roof away to an overall height of 3.6m. This maximum height would be set 4m off the shared boundary. This arrangement would not result in a material breach of the 60 degree guidance set out in para 8.12 and figure 8.7 of the RDG. In addition having regard to the fact the eaves height proposed is 2.5m, and that the maximum 3.6m height of the proposal would be set 4m off this shared boundary it is considered no significant overbearing or loss of light impacts would arise.
- 7.4.3 No wide facing windows are proposed and the rear facing openings would not give rise to any new patterns of overlooking. All other neighbours are considered to be sited sufficient distance as to not be impacted upon by the proposal.
- 7.4.4 As such, the proposal is not considered to affect the residential amenities of the neighbouring properties and would be in accordance with Policy DM9 of the CSDMP and guidance contained within the RDG.

7.5 Parking and access

- 7.5.1 Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be supported by the Council, unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. The proposed development would not affect the existing parking and access arrangements serving the site and as such, the proposal is considered to be in line with Policy DM11 of the CSDMP.

7.6 Other matters

- 7.6.1 As the proposal relates to a net increase in residential floor area less than 100 square metres the development is not CIL liable.

8.0 WORKING IN A POSITIVE/PROACTIVE 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 to 41 of the NPPF. This included:

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

9.0 CONCLUSION

- 9.1 It is considered that the proposed development would not result in an adverse impact on the character and appearance of the host dwelling or surrounding area, nor on the residential amenities and highways. Therefore, the proposal complies with Policies DM9 and DM11 of the CSDMP, the RDG and the LVDS. The application is therefore recommended for conditional approval.

10.0 RECOMMENDATION

GRANT subject to the following conditions:

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

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

2. The building works, hereby approved, shall be constructed in external fascia materials to match those of the existing building.

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.

3. The proposed development shall be built in accordance with the following approved plans:

Existing / Proposed elevation 3603 P02 Rear elevation (3-a)

Existing / Proposed elevation 3602 P02 side elevation (2-a)

Existing / Proposed elevation 3601 P03 side elevation (1-a)

Existing / Proposed level 01 plan 3002 P02

Existing / Proposed level 00 plan 3001 P03

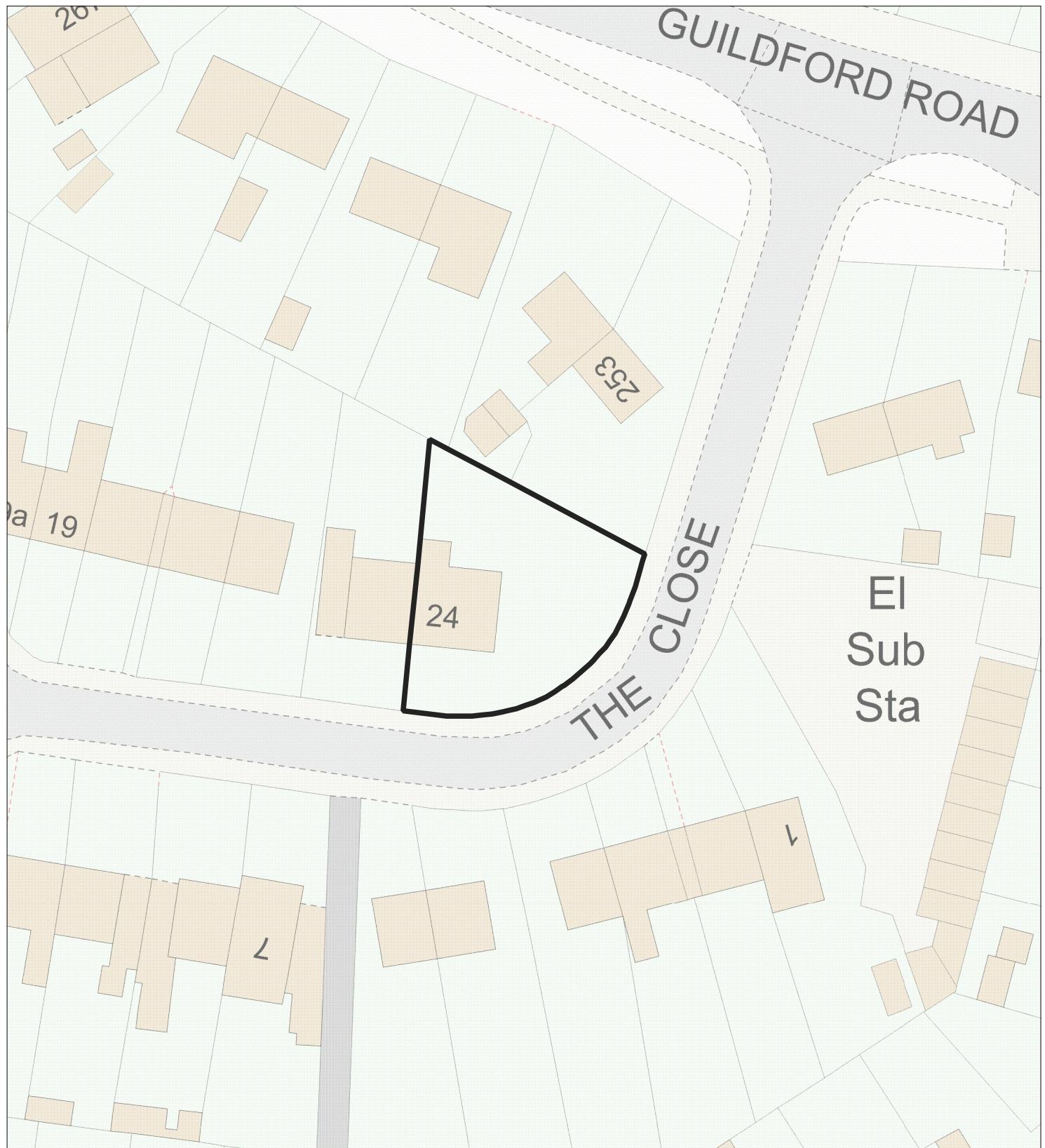
Existing / Proposed roof plan 3003 P02

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.

Informative(s)

1. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
2. The applicant's attention is drawn to the Party Walls (etc) Act 1996.
3. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land.
4. The applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact Building Control with regard to the necessary consents applicable under the Building Regulations and the effects of legislation under the Building Act 1984.



Planning Applications	
Application number	20/0310/FFU
Address	24 The Close Lightwater Surrey GU18 5RH
Proposal	Erection of a single storey rear extension.

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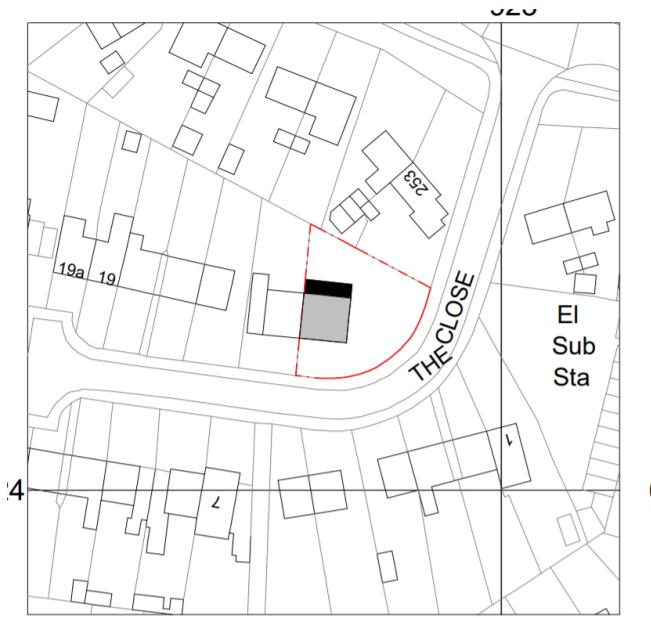
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Author: DE

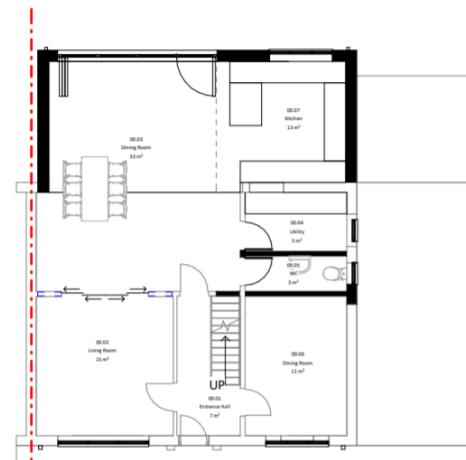
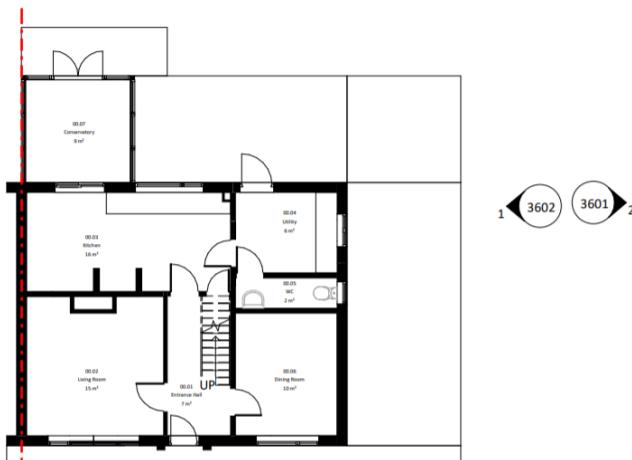
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20/0310 – 24 THE CLOSE LIGHTWATER GU18 5RH

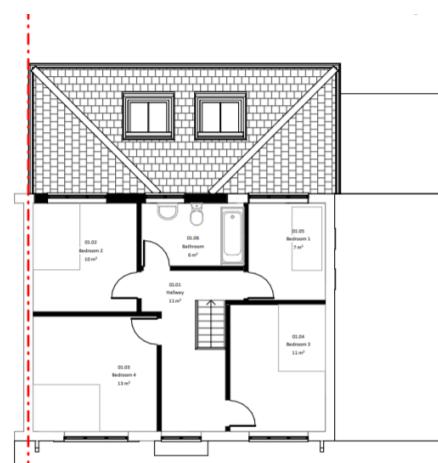
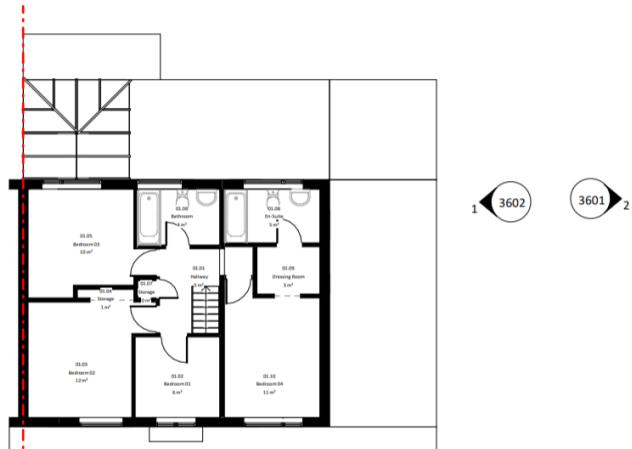
Location plan / site plan



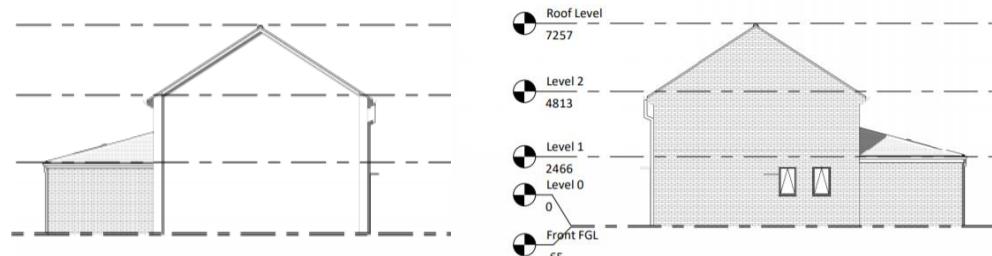
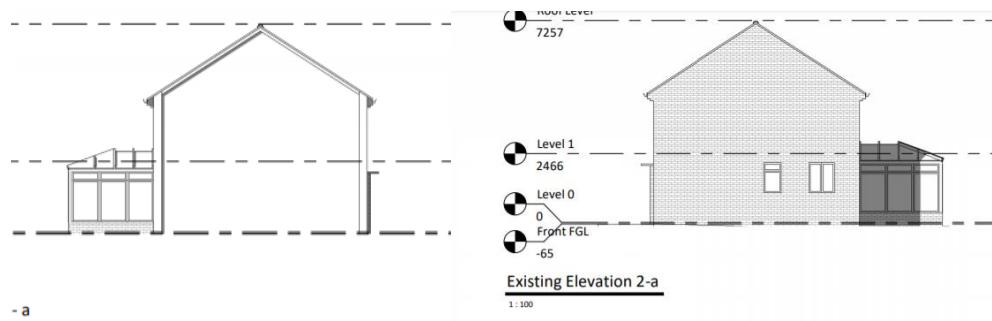
Floor plans - ground floor existing and proposed



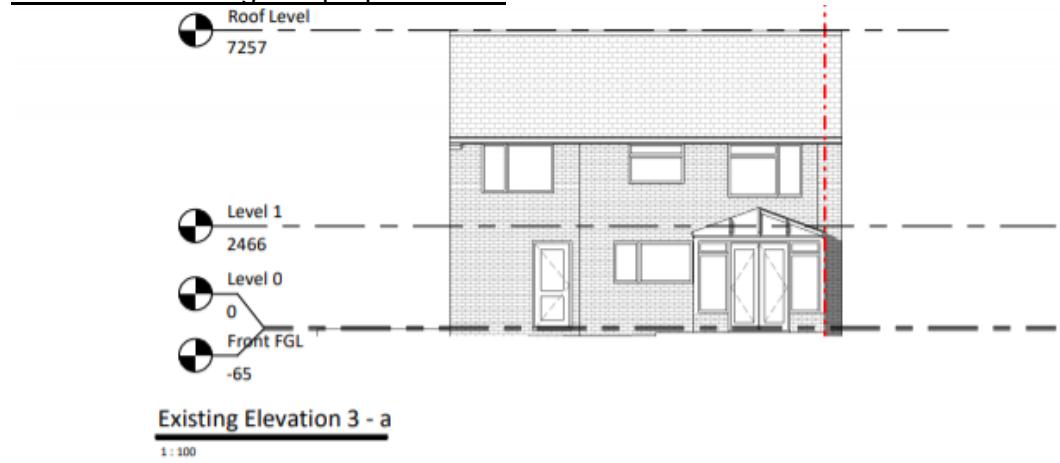
Floor plans – 1st floor existing and proposed side



Elevations - existing and proposed side



Elevation - existing and proposed rear



Existing site photos

Front / side



Rear



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Exclusion of Press and Public

RECOMMENDATION

The Committee is advised to RESOLVE that, under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act, as set out below:

<u>Item</u>	<u>Paragraph(s)</u>
9 (part)	1
10	1

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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: Mr 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.

This application was deferred from determination at the Planning Applications Committee meeting on 18 June 2020.

RECOMMENDATION: GRANT for a limited period of five years subject to conditions and a legal agreement

UPDATE

- a. Members resolved at the June committee to defer the application to seek further evidence and clarification in respect of the personal circumstances in relation to the applicant's grandson. Below is an extract from the minutes:

There was uncertainty from Members in respect of whether the applicant's personal circumstances, along with the other very special circumstances as indicated in the Officer Report, carried sufficient weight to amount to very special circumstances sufficient to outweigh the proposal's identified harm to the Green Belt.

Members thereby felt they needed more specific medical evidence in respect of the potential impact of the application on the applicant's grandchild's needs.

- b. The applicant's agent has confirmed that they do not intend to submit any further information. The agent states that the child's condition has been clearly documented in the existing information submitted and will not improve. As such, it is requested that the Council proceed to make a decision based on the existing evidence.
- c. The officer recommendation remains to grant permission for the proposal for a limited period of five years and subject to the following amendment to condition 4:

The occupation of the gypsy pitches shall be limited to persons related to the applicant, Mr Maurice Black, **and shall include Master Maurice Black and Mr John Lee. Notwithstanding condition 2, in the event that Master Maurice Black and Mr John Lee vacate the pitches then 1 month after vacating the pitches the Local Planning Authority shall be notified and 3 months after vacating the pitches the use shall be discontinued and the site reinstated to the reasonable satisfaction of the Planning Authority.**

Reason: To ensure that the proposed gypsy pitches are occupied due to the personal circumstances and only in compliance with the policy for the protection of the Green Belt and to accord with Policies CP1, **CP7** and DM1 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework **and**

Planning Policy for Traveller Sites.

UPDATE REPORTED TO THE 18 JUNE COMMITTEE

- (i) This application was originally reported to the Planning Applications Committee meeting on 6 February 2020 with an officer recommendation for refusal but was deferred from consideration at that meeting. This was to enable the submission of further information from the applicant concerning the current family health issues which are a material consideration for the assessment of this application. This original committee report is provided at the end of this update.
- (ii) The submission from the applicant provides medical documentation concerning the applicant's father-in-law (who lives in one caravan) and grandson (who lives in the second caravan). A confidential report explaining these personal circumstances is provided separately.
- (iii) Paragraphs 7.4.12 - 7.4.14 of the original report considered the applicant's personal circumstances. Paragraph 16 of the PPTS states that, subject to the best interests of the child, personal circumstances are unlikely to outweigh the harm to the Green Belt. In the light of the new evidence, there is grave concern that any significant change to the family environment, such as eviction from the caravans (and not necessarily from the site), would have a significant detrimental impact on the health of the applicant's grandson. It is also appreciated that there would also be a detrimental effect upon the applicant's father-in-law. Paragraph 7.4.12 of the original report confirms that the use of existing accommodation on the site would not be appropriate and, noting the needs of the child, the use of this accommodation could have a detrimental impact on the health of the applicant's grandson. In the officer's opinion this new evidence significantly increases the weight which needs to be given to the applicant's personal circumstances and that this is sufficient to outweigh the identified harm to the Green Belt to amount to very special circumstances.
- (iv) Paragraph 015 (Use of planning conditions) of the PPG considers the appropriateness of using conditions to limit the benefits of permission to a particular person or group of people. This explains that planning permissions usually run with the land and it is rarely appropriate to provide otherwise. However, there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. In this case, the personal circumstances of the applicant do justify an exception. A personal use condition is therefore recommended and this is seen as wholly necessary and reasonable in the interests of the Green Belt.
- (v) Paragraph 7.4.7 of the original report explains that the GTAA sets out the unmet need for gypsy and traveller position for the borough at 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. This proposal would provide two pitches towards this unmet need. Paragraph 27 of the PPTS indicates that if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering application for the grant of temporary planning permission. Footnote 9 of the PPTS notes that there is no presumption that a temporary grant of planning permission should be granted permanently. Whilst Paragraph 27 of the PPTS confirms that a temporary permission is not normally considered in Green Belt locations, in this instance this would be a prudent compromise. Five years is considered to be a reasonable review period given the age of the child. This would allow a re-evaluation of the medical and need position at that time to assess whether the temporary permission should be extended, the permission made permanent or the use ended. Additionally, by this date a new Local Plan will be in place, the Council's deliverable supply of traveller pitches may be met and as such feasible alternative site options may be available.
- (vi) In summary, subject to a temporary 5 year permission and a personal use to limit the long term harm to the rural character and Green Belt, the application is recommended for approval. For the same reasons a condition restricting the number of caravans on the site is also proposed. This is also subject to the applicant providing a SAMM payment.

RECOMMENDATION

GRANT for a limited period of five years subject to completion of a legal agreement to provide a SAMM contribution and conditions:

1. The proposed development shall be implemented in accordance with the following approved plans: MB18-BLOCK Rev A, 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.

2. The permission hereby granted shall be limited to the period expiring on 23 July 2025 which date the use hereby permitted shall be discontinued and the site reinstated, to the reasonable satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of visual amenity and the Green Belt and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting the order) no floodlights/external lighting shall be erected around the application site without planning permission.

Reason: In order not to prejudice the openness of the Green Belt or visual amenities and to accord with Policies CP1, DM1 and DM3 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. The occupation of the gypsy pitches shall be limited to persons related to the applicant, Mr Maurice Black.

Reason: To ensure that the proposed gypsy pitches are occupied due to personal circumstances and only in compliance with the policy for the protection of the Green Belt and to accord with Policies CP1 and DM1 of the Surrey Heath Core Strategy and Development Management Policies 2012, the National Planning Policy Framework and the Planning Policy for Traveller Sites.

5. The site shall only be occupied by no more than two gypsy pitches, each comprising no more than one mobile home and one tourer caravan.

Reason: In order not to prejudice the openness of the countryside or visual amenities and to accord with Policies CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

In the event that a satisfactory legal agreement has not been completed by 23 July 2020, or any other period as agreed with the Executive Head of regulatory, the Executive Head of Regulatory be authorised to REFUSE for the following reason:

1. 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).

ORIGINAL COMMITTEE REPORT PRESENTED TO THE PLANNING APPLICATIONS COMMITTEE ON 6 FEBRUARY 2020

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.
Refused in February 2020..

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 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).

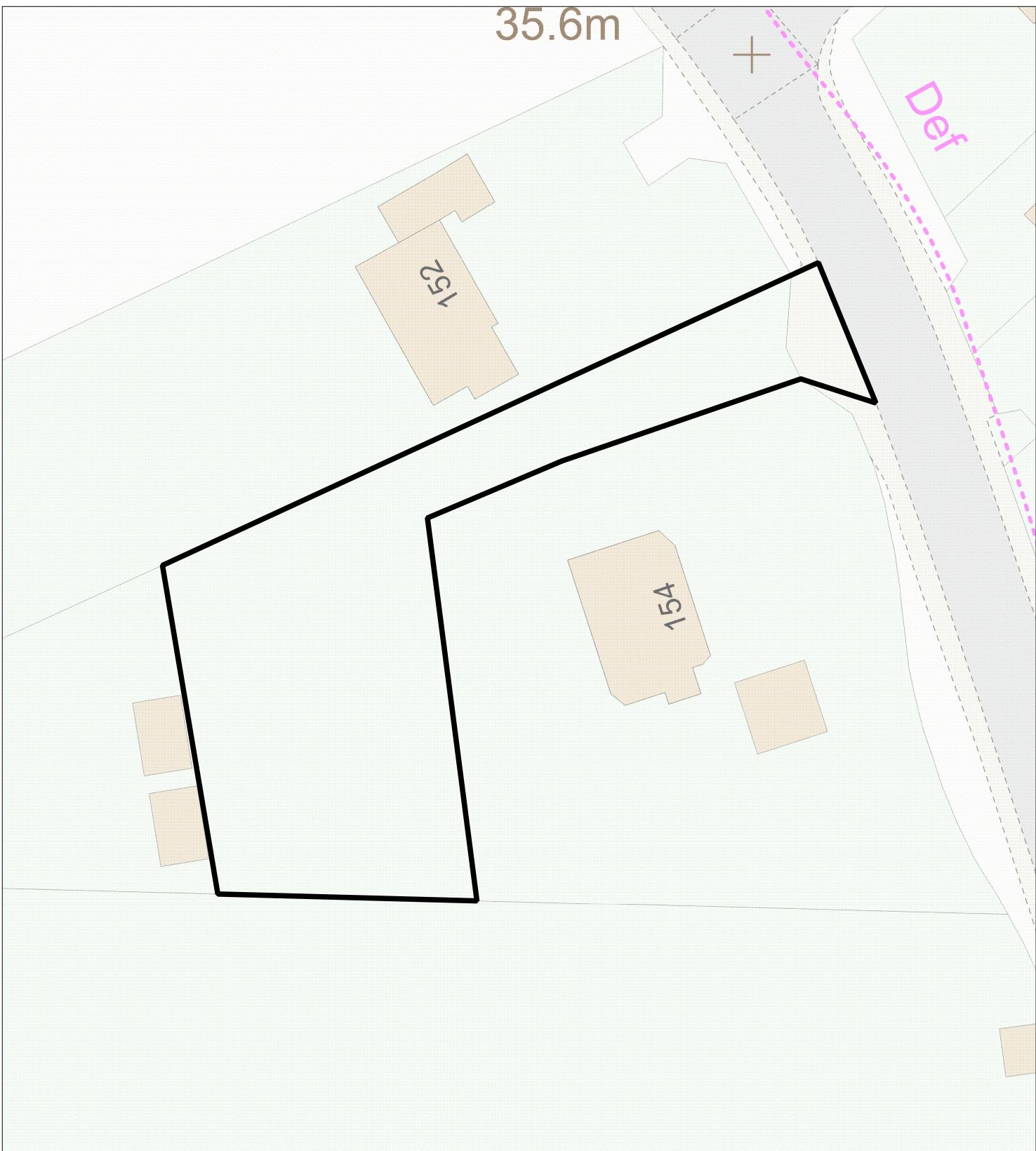
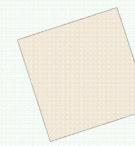
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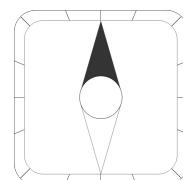
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Title	Planning Applications		
Application number	18/0875	Scale @ A4	1:500
Address	154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT	Date	19 Dec 2019
Proposal	Change of use of back garden area to two pitch Gypsy site		



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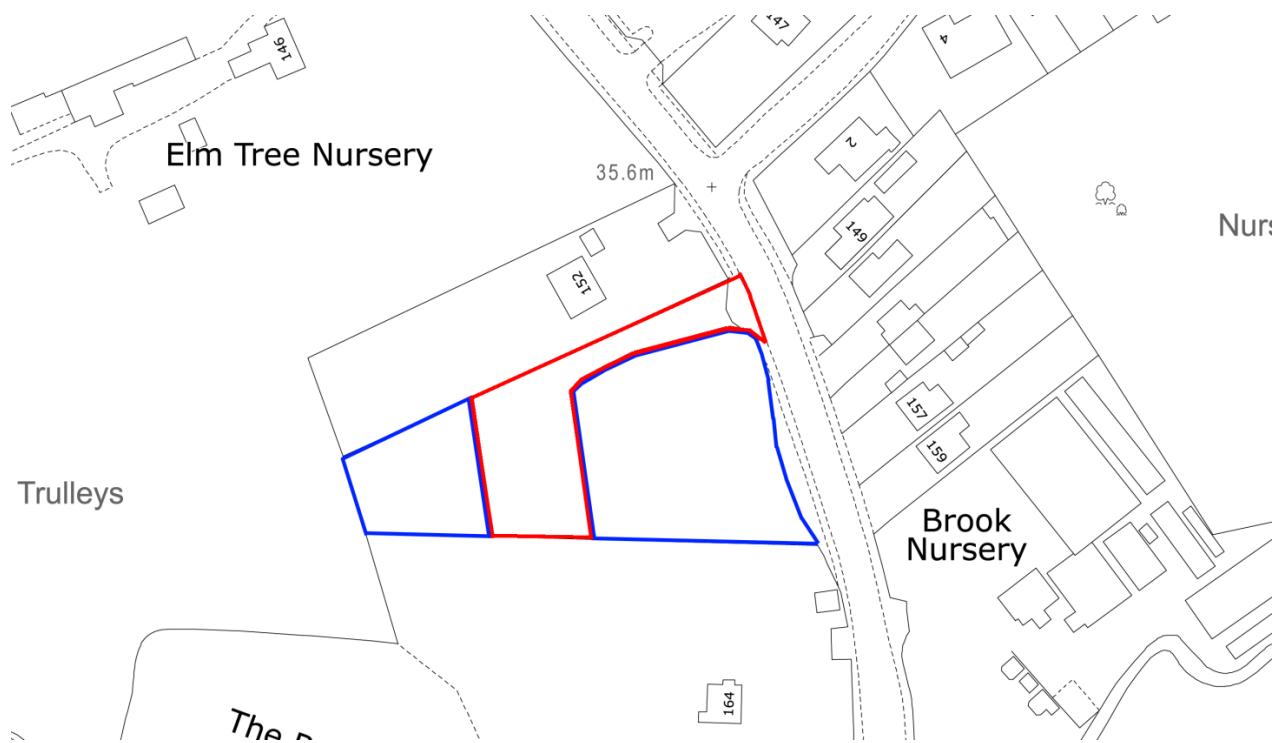
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18/0875 – LAND TO THE SIDE AND REAR OF 154 GUILDFORD ROAD, WEST END

Location plan



Site Plan



Existing site photos

154 Guildford Road, West End



Mobile homes



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of the Local Government Act 1972.

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

NOTES

Officers Report

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

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

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatics 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:

A1. Shops	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
A2. Financial & professional Services	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
A3. Restaurants and Cafes	For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes.
A4. Drinking Establishments	Public houses, wine bars or other drinking establishments (but not nightclubs).
A5. Hot Food Takeaways	For the sale of hot food consumption off the premises.
B1. Business	Offices, research and development, light industry appropriate to a residential area.
B2. General Industrial	Use for the carrying on of an industrial process other than one falling within class B1 above.
B8. Storage or Distribution	Use for the storage or as a distribution centre including open air storage.
C1. Hotels	Hotels, board and guest houses where, in each case no significant element of care is provided.
C2. Residential Institutions	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
C2A. Secure Residential Institutions	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.
C3. Dwelling houses	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.
C4. Houses in Multiple Occupation	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.
D1. Non-residential Institutions	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.
D2. Assembly & Leisure	Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gyms or sports arenas (except for motor sports, or where firearms are used).
Sui Generis	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.