

**LOCATION:** BRIDGEWATER FARM, CHERTSEY ROAD, CHOBHAM, WOKING, GU24 8PL

**PROPOSAL:** Application under Section 73 to vary condition 2 (approved plans) of 18/0548 (new dwelling) to allow for addition of basement and alterations to fenestration driveway/parking area layout.

**TYPE:** Relaxation/Modification

**APPLICANT:** Mr & Mrs A Miller

**OFFICER:** Ross Cahalane

**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 Cllr. Victoria Wheeler due to concerns regarding overdevelopment.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 This application seeks planning permission to vary condition 2 (approved plans) of 18/0548 (new dwelling) to allow for addition of a basement and alterations to fenestration driveway/parking area layout.
- 1.2 The principle of the proposed redevelopment of this previously-developed site in the Green Belt to provide a dwelling was considered acceptable in granting planning permission under 18/0548. The proposed basement would be fully subterranean and on this basis, would not have any impact on the openness of the Green Belt. The other proposed amendments would be limited to the removal of two side elevation windows. The current proposed dwelling would therefore still involve no increase in the spread of building footprint from the existing situation, along with small height and volume reductions. No objections are therefore raised on Green Belt grounds, as the proposed development with basement addition remains within Previously Developed Land, and would still have no greater impact on the openness of the Green Belt than the existing development.
- 1.3 The application is therefore recommended for approval.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is to the east of the main dwelling of Bridgewater Farm and comprises three stable buildings, a higher equestrian storage building and an overgrown hardstanding area, all sited to the east of the main dwelling of Bridgewater Farm with a separate vehicular access from Chertsey Road (A319).
- 2.2 The application site is on the north side of Chertsey Road, within the Green Belt approx. 120m as the crow flies to the east the defined settlement boundary of Chobham. The site is very well screened from the highway by mature shrubbery.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 The main dwelling of Bridgewater Farm has an extensive planning history with permission granted for various extensions and outbuildings, but it is considered that the below applications are relevant to the adjacent application site.

3.2 BGR 6828 Erection of six loose boxes and a hay store

Decision: Granted (February 1970 - implemented)

3.3 18/0111 A Certificate of Lawful Development for the proposed erection of a single storey outbuilding to serve as a triple garage and storeroom.

Decision: Granted (not implemented)

3.4 18/0548 Detached single storey dwelling including revised driveway following demolition of existing buildings.

Decision: Granted (not implemented)

### **4.0 THE PROPOSAL**

4.1 Planning permission is sought under Section 73 to vary condition 2 (approved plans) of 18/0548 (new dwelling) to allow for the addition of a basement, alterations to fenestration and to the driveway/parking area layout.

4.2 The proposed dwelling above-ground would not be larger than what was approved under 18/0548. It would have a maximum depth of approx. 11.8m, width of approx. 17.7m, eaves height of approx. 2.3m and maximum ridge height of approx. 4.8m. A 1.8m high closeboard fence would run along the proposed western side boundary with the retained curtilage of Bridgewater Farm.

4.3 The proposed dwelling would still consist of pitched roof forms with a mixture of hipped and gabled ends to the front and rear. The current proposed amended fenestration would be limited to the removal of two eastern side elevation windows.

4.4 The proposed basement would be fully subterranean, accessed via the main dwelling hallway to provide a games room, home cinema, gym with shower room and laundry and storage rooms. It would have a floor area of 188 sq m.

4.5 The proposal will utilise an existing vehicular access off Chertsey Road to provide a parking/turning area in front of the dwelling. This hardstanding area has been reduced from approval 18/0548 from 423 sq m i.e. by 61 sq m.

## **5.0 CONSULTATION RESPONSES**

- 5.1 Chobham Parish Council No objection, subject to the following:  
Provided the Planning Authority is satisfied that there would be no net increase to the flood risk in the vicinity of the property (DM10).
- 5.2 Council Drainage Engineer No objection, subject to condition [*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 CONSIDERATION**

- 7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are Policies CP1, CP2, CP6, CP12, CP14, DM9, DM11 and DM15. The National Planning Policy Framework (NPPF) is also a material consideration to the determination of this application. The Residential Design Guide Supplementary Planning Document (RDG SPD) was adopted in September 2017 and therefore forms an additional material consideration in the determination of this application.
- 7.2 The Planning Practice Guidance (Paragraph 017 Reference ID: 17a-017-20140306) advises that there is no statutory definition of a 'minor material amendment', but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Given that the proposed basement would be fully subterranean and the limited changes to the approved fenestration and driveway/parking area layout, it is considered that the proposal can be assessed under Section 73 subject to the following material considerations:
- 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, and;
  - Other matters.

### **7.3 Principle and appropriateness of development in the Green Belt**

- 7.3.1 The application site still contains three stable buildings and an equestrian storage building, along with an overgrown hardstanding area to the west. During the determination of 18/0548, the application site was considered to form previously developed land (PDL/ brownfield land) and consequently, redevelopment of the site would benefit from support under Para 145 of the NPPF, provided that there is no

greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.3.2 The following table combines the current proposed differences in comparison with the existing situation and the 18/0548 approval:

	<b>Existing</b>	<b>18/0548 approved dwelling</b>	<b>Current proposed development</b>	<b>Difference from 18/0548</b>
<b>Footprint (buildings)</b>	188 m <sup>2</sup> total	188 m <sup>2</sup>	188 m <sup>2</sup>	None
<b>Volume</b>	658m <sup>3</sup>	643.6m <sup>3</sup>	643.6m <sup>3</sup>	None
<b>Maximum Height</b>	5.1m	4.8m	4.8m	None
<b>Hardstanding</b>	454 m <sup>2</sup> approx.	423 m <sup>2</sup> approx.	362 m <sup>2</sup> approx.	-14%

7.3.3 The current proposed dwelling, despite including a basement, would have the exact same footprint, roof form and maximum height as the extant approval. As such, there would remain no increase in the presence of built form within the Green Belt. The existing hardstanding has somewhat blended into the landscape by grass coverage, and is therefore not considered to be a critical issue. It is not considered appropriate to count the basement as part of the proposed volume figures, as it is wholly subterranean and does not exceed the footprint of the proposed ground floor accommodation which was considered acceptable in Green Belt terms under 18/0548. Therefore, the proposed basement would not have any impact on the openness of the Green Belt.

7.3.4 The planning condition removing permitted development rights for the new dwelling can be imposed, along with the other condition imposed to ensure that any additional outbuildings constructed within the application site after the date of this permission (including the triple garage and storeroom outbuilding granted a lawful development certificate under application ref. 18/0111) have been demolished and all resultant debris removed from the site. It is now considered necessary to impose an additional condition confirming the existing and proposed site levels, to ensure that no part of the proposed basement will be exposed. These conditions are considered necessary and reasonable to ensure that the openness of the Green Belt can continue to be maintained.

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

7.4.1 The revised NPPF 2018 requires planning policies and decisions to ensure that new development makes efficient use of land, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping, whilst being sympathetic to local character and history, including the surrounding built environment and landscape setting. Permission should be refused for development

of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (paragraphs 122, 127 and 130 of the NPPF). Policies CP2 (iv) and DM9 (ii) of the CSDMP reflect these requirements.

7.4.2 As already outlined, the current proposed basement would be fully subterranean and as such, would have no discernible impact upon the character and appearance of the site and surrounding area. The proposed fenestration alterations are limited to the removal of two eastern side elevation windows. Therefore, it is considered that the current proposed development would not lead to an over dominant or incongruous addition to the rural character of the surrounding area, in compliance with the design requirements of Policy DM9 of the CSDMP and the RDG SPD.

## **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. Principle 8.1 of the Residential Design Guide SPD states that new residential development should be provided with a reasonable degree of privacy to habitable rooms and sensitive outdoor amenity spaces.

7.5.2 The proposed basement would cause no impact on the amenity of surrounding neighbours in terms of loss of light, privacy or overbearing impact, as it would be fully subterranean. The proposed amended fenestration would be limited to the removal of two eastern side elevation windows.

7.5.3 Since the determination of 18/0548, the adjacent site of Walton Park Nurseries to the east is now currently being redeveloped for five dwellings as approved under 17/0307. The proposed dwelling would be sited approx. 9.7m from the side boundary with this site. This development under construction includes retention of the mature tree line along the side boundary with the application site, with the separation to the nearest dwelling under construction being approx. 25m to the northeast. Given these distances and relationships, it is considered that no adverse impact upon the amenity of future occupiers would arise.

7.5.4 Given the significant distance to the elevations and private amenity areas of the other surrounding neighbours, it is considered that the proposal would not give rise to adverse harm to residential amenity.

7.5.5 The proposed dwelling would benefit from generous outlook and rear garden space that complies with the RDG SPD, with the internal space standards also being met.

7.5.6 It is therefore considered that the proposal complies with the amenity requirements of Policy DM9 of the CSDMP and the RDG SPD.

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

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.
- 7.6.2 Under the 18/0548 application, the County Highway Authority (CHA) raised no objections on safety, policy or capacity grounds, subject to a condition requiring the provision of an electric vehicle charge socket prior to occupation. The current proposed dwelling would continue to utilise the existing access from Chertsey Road. Although the current proposed hardstanding area is reduced, it is still considered that sufficient off-street parking and turning space would be provided, with the site plan demonstrating that at least three cars can park and turn to leave in forward gear. It is therefore considered that the proposed development would not prejudice highway safety nor cause inconvenience to other highway users, in compliance with Policy DM11.

## **7.7 Other matters**

- 7.7.1 The Council's Arboricultural Officer was consulted under the 18/0548 application and raised no objection, subject to the imposition of a planning condition requiring the submission of sufficient tree protection measures to be retained until completion of all works hereby permitted. This condition will be re-imposed. An additional landscaping condition was imposed to agree the precise species and locations, which can also be reimposed. On this basis, it is considered that no adverse impact upon existing tree cover would arise.
- 7.7.2 An ecological report letter was provided under the 18/0548 application, which found no evidence of bat roosts/activity. However, the site is considered to have the potential to provide for foraging and nesting birds. On this basis, Surrey Wildlife Trust raised no objection, subject to the applicant undertaking all the recommended mitigation and enhancement actions in the report. The planning condition requiring this will therefore be reimposed. On this basis, it is not envisaged that the proposal would give rise to adverse impact upon legally protected species.
- 7.7.3 The application site is located outside of Flood Zones 2 and 3, or areas of known surface water flood risk according to Environment Agency data. The Council's Drainage Engineer has advised that it would still be necessary to impose a planning condition requiring submission of a drainage strategy. This shall include hydrological assessments and details of the presence and depth of groundwater in the strata to be excavated for the proposed basement, along with surface water drainage management details during and after the proposed works, to ensure that the proposal would not lead to a material increase in flood risk to both the occupiers of the site and the surrounding dwellings.
- 7.7.4 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. Surrey Heath charges CIL on residential developments involving one or more new dwellings through new build.

Although the proposed basement is fully subterranean, its additional internal floorspace, following discount from the lawful floorspace proposed for demolition, would be CIL liable. The CIL liable amount is calculated as £38,115.00.

7.7.5 Given that this is a Section 73 application, it is necessary to reimpose all the conditions imposed under 18/0548, alongside the additional proposed conditions concerning the basement as already outlined above.

## **8.0 CONCLUSION**

8.1 The proposed basement would be fully subterranean and on this basis, would not have any impact on the openness of the Green Belt. The other proposed amendments would be limited to the removal of two side elevation windows. The proposed dwelling would therefore still involve no increase in the spread of building footprint from the existing situation, along with small height and volume reductions. No objections are therefore raised on Green Belt grounds.

8.2 The application is therefore recommended for approval.

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

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

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

## **10.0 RECOMMENDATION**

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of the 18/0548 permission (12 October 2021).

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

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

Proposed site plan (Drawing No. 17-2100-100 Rev B - received on 22 March 2019);

Proposed floor plans, elevations and section (Drawing No. 17-2100-101 Rev C - received on 05 April 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 as stated in Section 9 of the 18/0548 application form received on 20 June 2018.

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

4. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by GHA Trees [Glen Harding] and dated 14 June 2018. No development shall commence until digital photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of any facilitation tree works and the physical tree and ground protection measures having been implemented and maintained in accordance with the Arboricultural Report. The tree protection measures shall be retained until completion of all works hereby permitted.

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

5. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority, to include a minimum of two Extra Heavy Standard trees (species and locations to be agreed), and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].

All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**.

Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**

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

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

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

7. The development hereby approved shall be undertaken in accordance with the Recommendations as outlined in Sections 4.0 and 5.0 of the Ecological Appraisal Report undertaken by Wychwood Environmental Limited dated October 2016 and received on 29 June 2018.

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

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

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of maintaining the openness of the Green Belt and to accord with Policies CP1, DM1 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. The development hereby permitted shall not be constructed until any additional outbuildings constructed within the application site after the date of this permission (including the triple garage and storeroom outbuilding granted a lawful development certificate under application ref. 18/0111) have been demolished and all resultant debris removed from the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement of the development, in order to preserve the openness of the Green Belt, in accordance with the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, details of the existing and proposed levels of the application site, including slab levels and finished basement levels, shall be submitted to and agreed upon in writing by the Local Planning Authority.

The development shall thereafter be carried out in complete accordance with the approved details, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: To ensure that the development remains entirely underground, in order to preserve the openness of the Green Belt in accordance with the National Planning Policy Framework.

11. No development shall commence until details of the drainage strategy to include the hydrological assessments and details of the presence and depth of groundwater in the strata to be excavated for the proposed basement, details of how groundwater and surface water drainage is managed during and after completion, the potential impact on adjacent properties of any changes to drainage patterns and details of any such impact will be mitigated, have been submitted to and agreed upon in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained and maintained thereafter, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase the risk of flooding to occupiers of the site and the surrounding dwellings, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.

#### Informative(s)

1. CIL Liable CIL1