

**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 18 July 2019**

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

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

+ Present  
- Apologies for absence presented

Substitutes: Cllr Helen Whitcroft (in place of Cllr Graham Tapper)

Members in Attendance: Cllrs Paul Deach, Alan McClafferty and Emma McGrath.

Officers Present: Ross Cahalane, Duncan Carty, Gareth John, Jonathan Partington, Neil Praine, Jenny Rickard and Eddie Scott

**10/P Minutes of Previous Meeting**

The minutes of the meeting held on 20 June 2019 were confirmed and signed by the Chairman.

**11/P Application Number: 19/0031 - The Waters Edge, 220 Mytchett Road, Mytchett, Camberley, GU16 6AG**

The application was for the approval of reserved matters (scale, appearance and landscaping) pursuant to outline planning permission 18/0327 (248 dwellings with associated roads, footpaths, play areas, parking, open space and landscaping). (Amended plan and additional plans & information rec'd 18/04/2019.) (Amended & additional plans & information rec'd 13/06/2019.) (Amended plan rec'd 20.06.2019) (Additional info rec'd 20/06/2019) (Amended plans rec'd 26/06/2019.)

Members were advised of the following updates on the application:

“Representation (page 17)

- One further support letter and seven further objection letters have been received. The concerns raised relate to: overdevelopment; traffic; insufficient parking and emergency access; site entrance location; GP/

hospital/dentist/school places; lack of amenities; pollution; loss of wildlife and trees; flooding; noise, and; rat infestations from existing site.

*Officer comment: It is considered that these issues have been sufficiently addressed already in the agenda report. It would be in the applicant's interest to undertake pest control in carrying out the development and for residents. The Council has negotiated concessionary rates with SDK Environmental Ltd to carry out a general pest control service.*

Proposed materials (pages 21-22, paras 7.4.12 – 7.4.14)

- The applicant has slightly amended the proposed character area materials schedule, to replace the brick specification within the Lakeview Lane character area.

*Officer comment: The Council's Urban Design Consultant has raised no objection, commenting that the new specification is a nice type of brick with a handmade character to it and would form an improvement.*

Housing mix and affordable housing (pages 25-26, paras 7.6.5 – 7.6.7)

- The applicant has stated that the revised Planning Practice Guidance, subsequent to the Outline approval, does not introduce any change to the way that vacant building credit (VBC) should be applied.

*Officer comment:*

*In considering the VBC the current Planning Practice Guidance advises that its purpose is to incentivise development, including the reuse or redevelopment of empty and redundant buildings and that in deciding how VBC is applied to a particular development local planning authorities should have regard to the intention of national policy. The PPG goes on to explain that in doing so it may be appropriate to consider whether the building has been made vacant for the sole purposes of re-development; and, whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development. In the officer's opinion this proposal is within the spirit of government policy given that the existing buildings have been dormant for many years and given the extant outline permission. The application of the VBC would still lead to a provision of 93 Affordable units, comprising a 37.5% on-site provision.*

- The applicant has further advised on the detail of the proposed affordable housing delivery. The developer (Nicholas King Homes) has signed a contract with A2 Dominion (a government-registered provider of social housing) and will be constructing the whole development and handing the

completed affordable units to A2 Dominion on their completion. The tenure is evenly split - 50% Rented (46 units) and 50% Shared Ownership (47 units). The majority of the affordable housing units will be delivered in the first phase of development on site, which will provide early delivery for SHBC's and A2 Dominion's housing register.

*Officer comment:*

*The 93 affordable housing units comprise a mixture of 1 & 2 bed apartments and 3 and 4 bed houses, sited in various locations across the site. The tenure mix complies with the Section 106 legal agreement underpinning the outline approval.*

*The S106 also requires all social rented or shared ownership units to comply with the Affordable Housing definitions under Annex 2 of the NPPF which includes:*

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.*
  
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.*

### **Additional information from the applicant**

#### **Clarification on safety for residents around the lakes, in particular the Village Pond**

The applicant has advised that the Royal Society for the Prevention of Accidents (RoSPA) have been contacted in order to establish their requirements for water safety at the two existing lakes and the proposed 'village pond'. RoSPA's recommendations will be incorporated into details to discharge Condition 9, relating to the SANG detailed design and Landscape and Ecological Management and Maintenance Plan (LEMP), as well as Condition 12 which deals with the hard and soft landscaping proposals for the residential development. Once implemented the respective management companies will undertake the maintenance of any rescue equipment and put in place public liability insurance.

The applicant's ecology consultants considered the matter of water safety and concluded that additional fencing around both the lakes would disturb the banks, vegetation and existing habitats that will be retained. This is particularly important around the lakes as the existing habitat is suitable for dragonflies, which has been identified as a species of interest on the site. It is therefore considered that given the SNCI (Site of Nature Conservation Interest) status of the application site, to strike a balance between the safety that might be provided by means of fencing around the water bodies and the impact that such a fence would have on the local ecology. RoSPA has confirmed that this is acceptable.

With regards to the village pond, RoSPA has recommended that a simple post and rail timber fence would be appropriate in publicly accessible areas. There are also other similar scenarios with publicly accessible open water features elsewhere in the borough, such as Tomlins Pond in Frimley.

### SANG management

The applicant has advised that there will be two separate management regimes in place at Waters Edge. As was determined at the Outline stage, as a direct result of issues elsewhere in SHBC regarding SANG management issues, the SANG Management at Waters Edge will be under the control of the Lands Trust, as an entirely separate entity to the rest of the development. The SANGS element comprises the two main lakes, the land around the lakes and the large area of open green space to the South of the site. This requirement is set out and controlled under the completed S106 agreement including the provision of a financial sum of £850k for a SANG Maintenance Payment to the Land Trust. This is a budgeted cost to manage the SANG in perpetuity. For clarity, this ensures that there is no requirement for occupiers of the residential development to contribute financially to the SANGS by way of any management charges. This was determined at the Outline stage and there are no changes.

### Estate /residential management:

The applicant has advised that for the rest of the estate, there will be a separate management company that will be funded by annual service charge contributions from owners of the properties. This will cover estate roads, street lighting, communal areas, SUDS (where not in SANGS) existing woodland buffer areas and trees, the LAPS, LEAP, and other open space areas, including the village pond (where open space does not form part of the SANG). It would also include public liability insurance. All residential units on the site, both private and affordable will contribute to the service charge provisions at appropriate financial levels. There would be additional fees for apartment blocks to cover buildings insurance, communal cleaning and lighting etc. It may be the case that the level of the service charge contribution is graduated on the size of the property.

The applicant has also stressed that in light of recent significant press coverage on leasehold charges, the developer (NKH) have never sold a leasehold house. As such, all houses would be sold on a freehold basis, and the standard lease terms and ground rent payable is already within the guidelines which are currently

accepted by central Government. If there is a significant change in Government policy on this matter prior to the development, the leaseholds for the apartment blocks would reflect this.

It is the applicant's intention that once the development has been completed, the estate management of the whole of the estate (excluding the SANG) will be managed by A2 Dominion. As one of the largest providers of housing across the South East with over 37,000 properties owned or managed, they have extensive experience of managing schemes such as this.

### **Amended conditions**

Condition 2 (approved plans) shall now include the updated character area materials schedule referred to above (v4 dated 10 July 2019 and received 11 July 2019).

### **Additional informative**

*3. The applicant is reminded that under the Control of Pollution Act 1974 construction work which will be audible at the site boundary will be restricted to the following hours:*

*8.00 am – 6.00 pm Monday to Fridays*

*8.00 am – 1.00 pm Saturday*

*and not at all on Sundays and Bank Holidays”.*

As the application had triggered the Council's Public Speaking Scheme, Mr Paul Dickinson and Mr Wesley McCarthy, the applicant and agent respectively, spoke in support of the application.

Members noted the need to future proof the proposed homes and to ensure suitable infrastructure for electric vehicle charging points. There were also concerns in respect of proposed parking provision. As a result it was agreed to add additional informatives to the Officer's recommendation to draw attention to the requirement for electric vehicle infrastructure and to request marked up parking on the site's communal areas.

Concerns in respect of parking provision and damage to the street scene led to the Committee also adding an additional condition to the Officer's recommendation in order to remove the permitted development rights for the conversion of the proposed dwellings' garages for habitable use.

The officer recommendation to approve the application was proposed by Councillor Colin Dougan, seconded by Councillor Vivienne Chapman and put to the vote and carried.

### **RESOLVED that**

- I. Application 19/0031 be granted, subject a legal agreement; and to the conditions in the officer report and updates, as amended;**

- II. **the final wording on the new condition and informatives be delegated to the Executive Head of Regulatory in consultation with the Chairman and Vice Chairman of the Planning Applications Committee.**

**Note 1**

It was noted for the record that:

- i. All members of the Committee had received a letter in respect of the scheme.
- ii. Councillor Morgan Rise had previously met the applicant in respect of the application.

**Note 2**

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

Voting in favour of the recommendation to grant the application:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Jane Croke, Colin Dougan, Shaun Garrett, Edward Hawkins, Sam Kay, David Lewis, Charlotte Morley, Morgan Rise, Victoria Wheeler and Valerie White.

Abstaining on the recommendation to grant the application:

Councillor Helen Whitcroft

**12/P Application Number: 18/0956 - Land South and West of the Willows, Salisbury Terrace, Mytchett, Camberley, GU16 6DB**

The application was an outline planning application for the erection of a class C2 care home building to provide up to 54 bedrooms together with parking and access (access to be determined). (Additional plans rec'd 04/06/2019.)

Members were advised of the following update on the application:

“Correction:

Paragraph 5.5: Urban Design Consultant comments: **Concern** is raised on character grounds [*See Paragraph 7.4.3*]

The applicant has provided schematic ground and first floor plans for the proposed development to aim to prove that the proposed development can be provided over two floors (in response to Paragraph 7.4.4 of the officer report, which raises doubt as to whether the development could be provided on two floors and whether a third floor (even in part) is required to accommodate the needs of such a development). The applicant has indicated that a two storey height limitation could be imposed by condition, if minded to approve.

*Officer response: It is noted that the drawings indicate 54 bedroom/en-suites could be provided with other facilities (reception, kitchen, dining room, sitting room, entrance hall/foyer/café, other communal space (undefined), cleaners' cupboards and internal manoeuvring space (corridors/stairs/lifts).*

*However, other spaces that would be expected to be provided within care/nursing homes, such as nurse stations, drug stores, assisted bathrooms/shower rooms/W.C.s, sluice rooms, stores (e.g. for hoists and linen), would not be provided.*

*Whilst the development relates to **up to 54 bedrooms**, it is incumbent upon the Council to consider if the development could be accommodated within the parameters set out in the overall application proposal. It would appear that, if this further accommodation were to be added to the floorspace, the proposal at a two storey height would be significantly short of this level of bedroom accommodation. The concerns raised in Paragraph 7.4.4 of the officer report therefore still apply.*

The applicant has sought confirmation that there are no objections to the proposal on ecological grounds (in response to the wording in Paragraph 7.6.3 of the officer report).

*Officer response: It is confirmed that there are no objections to the proposal on ecological grounds.”*

As the application had triggered the Council's public speaking scheme, Mr Daniel Rolfe and Mr Paul King spoke in objection to the application. Mr Phillip Allin, the agent, spoke in support of the application.

Members had multiple concerns on the appropriateness of Salisbury Terrace for access and egress to the site, including the potential impacts on residential amenities, potential overspill of parking and highway safety issues. It was agreed these concerns would be added to the existing officers' recommended reasons for refusal. Concerns were also raised on the impact on the neighbouring amenity of neighbouring properties, in particular, but not exclusive to Joyden and Arosfa.

The officer recommendation to approve the application was proposed by Councillor Morgan Rise, seconded by Councillor Helen Whitcroft and put to the vote and carried.

**RESOLVED that**

**Application 18/0956 be refused for the reasons set out in the officer report and the additional following reasons:**

- **Appropriateness of vehicular access and egress off Salisbury Terrace and associated impacts on residential amenities and highway safety;**

**the final wording on the reasons for refusal be delegated to the Executive Head of Regulatory in consultation with the Chairman and Vice Chairman of the Planning Applications Committee.**

**Note 1**

It was noted for the record that all members of the Committee had received a letter in respect of the scheme.

**Note 2**

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

Voting in favour of the recommendation to refuse the application:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Vivienne Chapman, Sarah Croke, Colin Dougan, Shaun Garrett, Edward Hawkins, Sam Kay, David Lewis, Charlotte Morley, Morgan Rise, Victoria Wheeler, Valerie White and Helen Whitcroft.

**13/P Application Number: 19/0323 - Hook Meadow, Philpot Lane, Chobham, Woking, GU24 8HD**

The application was for the change of use from equestrian stable building to dwelling (Class C3) with associated curtilage.

This application would have normally been determined under the Council's Scheme of Delegation, however it had been reported to the Planning Applications Committee at the request of the Executive Head of Regulatory.

Members were advised of the following updates on the application:

“Representations

Two further letters of support have been received, including comments in relation to: lack of impact on Green Belt; environmental benefits, and: inconsistency with neighbouring application.

*Officer comment: It is considered that these issues have been sufficiently addressed already in the agenda report.*

The applicant has provided tracked comments in response to a number of specific paragraphs within the agenda report, and this has been circulated to Members. The main issues raised by the applicant are grouped as follows:

- Existing dwelling – current appeal to the Courts [Paragraphs 1.3; 3.14 and 3.15]

*Officer comment: If necessary, the Council may agree again to withhold enforcement action in abeyance of any Court decision.*

- Existing dwelling – lawfulness [Paragraphs 2.1; 3.3; 3.4; 3.7; 3.10; 6.1; 7.2.2; 7.2.5]

*Officer comment: The previous decisions of the LPA, Inspectors at appeal and his Honour Judge Seymour (injunction hearing) have determined the existing dwelling*

*to be unlawful, and also considered the Human Rights Act 1998. The Council has also sought legal advice in considering direct action.*

- SAMM payment [Paragraphs 3.12 and 7.7.3]

*Officer comment: As any residential occupation of the land since the SPA designation in 2005 has been unlawful or illegal, the dwelling has not been included in the baseline housing figures. The LPA can request an extension of time subsequent to the Committee meeting, to allow for payment for SAMM.*

#### Other corrections/additions to report

- Paragraph 2.1 - [Hook Meadow] is on the fringe of settlement in a residential and commercial road. The 'carport' is freestanding and used to repair tractors, tools and vehicles

*Officer comment: The site is not on the fringe of a settlement area defined under planning policy. Other comment accepted.*

- 3.2 - 2003 - The site has a LDC for hardstanding, shed, field shelter and grazing/leisure use of horses.

*Officer comment: The LDC referred to is: 03/0078 - Certificate of lawfulness for the use of land for keeping horses, the retention of a raised car park, animal shelter and shed. Decision: Granted (implemented)*

- 4.3 Not boundary fencing it is partitioning fencing.
- 7.1 Council cannot meet five year housing need.

*Officer comment: The above is accepted*

- 8.0 I was not asked in writing for an extension of time for a decision.

*Officer comment: The LPA can request an extension of time subsequent to the Committee meeting, to allow for payment for SAMM and issue of the decision.*

#### **Applicant's response to proposed conditions**

- Condition 1 - I do not agree to one year, it could take that just to get to the court of appeal so I suggest two years.

*Officer comment: If necessary, the Council may agree again to withhold enforcement action in abeyance of any Court decision.*

- Condition 4. - The floor levels are already at this height

*Officer comment: Accepted, but the condition wording does not need changing*

- Condition 6. - It is requested that this is amended from "date of this decision" to "date of implementation".

*Officer comment: This is considered acceptable and can be amended as highlighted below, provided that Condition 1 (one year implementation time limit) and Condition 5 (removal of existing dwelling prior to occupation of stable conversion) remain unaltered.*

### **Amended condition 6:**

*Within one year of the **date of implementation**, the existing unauthorised dwelling shall be demolished with all resultant debris removed from the land, and its adjacent land reinstated as shown on the proposed site plan ("PSP") received on 23 April 2019, unless otherwise agreed upon in writing by the Local Planning Authority.*

*Reason: 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.*

- Condition 7. - Subject to a planning application.

*Officer comment: Notwithstanding this condition, any subsequent planning application must be considered on its own merits. Therefore, the condition wording does not need changing.*

It is considered that the other issues raised by the applicant have been sufficiently addressed already in the agenda report."

As the application had triggered the Council's Public Speaking Scheme, Miss Sarah Kingsley and Miss Alison Hook, the applicant, spoke in support of the application.

The officer recommendation to approve the application was proposed by Councillor Colin Dougan, seconded by Councillor Victoria Wheeler and put to the vote and carried.

**RESOLVED that application 19/0323 be granted, subject to the conditions in the officer report**

#### **Note 1**

It was noted for the record that:

- i. All members of the Committee had received various items of correspondence in relation to the application.
- ii. Councillor Peter Barnett had previously made a representation on the application but emphasised that he came to the meeting with an open-mind.
- iii. Councillor Victoria Wheeler had previously engaged in correspondence and met the applicant in the past, but came to the meeting with an open-mind.
- iv. Councillor Helen Whitcroft had previously met the applicant in respect of planning matters.

#### **Note 2**

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

Voting in favour of the recommendation to grant the application:

Councillors Graham Alleway, Vivienne Chapman, Sarah Jane Croke, Colin Dougan, Shaun Garrett, Edward Hawkins, Sam Kay, David Lewis, Charlotte Morley, Morgan Rise, Victoria Wheeler, Helen Whitcroft and Valerie White.

Voting against the recommendation to grant the application:

Councillor Peter Barnett

Abstaining on the recommendation to grant the application:

Councillor Cliff Betton

**14/P Application Number: 19/0254 - 39 Frimley Road, Camberley, GU15 3EL**

The application was for the removal of existing unauthorised side dormer window and the erection of two side dormer windows and a roof light

The application would have normally been determined under the Council's Scheme of Delegation, however, it had been called in for determination at the Planning Applications Committee at the request of Councillor McClafferty because of the impact on the adjoining neighbours and the wider character of the area.

As this application had triggered the Council's Public Speaking Scheme Mrs Sheena Taylor and Mr Gary Foy spoke in objection of the application. Mr Jonathan Jarman, the agent, spoke in support of the application.

Members had concerns in respect of the proposed dormer's potential to overlook 41 Frimley Road. Even though it was specified that the dormer's windows would be permanently fixed shut, Members felt uncomfortable in respect of the potential loss of privacy and the perception of being overlooked. As result it was agreed to add a condition to the officer's recommendation in order to specify that the proposal's windows should be obscure glazed to the level 5 standard, and that the windows, which would remain fixed shut, should be hinged from the bottom.

The officer recommendation to approve the application was proposed by Councillor Colin Dougan, seconded by Councillor Sarah Jane Croke and put to the vote and carried.

**RESOLVED that**

- I. Application 19/0254 be granted, subject to the conditions in the officer report, as amended;**
- II. the final wording on the new conditions be delegated to the Executive Head of Regulatory in consultation with the Chairman and Vice Chairman of the Planning Applications Committee.**

**Note 1**

It was noted for the record that:

- i. All members of the Committee had received direct correspondence in objection to the application.

- ii. Councillor Colin Dougan had met with the applicant at the application site in respect of a previously determined application. In addition Councillor Dougan was a friend of the applicant.

**Note 2**

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

Voting in favour of the recommendation to grant the application:

Councillors Vivienne Chapman, Sarah Jane Croke, Colin Dougan, Shaun Garrett, Edward Hawkins, Sam Kay, David Lewis, Charlotte Morley, Victoria Wheeler and Valerie White.

Voting against the recommendation to grant the application:

Councillors Cliff Betton, Morgan Rise and Helen Whitcroft.

Abstaining on the recommendation to grant the application:

Councillors Graham Alleway and Peter Barnett.

Chairman