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Thursday, 25 February 2016

To: The Members of the **Planning Applications Committee**  
(Councillors: Edward Hawkins (Chairman), David Mansfield (Vice Chairman), David Allen, Richard Brooks, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Rebecca Jennings-Evans, Katia Malcaus Cooper, Robin Perry, Ian Sams, Conrad Sturt, Pat Tedder, Victoria Wheeler 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, Rodney Bates, Ruth Hutchinson, Paul Ilnicki, Max Nelson and Adrian Page

#### Site Visits

**Members of the Planning Applications Committee 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 Monday preceding the Planning Applications Committee meeting.**

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber, Surrey Heath House on **Monday, 7 March 2016 at 7.30 pm**. The agenda will be set out as below.

There will be a presentation to Members in the Chamber at **6.45pm**.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

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## AGENDA

**1 Apologies for Absence**

**Pages**

**2 Minutes 3 - 10**

To confirm and sign the non-exempt minutes of the meeting held on 10 February 2016.

**3 Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

**Human Rights Statement**

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

**Planning Applications**

- |          |   |                  |
|----------|---|------------------|
| <b>4</b> | <b>Application Number: 15/0590 - HEATHPARK WOOD, HEATHPARK DRIVE, WINDLESHAM</b>                      | <b>11 - 92</b>   |
| <b>5</b> | <b>Application Number: 15/1069 - CHOBHAM NURSERIES, BAGSHOT ROAD, CHOBHAM, WOKING, GU24 8DE</b>       | <b>93 - 122</b>  |
| <b>6</b> | <b>Application Number: 15/1133 - CHOBHAM SERVICE STATION, STATION ROAD, CHOBHAM, WOKING, GU24 8AJ</b> | <b>123 - 136</b> |

**Glossary**

**Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 10 February 2016**

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+ Cllr Edward Hawkins (Chairman)  
+ Cllr David Mansfield (Vice Chairman)

+ Cllr David Allen	+ Cllr Katia Malcaus Cooper
+ Cllr Richard Brooks	+ Cllr Robin Perry
+ Cllr Nick Chambers	+ Cllr Ian Sams
+ Cllr Mrs Vivienne Chapman	- Cllr Conrad Sturt
+ Cllr Colin Dougan	+ Cllr Pat Tedder
+ Cllr Surinder Gandhum	+ Cllr Victoria Wheeler
- Cllr Rebecca Jennings-Evans	+ Cllr Valerie White

+ Present  
- Apologies for absence presented

Substitutes: Cllr Dan Adams (In place of Cllr Rebecca Jennings-Evans)

In Attendance: Cllr Ruth Hutchinson, Cllr Adrian Page, Duncan Carty, Jane Ireland, Emma Pearman, Michelle Fielder, Jonathan Partington, Lee Brewin, Cllr Paul Deach, Laura James, Karen Limmer, Ian Macey, Richard Payne, Jenny Rickard and Cllr Bill Chapman

Cllr Pat Tedder arrived part way through min 45/P  
Cllr Ian Sams arrived part way through min 45/P

Cllr Bill Chapman from min 46/P – 47/P  
Cllr Paul Deach from min 44/P – 47/P  
Cllr Ruth Hutchinson from min 44/P – 47/P

**44/P Minutes**

The minutes of the meeting held on 13 January 2016 were confirmed and signed by the Chairman.

**45/P Application Number: 15/0884 - land north of Beldam Bridge Road, West End, GU24 9LP**

The application was for the outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space. (Details of access only to be agreed).

A site visit was carried out at the site.

Members were advised of the following updates:

*'Correction: The comments of the County Highway Authority have now been received. No objections are raised.'*

*Six further objections have been received via Mr Gove MP, which raise issues already considered in the officer report but raised concern about the lack of challenge to the appeal decision for SU/14/0532 (Land south of Kings Road et al).*

*An objection has been received from the Windlesham Heathpark Wood Group, which is appended along with further comments (in objection) from the West End Action Group. These letters were also separately forwarded by Mr Gove MP.*

*Additional representations have been received from an objection making the following further comments:*

- *The nursery land has not been used for over 20 years;*
- *Concern about the reporting of the County Highway Comments [Officer comment: see correction above];*
- *Disagree with the report's indication that the land is in a poor condition;*
- *There is a minimum of 6.28 years supply of housing;*
- *Rate of build is governed by developers (marketing/demand) and that developers (as in an appended Fareham BC report) will hold back delivery to suit the market/demand. The recent new builds in West End are struggling to be sold;*
- *Wider view of housing demand (to include SHMA partners and other neighbouring Boroughs) should be taken; and*
- *A request to defer this application.*

*The Planning Policy Manager has provided an updated position in relation to housing land supply for the Borough, and has been appended to this update.*

*The applicant has requested an extension to complete the required legal agreement for SANG delivery and retention to 10 March 2016, with any required further extensions agreed by the Executive Head of Regulatory.*

*The applicant has confirmed that they also wish to provide a unilateral undertaking to provide affordable housing and a SAMM payment in line with adopted policy/SPD. The Council considers that these matters can be considered at the reserved matters stage (when the number/size of units is known)*

***CHANGE TO RECOMMENDATION:***

***To extend the time period to complete the legal agreement for SANG delivery and retention to 10 March 2016, with any required extensions to be agreed by the Executive Head of Regulatory.'***

Members were further advised that the extension of the time period to complete the legal agreement should read 11 March 2016. In addition informative 3 would be amended to relate to condition 15 and not 14 as detailed in the report. In addition the Committee was advised of details regarding the council's housing land supply.

The Ward Member had concerns about various issues including road safety and flooding. It was requested that should the Committee be minded to approve the application, that any reserved matters would be brought back to Committee.



Members were advised that although there had not been any comments in the report from the Council's drainage officer, the Local Lead Flood Authority had made comments and recommended conditions 9, 10 and 11.

Some Members also had concerns regarding the safety as the proposed access would be on a bend in the road. Officers advised that condition 15 proposed a speed reduction scheme.

The Committee sought clarification on why policy H8 of the Core Strategy had been disregarded by the inspector at appeal, which stated that reserved sites should not be developed. Officers referred Members to page 61 of the report which stated that the inspector advised greater weight to the NPPF than local policies.

**Resolved that application 15/0884 be approved subject to conditions and the satisfactory legal agreement to secure the delivery and retention in perpetuity of a Suitable Accessible Natural Greenspace (SANG) by 11 March 2016.**

**In the event that a satisfactory legal agreement has not been received by the 11 March 2016 to secure SANG provision/retention, the Executive Head - Regulatory be authorised to refuse the application for the reasons as set out in the report of the Executive Head – Regulatory.**

**Note 1**

It was noted for the record that Committee Members had received correspondence from the West End Action Group.

**Note 2**

As the application triggered the Council's public speaking scheme, Mr Bain and Mr Consterdine spoke in objection and Mr Woolf spoke in support.

**Note 3**

The recommendation to approve the application was proposed by Councillor Edward Hawkins and seconded by Councillor Colin Dougan.

**Note 4**

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

Voting in favour of the recommendation to approve the application:

Councillors, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, David Mansfield and Robin Perry.

Voting against the recommendation to approve the application:

Councillors Dan Adams, David Allen, Katia Malcaus Cooper, Victoria Wheeler and Valerie White.

**46/P Application Number: 15/1047 - The Castle Grove Inn, Scotts Grove Road, Chobham GU24 8EE**

The application was for the erection of a two storey rear extension following the part demolition and conversion into 2 three bedroom semi-detached houses and 1 one bedroom bungalow with parking and access. (Amended plans rec'd 08/01/16).

This application would normally have been determined under the Council's Scheme of Delegation for Officers, however, at the request of a Local Ward Councillor it had been called in to be determined by the Planning Applications Committee.

The Ward Member had concerns about the junction and requested that the fence be lowered or removed at the junction to improve the sight lines. It was also noted that the pavement was non-existent where the fence had been installed, which caused a safety issue for pedestrians.

Some Members requested that a condition be added to remove all fencing and install bollards. Officers advised that the Local Planning Authority could remove the rights to put up any fences after occupation, by amending condition 5.

**Resolved that application 15/1047 be approved as amended subject to conditions as set out in the report of the Executive Head – Regulatory.**

**Note 1**

The recommendation to approve the application as amended was proposed by Councillor David Mansfield and seconded by Councillor Robin Perry.

**Note 2**

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

Voting in favour of the recommendation to approve the application as amended:

Councillors Dan Adams, David Allen, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Katia Malcaus Cooper, David Mansfield, Robin Perry, Ian Sams, Pat Tedder, Victoria Wheeler and Valerie White

**47/P Application Number: 15/0868 - Hook Meadow, Philpot Lane, Chobham GU24 8HD**

The application was for the change of use of former field shelter and erection of extensions to it, to form single storey dwelling house and creation of residential curtilage (retrospective).

This application would normally be determined under the Scheme of Delegation for Officers, however, the application had been called in by Member's for consideration by the Planning Applications Committee.

A site visit took place at this site.

Members were advised of the following update:

1. *'The text at para 7.5.7 of the Committee Report is to be replaced by that below:*

*The representations that the applicant has made in relation to this matter have been carefully considered in compliance with the Human Rights Act 1998 and on balance it is considered that although Article 8 may be engaged this is necessary in a democratic society. Further, the same issues were considered by the HHJ Seymour when granting the Injunction in the High Court.*

2. *In response to the Committee Report the applicant has circulated a 9 page written response to Members. From this it is clear that the applicant wishes the application to include planning permission for the porch and lounge extension. The matter is therefore presented to planning committee as an application for the change of use of the former field shelter and the extensions erected. Accordingly para 4.2 of the Committee Report is deleted.*

*The material considerations against which the planning application is assessed does not however change and the principal considerations remain as detailed below:*

- a. Whether the development can reasonably be considered works of conversion?*
- b. Whether the new build development is appropriate development in the Green Belt?*
- c. Whether any form of SPA mitigation should be secured (in the event planning permission is to be granted)?*
- d. Whether there are very special circumstances present?*

*Officers conclude that the assessments undertaken in the Committee Report remain valid, the development cannot reasonably be considered works of conversion, the new build does not meet any of the tests in the NPPF to not be inappropriate development in the Green Belt. There was no lawful residential occupation of the site prior to the SPA designation and there are no very special circumstances present to clearly outweigh the harm to the Green Belt which would otherwise arise.*

*The inclusion of the extensions in the application does, however, mean that the first reason for refusal in the Committee Report must be amended and as such this is revised below:*

*The Local Planning Authority is not satisfied that the former field shelter was of permanent and substantial construction as required by paragraph 90 of the NPPF and as such, the authority cannot reasonably conclude that the building was suitable for conversion to a dwelling house. Moreover the application is not supported by any evidence or plans demonstrating how*

*substantive structural or other elements of the former field shelter were utilised or retained in the works undertaken in the creation of the dwelling house. It is not therefore considered the applicant has sufficiently and robustly demonstrated that works do not comprise the erection of a new dwelling house as alleged in the extant enforcement notices or addressed by the Appeal Inspector at paragraph 2 of the appeal decision letter (ref: APP/D3640/C/09/2117978 dated 24 May 2010). This element of the proposal is therefore inappropriate development in the Green Belt which is, by definition, harmful and by its very nature causes harm to the openness of the Green Belt. Moreover, the creation of the residential curtilage to serve as garden land to the unauthorised dwellinghouse and the extensions undertaken to form the porch and the lounge causes further harm to the open and undeveloped character of the area and results in an enclosed and domesticated area of land, while the extensions increase the scale and mass of the unauthorised dwellinghouse. The resulting countryside encroachment is contrary to the purposes of including land in the Green Belt and reduces Green Belt openness. As such the development is contrary to the aims and objectives of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.*

- 3. For the sake of completeness a copy of the enforcement appeal decision is provided - Members attention is drawn to paragraph 2 wherein the Inspector concludes that the works undertaken were not works of conversion but the erection of a freestanding structure.*
- 4. The LPA has been copied into correspondence between the applicant and Natural England (NE). This correspondence relates to the need to mitigate the application's impact on the Thames Basin Heaths SPA. The applicant considers that mitigation is not required as she was in residence on the site prior to the SPA designation in March 2005. NE has advised that if the applicant can prove her occupation of the land occurred prior to this date mitigation is not required. However, it is noted that the applicant's appeal against the enforcement notice on the grounds the works were lawful by the passage of time was dismissed and as such there has been no lawful residential occupation of the land. In similar cases the LPA has rejected claims that periods of unlawful residential occupation of sites justifies setting aside the requirement for SPA mitigation to be secured. This approach has been accepted by appeal inspectors and contributions towards SPA mitigation secured.*
- 5. A response of no objection has been received from the Environment Agency and as such no objection on flood risk grounds is raised.*
- 6. One further letter of support bringing the number to 24 has been revived. This raises the following matters:*
  - a. Precedence – others have been allowed*
  - b. This is a residential use in a residential area*
  - c. The delay in validation is unacceptable*
  - d. The application would not set a precedence*

- e. *The applicant has simply turned a field shelter into a habitable dwelling as she had nowhere to go*
7. *An objection has been received on behalf of the Chobham Society. This raises the following matters:*
- a. *Inappropriate development in the Green Belt*
  - b. *The site is in the flood plain*
  - c. *Precedent*
  - d. *The applicant has flouted the enforcement notices*
8. *The applicant has responded to the letter of objection and comments:*
- a. *It is too late for the comments to be considered as relevant*
  - b. *There are cases of precedence having being set*
  - c. *Every application is decided on its own merits; i.e. the fear of setting a precedent is not a reason for refusal nor is the existence of any enforcement notices*
  - d. *Questions whether the author 'is part of and represents The Chobham Society'*

Members were also advised that the Environment Agency had raised no objection to the proposal.

A Member spoke on behalf of a resident who was in support of the application.

Whilst Members had sympathy for the applicant, it was however noted that there had been a public enquiry and planning permission had not been sought prior to the development.

Some members asked whether a permission could be granted that was limited to the lifetime of the applicant. Officers advised this was not the application before them and further, the enforcement action had gone through a public inquiry process and a High Court Judge in recent injunctive proceedings. These acknowledged the harm to the Green Belt.

Members asked what were 'very special circumstances'. Officers explained these were part of the planning test which might justify development by the applicant taking place in the Green Belt. However, officers stated that the applicant's circumstances had not changed to alter their view set out in the report and this was acknowledged in the High Court injunction, which also applied to the extension works carried out.

**Resolved that application 15/0868 be refused for the reasons as set out in the report of the Executive Head – Regulatory.**

**Note 1**

As the application triggered the Council's Public Speaking Scheme, Miss Hook, the applicant spoke in support.

**Note 2**

The recommendation to refuse the application was proposed by Councillor David Mansfield and seconded by Councillor Ian Sams.

**Note 3**

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

Voting in favour of the recommendation to refuse the application:

Councillors Dan Adams, Richard Brooks, Nick Chambers, Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, David Mansfield, Robin Perry, Ian Sams, Pat Tedder, Victoria Wheeler and Valerie White

Voting against the recommendation to refuse the application:

Councillors David Allen Katia Malcaus Cooper

Chairman

2015/0590

Reg Date 07/07/2015

Windlesham

**LOCATION:** HEATHPARK WOOD, HEATHPARK DRIVE,  
WINDLESHAM

**PROPOSAL:** Outline planning permission 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). (Additional info received 10.08.2015). (Additional info & amended plan rec'd 02/10/2015). (Additional info recv'd 8.12.15)

**TYPE:** Outline

**APPLICANT:** Charles Church Southern Limited & Sentinel Housing Association

**OFFICER:** Emma Pearman

**RECOMMENDATION: REFUSE (unless the legal agreement to secure SANG is resolved by the Committee date - see paragraph 1.2 below)**

## 1.0 SUMMARY

- 1.1 This is an outline application for the provision of up to 140 dwellings on land to the east of Heathpark Drive in Windlesham, and a Site of Alternative Natural Greenspace (SANG) opposite the site on land to the south of Woodlands Road. This outline application considers only the access in detail which is proposed on the northern side of Woodlands Lane. The area of the site where housing is proposed is part of a housing reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000. The remainder of the application site that falls outside of the housing reserve area, where there is no built development proposed is within the Green Belt.
- 1.2 The access is considered to be acceptable with the County Highways Authority raising no objection. Whilst the rest of the development is only indicative at this stage, the proposal is considered to be acceptable in terms of the impact on Green Belt, local character, trees, residential amenity, parking and access, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, affordable housing and housing mix. This is subject to conditions and further detail to be considered at reserved matters stage. However, Natural England has maintained its objection until the management of the SANG area is secured through legal agreement. A legal agreement is also required to secure affordable housing. As such the application is recommended for refusal, unless this is resolved by the Committee date.

## 2.0 SITE DESCRIPTION

- 2.1 The site extends to 20.13 hectares in total and is located to the east of Windlesham, outside but adjacent to the settlement boundary, to the north and

south of Woodlands Lane. The northern part of the site extends to 10.75 ha and is adjacent to Heathpark Drive to the west, Chertsey Road to the north and Woodlands Lane to the south. It borders open land to the west and the curtilage of some residential properties with the M3 beyond. This part of the site comprises coniferous plantation woodland with semi-natural woodland along some edges. Approximately 7.8ha of this land immediately north of Woodlands Lane falls within the housing reserve site as identified by the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and saved Policy H8 of the Surrey Heath Local Plan 2000.

- 2.2 The southern part of the site extends to 9.38ha and is open greenfield land, split into two by Scutley Lane. It borders Woodlands Lane to the north-east and the M3 motorway along the southern boundary. The western boundary borders the curtilage of residential properties and some open land.

### 3.0 RELEVANT HISTORY

- 3.1 The part of the site that is identified as a Housing Reserve site was originally identified as such in the Surrey Heath Local Plan 1985, which was then carried over to the 1994 plan. It then formed part of the 'Land east of Heathpark Drive' Housing Reserve site identified by Policy H8 in the Local Plan 2000, which has been saved.

- 3.2 15/0884 – Land north of Beldam Bridge Road, West End, Woking – Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space. (Details of access only to be agreed)

*Committee resolved to grant 12/2/2016 subject to securing a legal agreement*

- 3.3 14/0532 – Land south of 24-46 (evens) Kings Road and 6 & 9 Rose Meadow, West End – Outline application for 84 dwellings (including 8 one bedroom flats, 34 two bedroom houses, 28 three bedroom houses and 14 four bedroom houses) with access from Rose Meadow. Access only to be considered. *[hereafter called the Appeal Decision]*

*Refused due to release of housing land being contrary to the adopted CSDMP but allowed on appeal 17/12/15*

*For a copy of this appeal decision see Annex A of this agenda*

### 4.0 THE PROPOSAL

- 4.1 The proposal is for outline planning permission for up to 140 dwellings and community facilities, with associated landscaping, open space, and parking with a new access created from Woodlands Lane, and the change of use of the land south of Woodlands Lane to provide publicly accessible recreation space (SANG). The part of the site where the dwellings are proposed falls within part of a Housing Reserve site, identified under Policy H8 (saved) of the Surrey Heath Local Plan



2000. To the north of this area between the housing reserve site and Chertsey Road is an area of woodland [northern woodland] which falls within the Green Belt and will remain as woodland with no public access proposed, as ecological enhancements are proposed here. To the south of Woodlands Lane and west of Scutley Lane is the area proposed as SANG (also within Green Belt) which will be publicly accessible. To the east of Scutley Lane bordering the M3 is a triangular shaped area [triangle area] which is not required for SANG purposes and as such is not proposed to have any public access and will provide ecological enhancements.

- 4.2 The exact number, sizes and layout of dwellings would be approved at a later stage. This approval relates to the details of the access only, however an illustrative layout has been provided to indicate how the development could be accommodated. There would be one single point of access to the development provided, on the north side of Woodlands Road, approximately 70m to the east of Heathpark Drive which would be provided with visibility splays suitable for the speed of the traffic.
- 4.3 The application is supported by a series of documents (and updates) and reference will be made to these where applicable in section 7 of this report. This includes, amongst others: a Planning Statement; Transport Assessment; Ecological Appraisal (and additional species reports); a draft Landscape and Ecology Management Plan; Tree and Woodland Report; Arboricultural Impact Assessment; Landscape and Visual Impact Assessment (and Addendum); Air Quality Assessment; Noise Impact Assessment; FRA and Drainage Strategy.

## 5.0 CONSULTATION RESPONSES

- |     |                            |  |
|-----|----------------------------|--|
| 5.1 | County Highway Authority   | No objection, subject to conditions <i>[See Annex B for full copy of response].</i>  |
| 5.2 | Environmental Services     | No objection, subject to conditions <i>[See Annex C for full copy of response].</i>  |
| 5.3 | Natural England            | Objection until S106 is secured for SANG management and maintenance in perpetuity, commuted sum and maintenance fund for SANG management, step-in rights for alternative management to take over should management of SANG fail. |
| 5.4 | Surrey Wildlife Trust      | No objection, subject to conditions.   |
| 5.5 | Environment Agency         | No objection, subject to condition.  |
| 5.6 | Local Lead Flood Authority | No objection, subject to conditions.   |
| 5.7 | Arboricultural Officer     | No objection, subject to conditions.   |

5.8	Archaeological Officer	No objection, subject to condition.
5.9	Drainage Engineer	No objection, subject to conditions.
5.10	Surrey County Council (Education)	Contribution towards education is required <i>[See Annex D for full copy of response]</i> .
5.11	Surrey County Council (Planning)	No objection.
5.12	West Surrey Badger Group	Objection until a satisfactory method statement is received and approved.
5.13	Thames Water	No objection, subject to condition.
5.14	Affinity Water	No response received.
5.15	North-West Surrey Clinical Commissioning Group	No response received.
5.16	NHS England	No response received.
5.17	SCC Rights of Way	No response received.
5.18	Surrey Bat Group	No response received.
5.19	Windlesham Parish Council	Objection - the road onto which the access leads is not capable of taking the anticipated level of traffic and the proposal will lead to the destruction of wildlife and habitat.
5.20	Surrey Police	No response received.

## 6.0 REPRESENTATIONS

- 6.1 At the time of preparation of this report, 329 objections have been received, including several from Windlesham Heathpark Wood Group, and two letters in support of the application.
- 6.2 The issues raised in support of the application are as follows:
- Houses are required now *[see section 7.5]*
  - Well-designed layout *[see section 7.8]*
  - Wood not of any great environmental value *[see section 7.8]*
  - Adequate arrangements made to protect wildlife *[see section 7.11]*

- Loss of trees but these can be replaced within gardens [see section 7.8]
- Affordable housing and social housing is needed [see section 7.16]
- Smaller, two-bedroom dwellings are needed [see section 7.16]
- Businesses may benefit from the extra trade [Officer comment: This is considered to be an economic benefit as mentioned in section 7.5].

6.3 The issues raised in objection to the development are as follows:

Housing Need/Principle of Development

- There is sufficient land available in Surrey Heath to meet housing need for next 8 years/an excess of 732 dwellings up to 2020 [see section 7.5]
- There are alternative sites in the borough [see section 7.5]
- Should be fewer houses proposed [Officer comment: Can only consider application as presented]
- Site should not be used unless all other proposed sites have been used up [see section 7.5]
- SHLAA identifies site as developable but within 6-10 year timeframe, only for 30 dwellings and only when significant constraints have been overcome [see section 7.5]
- Previous local plans have required high standard of proof of need for site to come forward [see section 7.5]
- Windlesham only allocated 20 houses in the Core Strategy, some of which have already been built [see section 7.5]
- Site was previously found unsuitable for housing at a public Inquiry in 1999 [see section 7.5 and paragraph 6.4 below]
- Housing figures from SHMA should be tested by an Inspector at a Local Plan Review and not by a planning application [see section 7.5]
- Outcome of the SHMA does not immediately invalidate housing figures in the Local Plan [see section 7.5]
- When it was designated as a reserve site, conservation issues were not as important as they are today; was designated a reserve site such a long time ago no longer relevant [see section 7.5 and section 7.11]
- Reserve sites should only be brought forward through site allocations process [see section 7.5]
- Site is not brownfield and therefore developing it goes against fundamental principles of NPPF [see section 7.5]

- Need for housing should not outweigh other policies in the NPPF including those protecting ecological sites and sites that would affect the SPA [see section 7.5]
- Surrey Heath does not have to meet housing numbers as constrained by SPA and Green Belt [see section 7.5]
- Principle in NPPF in favour of sustainable development does not apply when site falls within 5km of SPA and is therefore restricted by Birds/Habitat Directives. [see section 7.5]
- Why not build on SANG area instead [Officer comment: SANG area is Green Belt and has not previously been identified as suitable for housing]
- Council should challenge the Appeal Decision relating to Land south of Kings Road and Rose Meadow, West End [see section 7.5]
- Council still has a 5-year housing supply despite Appeal Decision [see section 7.5]
- Paragraph 14 of NPPF in favour of sustainable development does not apply because of existence of Policy H8 [Officer comment: this was not the conclusion of the Inspector in the Appeal Decision – see section 7.5].

#### Character

- Will destroy character of the village/too many houses for village of this size [see section 7.8]
- Will impact on village centre [see section 7.8]
- Other housing developments in Windlesham already changed the character of the village [see section 7.8]
- Houses should not be 2.5 storey, should be 2 storey in keeping with surrounding houses [Officer comment: Design is a reserved matter so not for consideration at this stage]
- High density housing is not in keeping with rest of village [Officer comment: Layout is a reserved matter as discussed in section 7.8].

#### Residential Amenity

- Loss of trees will add to noise and air pollution from M3 [see section 7.9]
- Additional traffic will add to noise and air pollution [see section 7.9]
- No sound proof fencing being installed between junctions 3 and 2 of M3 [Officer comment: Noise assessment has taken this into account]
- Detrimental effect on quality of life for Heathpark Drive residents [see section 7.9]

- Ruins view from back of some properties at Heathpark Drive [see section 7.9]
- Disruption during construction period [Officer comment: Not a planning consideration]
- Houses too close to motorway; will be too much noise/air pollution for future residents [see section 7.9]
- Air pollution not adequately measured with credible results [see section 7.9]
- Was found unsuitable in 1999 because of air pollution [see section 7.9 and paragraph 6.4 below].

#### Highways, Parking and Access

- Local roads cannot support the additional cars, will lead to increased congestion especially at rush hours [see section 7.6]
- Will give rise to need for additional car parks and more roads [see section 7.6]
- Village already used as “rat run”; will have safety implications [see section 7.6]
- No off-road parking already for people in Chertsey Road [see section 7.6]
- Construction traffic will have to come through village and Heathpark Drive not over weak bridge in Woodlands Lane [see section 7.6]
- Houses likely to have 2 cars each [see section 7.6]
- Figures look too low in highways assessment [see section 7.6]
- Other developments Longcross/Deepcut/Notcutts/Care home/BOC developments/M3 roadworks/Tank Factory have increased/will add more traffic through Windlesham [see section 7.6]
- Parking in centre of village already difficult [see section 7.6]
- How would travel plan be monitored? [Officer comment: It would be monitored by County Highway Authority]
- Heathpark Drive in particular will be used as cut-through [see section 7.6]
- Entering/leaving development would be hazardous as on a fast road [see section 7.6]
- Width restriction on bridge over M3 already causing more traffic through Heathpark Drive [see section 7.6]
- No public transport suitable for those working in towns or getting to stations [see section 7.6]

- No established cycle routes or structured pattern of footpaths [see section 7.6]
- Footpaths often blocked by parked cars [see section 7.6]
- Is one entrance/exit enough if there was a major incident on site [see section 7.6]
- Unsustainable location [see section 7.6].

### Trees

- Should not remove woodland to build houses, should be trying to conserve woodland [see section 7.8]
- Information provided does not fully describe the trees present in the woods [see section 7.8]
- Design allows for potential further development in the woods [see section 7.8]
- Foundations of houses would be too close to tree roots in 10m buffer zone [Officer comment: Layout is a reserved matter so would be considered further at that stage]
- Site covered by Tree Preservation Order [see section 7.8]
- Ancient woodland east of the site will experience adverse impacts due to extra housing and use [see section 7.8]
- Future occupiers may remove trees because of overshadowing [see section 7.8]
- Loss of ancient woodland [Officer comment: No part of Heathpark Wood is 'ancient woodland' which is a specific designation].

### Ecology

- Would have adverse effect on birds, badgers and other mammals [see section 7.11]
- Many badgers setts found so important site nationally [see section 7.11]
- Have seen other protected species/birds not noted in the documents [see section 7.11]
- No explanation of why badger report is confidential [Officer comment: Badger reports identifying sett locations are always confidential to prevent badger baiting or other illegal activities]
- What would happen to badgers during construction – might never return to site [see section 7.11]

- Applicant admits bat survey is incomplete *[Officer comment: Further information on bats was submitted during the course of the application and has been taken into account]*
- Badger mitigation is inadequate *[see section 7.11]*
- Has RSPB red and amber birds listed on site *[see section 7.11]*
- Any places Bats use for shelter should be protected by law *[see section 7.11]*
- Bat roosts have not been identified so cannot assess impacts as required *[see section 7.11]*
- Margins of SANG are foraging habitat for reptiles which would be at risk of death/injury during creation of SANG *[see section 7.11]*
- NPPF states that the planning system should contribute to and enhance the natural environment *[see section 7.11]*
- Previous applications have been rejected on ecology grounds – what has changed? *[Officer comment: This application relies on the up to date ecological information submitted as part of this application and current advice from consultees].*

#### Infrastructure

- Not enough shops, schools, GP services, bus services, dentists, leisure/recreation facilities *[see section 7.12]*
- Schools are already full, no junior school in Windlesham, have had to send them to private school due to lack of suitable places, bulge classes already created *[see section 7.12]*
- Nearest doctors surgery could not accommodate additional patients *[see section 7.12]*
- Not a sustainable location and will prejudice future generations *[see section 7.12]*
- CIL money would not go just to Windlesham – 85% to the Council to use throughout the borough and 15% to Parish which also covers Bagshot and Lightwater *[see section 7.12].*

#### Thames Basin Heaths SPA/SANG

- SANG should be protected from future development *[see section 7.10]*
- No need for SANG already have large remembrance field/Chobham Common *[Officer comment: The point of SANG is to discourage the use of Chobham Common SPA / other parts of the SPA and is required by Natural England – see section 7.10]*

- SANG is not big enough for dog walking [see section 7.10]
- SANG will be very noisy and people will not want to walk their dogs there [see section 7.10]
- Heathpark Wood has never been accessible so why do we need SANG [Officer comment: The point of SANG is to discourage the use of Chobham Common SPA / other parts of the SPA and is required by Natural England – see section 7.10]
- No pressure from residents for more recreation space [Officer comment: The point of SANG is to discourage the use of Chobham Common SPA / other parts of the SPA and is required by Natural England – see section 7.10]
- Proposed SANG is in Green Belt [see section 7.7]
- No ecological assessment for the SANG [Officer comment: The Ecological Appraisal did include the SANG area]
- Where will people park when using SANG [see section 7.10]
- Why would you take down a wood to rebuild it across the road [Officer comment: SANG will not be a wood and the point of SANG is to discourage the use of Chobham Common SPA and is required by Natural England – see section 7.10].

#### Flooding/Drainage

- Replacing woodland with concrete will increase flood risk [see section 7.14]
- Will be further loading of storm drains and sewers [see section 7.14]
- Properties already have storm water retention tanks to help with flooding [see section 7.14].

#### Affordable Housing/Housing Mix

- Houses built are not affordable and children have to move away [see section 7.16]
- 40% affordable housing is inappropriate and does not match current housing mix in Windlesham [see section 7.16]
- Will affordable housing actually be affordable in price [Officer comment: Price of housing is not a planning consideration]
- Housing mix would not meet needs of local ageing population [see section 7.16].

#### Other matters

- Just for profit – no benefit to residents [Officer comment: Not a planning consideration]



- Remaining site should be put back in Green Belt to protect it from further harm *[see section 7.7]*
- Should use the site occupied by the M3 contractors which has better links to main routes and no woodland *[Officer comment: Can only consider application as presented; this site is not identified for housing]*
- Community facility proposed is not defined so cannot judge if beneficial *[see section 7.12]*
- North end of woods could lead to anti-social behaviour as seen at Notcutts development *[Officer comment: No public access proposed for this area]*
- Already development in pipeline for Dairy site *[Officer comment: Not relevant to the consideration of this application; if has planning permission would have been taken into account in calculating traffic figures]*
- Application publicised when people were on holiday – previous publicity received greater opposition *[Officer comment: Planning authority must publicise it within a set timescale however late representations have been accepted]*
- Precedes Windlesham Neighbourhood Plan which would not support this *[Officer comment: As there is no Neighbourhood Plan at present this cannot be given any weight]*
- What compensation would local residents get during construction *[Officer comment: Not a planning consideration]*
- Personal safety/security of property and children right next to proposed development *[Officer comment: No evidence to suggest that there would be any threat to personal safety/security]*
- What are proposals for low energy development *[Officer comment: This would be a reserved matter]*
- Jobs from construction would not be local people *[Officer comment: Not a planning consideration].*

6.4 The 1999 Public Inquiry has been raised in many objections, with comments that it was not found suitable for housing at that stage. This was an Inquiry into objections to the Surrey Heath Local Plan Review 1998 which was undertaken before the finalisation of the Surrey Heath Local Plan 2000. The Inspector did not dismiss the site for residential use altogether, rather his conclusions led the site to be included as a Housing Reserve site (Policy H8) and not as a Housing Allocation Site under Policy H3.

## **7.0 PLANNING CONSIDERATION**

- 7.1 The part of the application site where the housing is proposed is located within the boundary of a housing reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000, adjoining the settlement of Windlesham, but is defined as Countryside beyond the Green Belt. The SANG part of the proposal, the NW triangle and northern woodland areas all fall within the Green Belt.
- 7.2 The application will be considered against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and Policy H8 of the Surrey Heath Local Plan 2000 (as saved) are relevant. In addition, advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; and the Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Surrey Heath Strategic Housing Land Availability Assessment (SHLAA), Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA), the Housing Needs Survey Paper 2015-2020 (February 2015) and the recent appeal decision APP/D3640/W/15/3028247 in respect of application SU14/0532 at Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End [the Appeal Decision].
- 7.3 The application is in an outline form and seeks planning permission for the erection of up to 140 dwellings with only details of the access considered at this stage (all other matters being reserved). However, it is considered that all the following matters need to be considered. It is considered that the main issues to be addressed in considering this application are:
- Principle of development and housing need;
  - Highways and access;
  - Impacts on character, landscape and trees;
  - Impacts on residential amenity, noise and air quality;
  - Thames Basin Heaths Special Protection Area / SANG proposals;
  - Green Belt; and,
  - Ecology.
- 7.4 In addition, the following matters need to be considered:
- Local infrastructure;
  - Affordable housing and housing mix;
  - Open space provision; and
  - Other matters including Archaeology, Land contamination and Flooding and Drainage.

## 7.5 Principle of development and housing need

### National Policy

7.5.1 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions - economic, social and environmental. It states that for decision-making this means:

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*– specific policies in this Framework indicate development should be restricted.*

7.5.2 Paragraphs 47 and 48 of the NPPF require a local planning authority to identify a 5 year supply of housing. In brief, this requires the use of an evidence base and demonstrating an additional buffer of 5% above the 5 years supply, this buffer should be increased to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

7.5.3 Paragraph 49 of the NPPF goes onto state:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

### Development Plan policies

7.5.4 The application site was first designated as a Housing Reserve site in 1985 and has remained as such through subsequent local plans. It forms a part of a housing reserve site as defined in Policy H8 of the Surrey Heath Local Plan 2000 (as saved). The Inspector into the Core Strategy in 2012 did not delete this housing reserve site as the LPA proposed, but indicated that these sites would need to be reviewed through a future Development Plan Document.

7.5.5 Policy CPA (Spatial Strategy) of the CSDMP adopted in 2012 states that new development will come forward largely through redevelopment of previously developed land in the western part of the Borough. It states that Windlesham is inset within the Green Belt and has limited capacity to accommodate development, which will primarily be achieved through redevelopment of existing sites.

7.5.6 Policy CP3 (Scale and Distribution of Housing) of the CSDMP states that within the period 2011-2028 the Borough Council will make provision for 3240 (net) additional homes, 2730 of which would be provided up to 2026 within existing settlements (20 of these within Windlesham), and then if insufficient sites have come forward, between 2026-2028 the Council will release sustainable sites within the Countryside beyond the Green Belt. The application site is designated as a

Housing reserve Site in Countryside beyond the Green Belt. Policy H8 needs to be considered alongside Policy CPA and CP3 of the CSDMP.

- 7.5.7 In December 2014, the Council published the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (SHMA) which provides an up-to-date evidence base for the housing market area to develop the evidence of a full, Objectively Assessed Housing Need (OAHN) assessment for market and affordable housing, as required by Paragraph 47 of the NPPF. This requires a much higher delivery rate of 340 dwellings per annum. Paragraph 14 of the NPPF recognises that Local Plans should meet OAHN unless specific policies in the NPPF indicate development should be restricted. Footnote 9 to Paragraph 14 of the NPPF sets out the Habitats Directive and land designated as Green Belt as such policies. The land in this case allocated for housing is not Green Belt, however, and the impact on the Thames Basin Heaths SPA is discussed later in the report.

#### Housing Supply

- 7.5.8 The Council refused application 14/0532 (Land south of Kings Road and Rose Meadow, West End) as conflicting with Policies CPA and CP3 of the CSDMP referred to above. However, the Inspector in allowing this appeal stated at paragraph 12 (see Annex A):

*“To my mind [paragraph 47 of the NPPF] introduces a much greater emphasis on the delivery of housing than was the case at the time of adopting the [Core Strategy], albeit that this must be weighed against other policies of the Framework. Given that the [Core Strategy], even at the time of adoption, would not meet housing requirements for the plan period, this represents a clear conflict with the Framework. Furthermore, Policy CP3 outlines a strategy to reserve housing sites until after 2025 and only release them if it is established at that time that insufficient sites have come forward. This is likely to result in significant delay in addressing potential housing shortfalls that would be at odds with the Framework’s important objective to boost significantly the supply of housing. For these reasons, I attach the policies of the Framework in respect of housing great weight and this justifies a departure from the development plan [Core Strategy].”*

As such, the Inspector determined that the starting point for determining a five year housing land supply was the higher untested OAHN figure of 340 dwellings per annum rather than the Core Strategy figure of 191 dwellings per annum. Whilst the Inspector recognised the Council could just demonstrate a five year housing land supply based on the OAHN figure he did not consider that the Deepcut development would deliver as quickly as anticipated and therefore concluded that the Council had a 4.85 year housing land supply. This application therefore has to be assessed in light of this change in respect of policy on housing delivery.

- 7.5.9 Following legal advice, the Council did not challenge this appeal decision. Since this decision, the Council has updated its calculation on current five year housing land supply in line with the PPG. This includes counting sites with permission that have not yet started, sites under construction, allocated sites and sites in the SHLAA which are deliverable within the five year period as at February 2016 and removing completions from the supply. The following tables provides the updated

five year housing land supply calculations:

If any under-delivery is taken back to 2014 (the date of publication of the SHMA) then the Council can demonstrate a **4.46** year housing land (see figure 1 below). However, Counsel's opinion (January 2016) is that under delivery should be taken back to 2011 as the SHMA assesses housing need from 2011 and any under delivery should be from this date. In this scenario the Council can demonstrate a **3.67** year housing land supply (see figure 2 below).

**Figure 1 2016-2021 Housing Land Supply (Under delivery based on 340 dpa from 2014)**

DPA base:	340 dwellings
DPA x 5 years:	1,700 dwellings
Plus 5% Buffer:	1,785 (5% of 1,700 = 85 dwellings)
Plus Backlog against 340 from 2014:	274
Revised DPA:	412 dwellings (1,785 + 274 / 5 = 412)
Land Supply:	1839
Years Supply:	4.46

Year	Requirement	Under delivery
2011-2012	191	179
2012-2013	191	217
2013-2014	191	127
2014-2015	340	187
March 2015-Feb 2016	312	241
Total	1225	951

**Figure 2 2016-2021 Housing Land Supply (Under delivery based on 340 dpa from 2011)**

DPA base:	340 dwellings
DPA x 5 years:	1,700 dwellings
Plus 5% Buffer:	1,785 (5% of 1,700 = 85 dwellings)
Plus Backlog against 340 from 2011:	721
Revised DPA:	501 dwellings (1,785 + 721 / 5 = 501)
Land Supply:	1839
Years Supply:	3.67

Year	Requirement	Under delivery
2011-2012	340	179
2012-2013	340	217
2013-2014	340	127
2014-2015	340	187
March 2015-Feb 2016	312	241
Total	1672	951

7.5.10 The Council cannot currently demonstrate a five year housing land supply and on this basis in accordance with the NPPF, which has greater weight, there is no principle objection to the release of this land.

## Sustainable development and the SPA

- 7.5.11 The Inspector for the Examination in Public into the CSDMP concluded that due to the impact of the SPA on housing delivery and the need to provide avoidance measures to mitigate the impact of residential development within the Borough, the Council did not have to demonstrate a rolling five year housing land supply.
- 7.5.12 Footnote 9 of paragraph 14 of the NPPF and paragraph 119 of the NPPF explains that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. This was an argument used by the Council in refused 14/0532. However, the Inspector in allowing the appeal dismissed this argument stating that paragraph 119 of the NPPG does not preclude application of the presumption in favour of sustainable development as the effects upon the SPA could be avoided with this by CIL (which provides for the provision of SANGS monies) and SAMM (see paragraph 31 of Annex A).
- 7.5.13 Similarly, this application cannot be refused under paragraphs 14 and 119 of the NPPF if necessary avoidance measures are secured. See section 7.9 of this report for further consideration.

## **7.6 Highways and Access**

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people, whether opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 7.6.2 Policy CP11 (Movement) of the CSDMP states that new development that will generate a high number of trips will be directed toward previously developed land in sustainable locations or will be required to demonstrate that it can be made sustainable to reduce the need to travel and promote travel by sustainable modes of transport. All new development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. 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.
- 7.6.3 A new access is proposed to be provided on the north side of Woodlands Lane to facilitate the development. This would be the sole access providing entry and exit to the site and would be provided with visibility splays in both directions suitable for the speed of the road. The Transport Statement provided by the applicant was considered by the County Highway Authority, who stated that the trip generation data for the affordable units seemed to be low given the location of the site and

likelihood of car ownership, and a sensitivity test should be carried out which calculated the figures again as if all 140 houses were private dwellings, and should include the DERA site (at Longcross) in its entirety within the background figures. The applicant therefore submitted a Sensitivity Assessment to the County Highway Authority which incorporated the above changes. This resulted in the development generating 87 two-way trips at morning peak times and 89 during evening peak times.

- 7.6.4 The County Highway Authority reviewed this information and have not objected to the development, subject to a number of conditions covering visibility zones, a scheme for parking to be agreed, a Construction Transport Management Plan, Travel Plan, a shared pedestrian/cycle route between the site access along the north side of Woodlands Lane to Updown Hill, and upgrades to two bus stops on the north and south side of Updown Hill.
- 7.6.5 Concern has been raised that there is only one point of access being used should there be a major incident on site. The County Highway Authority have confirmed that 140 dwellings is at the limit of the number of homes which would be suitable with one access, and the proposed size of the access meets fire service requirements. Details of internal roads would be agreed at the reserved matters stage. In response to concern about the traffic during peak hours, the County Highway Authority have said that key junctions within Windlesham were analysed to predict the likely impact of the proposed development at these times and the analysis demonstrated that the additional queuing and delay caused by the development would be small and would not result in a significant impact on these junctions during peak hours. They have stated that the village being used as a 'rat-run' is an existing concern that cannot be addressed with this proposal. The width restriction on the bridge over the M3 is not a long term issue as the County Highway Authority have confirmed that there are proposals to replace the bridge. The County Highway Authority has also confirmed that the developers have used a database which would take into account predicted movements from all nearby planned developments which have received planning permission.
- 7.6.6 The County Highway Authority have noted that the location is not well located with regard to non-car travel opportunities and the walk times to local bus stops are further at 800m than is normally recommended. However, as the proposed increase in vehicle movements has not been shown to be significant no objection has been raised. It is therefore considered that subject to the proposed conditions, the development is acceptable in terms of highways, parking and access and in line with Policies CP11, DM11 and the NPPF in this regard.

## **7.7 Impact on character, landscape and trees**

### Built character

- 7.7.1 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 this requirement.

- 7.7.2 While the detail of the proposed layout would be the subject of a further reserved matters planning application, an Illustrative Masterplan has been provided which indicates how the development could be laid out. If the proposal provided the maximum of 140 dwellings, it would provide a density of development of 18 dwellings per hectare, which compares to around 15 dwellings per hectare for Heathpark Drive and part of Woodlands Lane to the west; although a much lower density is experienced towards the east of the site along Woodlands Lane. This density calculation includes the whole area within the application site identified as a Housing Reserve site, of which some is proposed as a buffer, therefore the density of dwellings could be up to 28 dwellings per hectare within the core of the site, if only 5ha of land was used for housing as outlined and the full 140 dwellings provided.
- 7.7.3 At pre-application stage the applicant was advised that the proposed development appeared to have a high built mass and plot ratio, which has not been addressed in the Illustrative Masterplan, and therefore this aspect of the development would have to be considered at reserved matters stage to ensure that the proposed density would not cause harm to the character of the surrounding area and consideration given to whether the development is of sufficient size to assume its own character. The broad layout of streets and green spaces, and the degree of linkage into Windlesham is considered acceptable. However, the Local Planning Authority would be seeking variety in plot size and building form, to enhance local character, which again would have to be considered at reserved matters stage. The current layout's quantum of built form appears to have principally taken its design cues from Heathpark Drive but currently fails to adequately reflect the change in character to the east of the site which is more open with significantly larger plot sizes. This is particularly evident by the number of houses proposed at the southeast corner of the site. Further work will therefore be required at reserved matters stage to ensure that this transition in character is adequately addressed.
- 7.7.4 Concern has been raised by objectors that the proposals would cause harm to the character of the village by reason of the number of houses proposed and associated impacts (which are discussed in other parts of the report). The settlement areas of Windlesham (in two parts) are inset on the Proposals Map and are surrounded by Green Belt, which limits the spread of development outwards and between them, helping Windlesham to retain its village character. Part of Windlesham is also covered by a Conservation Area designation, further restricting development, which this site falls outside of. This site is an exception having been removed from the Green Belt and being adjacent to the settlement boundary. The number of houses proposed in relation to the size of Windlesham is not considered to have a significant adverse impact on the character of the village as a whole.

#### Landscape and trees

- 7.7.5 Paragraph 109 of the NPPF states that the planning system should protect and enhance valued landscapes. Paragraph 118 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the



development in that location clearly outweigh the loss. Policy DM9 (iv) of the

CSDMP requires development to protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping, where appropriate.

- 7.7.6 The development would result in the loss of woodland which could be considered to be a valued landscape, however the woodland was planted as a crop, none of the site is designated ancient woodland, and the development is not likely to result in the loss of a significant number of aged and veteran trees, and as such its value is limited. Given the buffer of trees on all sides proposed to be retained and enhanced, which would be considered further at reserved matters stage, it is not considered that the proposed development would have a significant adverse visual impact on the character of the village or for residents immediately adjacent to the development.
- 7.7.7 The Tree Survey provided by the applicant indicates that the site comprises plantation woodland which is predominantly Scots Pine trees which were planted as a 'crop' and are considered to have limited value on an individual basis. A smaller percentage (less than 10%) of the site is Oak, Sweet Chestnut, Silver Birch and Common Beech. There is also some significant holly understorey, especially to the west of the site. The application site is covered by a Tree Protection Order 01/2015 which would remain and retained trees would still be protected by this. The Tree Survey considers in detail only those trees on the southern boundary of the site where the proposed access would be, given that the access is the only matter to be considered in detail at this stage, and a further detailed survey would be required at reserved matters stage to ensure that the proposed layout can accommodate retained trees. The survey recommends that no habitable dwellings are located within 20m of the retained trees on the boundaries.
- 7.7.8 The Council's Arboricultural Officer has commented that there are 54 significant individual trees, mostly B and C category, which are mainly proposed for retention and management as a buffer. He states that the report supports his previous assessment that the main body of trees within the site comprises a cash crop plantation of Scots Pine which appears to have been occasionally managed/thinned in the past. These trees have continued to mature and are suitable for harvesting to realise their value. Long term retention would not be possible as the plantation is now mature and will progressively decline. The retention of trees around the site boundaries would be an essential requirement and this must be supplemented with additional planting to increase the age and species range, together with suitable understorey planting. The Arboricultural Officer has further advised that landscaping of the site should reflect the broadleaf deciduous characteristics of the woodlands to the east as opposed to the current coniferous profile.
- 7.7.9 It would be necessary for the applicant to submit a full Tree Survey, Arboricultural Method Statement, Tree Protection Plan and detailed landscaping proposals at the reserved matters stage. Given, therefore, the nature of the existing woodland and the fact that in its current state the trees would decline in any case, and that further planting of appropriate species would enhance the remaining woodland, it is not considered that the loss of these trees would be contrary to Policy DM9 or the NPPF.

## **7.8 Residential amenity, noise and air quality**

- 7.8.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 of the NPPF states that the planning system should contribute to, and enhance, the natural and local environment by preventing both new and existing development from being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution. 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.
- 7.8.2 The proposed area of housing adjoins the rear gardens of residential dwellings in Heathpark Drive along its western boundary, three dwellings in the south-east corner of the site along Woodlands Lane, and one dwelling to the north-east along Chertsey Road. A buffer of at least 10m is proposed between any development and the existing boundaries of residential dwellings, and while the applicant has indicated buildings would be 2 or 2 ½ storey, further details of the heights and exact locations of the proposed dwellings would be provided at reserved matters stage, and accordingly the impact upon neighbouring dwellings would have to be considered at that stage. However, given the likely distances between the proposed development and existing residential properties, it is considered likely that development of appropriate size and scale could be accommodated without causing significant harm to the amenities of adjoining residents.
- 7.8.3 The SANG part of the site would adjoin the boundaries of one dwelling to the north-west and several in the south-west corner and the proposal would mean that the area was publicly accessible rather than being private as existing. The SANG Proposal Plan shows that tall ruderal/coarse grassland is proposed adjacent to the dwelling to the north-west, and tree and shrub planting to increase screening along the south-western corner. The proposed bund in the south-west corner is not considered to cause any harm to amenity given its location and may reduce noise from the M3 for these dwellings. There would be paths within the SANG to provide a designated walking route and making the area publicly accessible is not considered likely to cause any harm to amenity for the adjoining dwellings especially given this proposed screening/tall grassland adjacent to the dwellings. No harm to amenity is therefore anticipated from the SANG proposal.

### Noise

- 7.8.4 Planning Practice Guidance states that decision taking should consider whether or not a significant adverse effect or adverse effect is likely to occur and whether or not a good standard of amenity can be achieved. Noise is not expected to be considered in isolation from the other economic, social and environmental aspects of a proposed development. The applicant has provided a Noise Assessment which considers the current noise climate at the site and the suitability for the site for residential development in accordance with the requirements of the NPPF and the Noise Statement for England. Noise was measured at the north end of the site

close to Chertsey Road, and close to the M3 along Woodlands Lane.

- 7.8.5 The assessment concluded that the noise guidelines may be exceeded for some of the proposed properties when windows are open and accordingly trickle ventilation will need to be installed to window openings to achieve the night time noise standards. Concern has been raised about increased noise for existing dwellings with the loss of trees, however the Noise Assessment states that guidance on noise attenuation advises that only very dense foliage provides a level of noise attenuation, and in fact a building would offer a substantially higher level of noise reduction. The proposed bund within the SANG may have the effect of reducing noise levels for dwellings adjacent to the south of the SANG area. The Environmental Health Officer has advised that the increase in local noise levels associated with traffic from the development is calculated to be less than 3db which is imperceptible, and that overall there are no grounds to object to the development by reason of noise.

#### Air Quality

- 7.8.6 The PPG states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would significantly affect traffic, and whether it would expose people to existing air pollutants by building in areas of poor air quality; amongst other matters. The applicant submitted an air quality assessment, (and subsequently further information in a response to Natural England), which has been reviewed by the Environmental Health Officer, along with the objections on air quality. The Assessment concludes that the development itself will not cause any significant effect on local air quality by reason of traffic generation. It also concludes that air quality objectives will not be exceeded within the site and therefore there are no air quality constraints to the proposed development. It also adds that the woodland surrounding the site provides marginal benefits in terms of dispersal of pollutants.
- 7.8.7 The Environmental Health Officer (EHO) has commented that the standards referred to in the report are the relevant technical and legal standards and that the results concur with the Council's measurements from on site and within the vicinity which show levels of pollutants are well below national prescribed standards. In response to the various objections, the EHO has stated that making the area an Air Quality Management Area is likely to be refused by DEFRA as it is not warranted in this location; there is no evidence to require measurement of PM10 particles as the monitor 18m from the motorway edge easily achieves the national objectives and the application site is further away; there is no requirement to measure PM2.5 particles and again the application site is highly unlikely to not achieve the proposed standards; and the monitor of NO2 which is situated much closer to the motorway than the proposed housing does not exceed the national standard. He has advised therefore that there are no reasons to object in respect of air quality.
- 7.8.8 Since these comments further detailed objections have been received in respect of air quality, and further comments in respect of these objections are awaited from Environmental Health Officer. Any updates will be reported to the Committee.

## **7.9 Thames Basin Heaths Special Protection Area (SPA) and Suitable Alternative Natural Greenspace (SANG)**

- 7.9.1 The application site lies approximately 780m from the SPA at its closest point, which begins to the north of the site along Chertsey Road. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation. Policy NRM6 of the South East Plan 2009 (as saved) seeks to protect the ecological integrity of the SPA from recreational pressure, through increased dog walking and an increase in general recreational use, which occurs from the provision of new (net) residential development. The Thames Basin Heaths SPA Avoidance Strategy SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of Suitable Alternative Natural Green Space (SANG) to offset any potential harm to the SPA.
- 7.9.2 A development of this size is required to provide its own SANG, which is proposed on the parcel of land to the south of Woodlands Lane. There would be a circular walk which would be a minimum of 2.4km, with new planting proposed for biodiversity and visual interest purposes, which would include native tree and shrub planting, tall grassland and shorter sward with a variety of species to be agreed. Bunds would be created to a height of 4m along the boundary with the M3 for visual amenity and noise attenuation purposes. No parking for the SANG is proposed as it would be within 400m of the development. There would be pedestrian access to the SANG from the north along Woodlands Road. Another small triangular parcel of land which forms part of the application site to the east of the proposed SANG is not proposed as SANG but for nature conservation and would not be publicly accessible.
- 7.9.3 Natural England have been involved in the design process of the SANG and have not objected to the amended SANG Proposal Plans, and confirmed that the triangle area can be excluded as the main area is sufficient for SANG purposes. However, they maintain their objection to the proposals until a draft S106 legal agreement is secured which includes the long term management and maintenance of the SANG in perpetuity and step-in rights. Following the further information submitted by the applicant Natural England are also satisfied that the information with regard to Air Quality is sufficient and the development will not have an adverse impact on the Thames Basin Heaths SPA in this regard.
- 7.9.4 It is therefore considered that the proposed SANG is appropriate in size and proposed design to provide mitigation for the potential impact on the SPA. However, without a legal agreement as required by Natural England to cover the issues above, the current proposal is considered to be unacceptable in terms of its impact on the SPA, and therefore does not comply with Policy CP14, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

## **7.10 Ecology**

- 7.10.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on

biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, indicating that planning permission should only be refused where there is significant harm resulting from the development which cannot be adequately mitigated or compensated for. Policy CP14A of the CSDMP seeks to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted.

- 7.10.2 The proposal was supported by an Ecological Assessment and various other ecological assessments relating to SANG and particular species, a draft Landscape and Ecology Management Plan (LEMP) and draft SANG Management Plan - Ecology. Surveys undertaken identified the presence of bats, badgers and terrestrial invertebrates on the site and the applicant states that the layout of the proposal has been heavily influenced by ecological constraints. The site is also close to the Thames Basin Heaths SPA and Chobham Common SSSI which is further discussed in the section below. Surrey Wildlife Trust (SWT) have reviewed the Ecological Assessment and further information provided by the applicant in response to concerns raised.
- 7.10.3 With regard to bats, SWT have commented that the proposed retention of woodland and other buffer strips around the site would help reduce adverse effect to bat species and therefore recommends a condition requiring the applicant to undertake all the recommended mitigation actions in the Bat Report. Bat breeding sites and resting places are protected by law so the applicant would have to also obtain a licence from Natural England before any work could be undertaken. Objections have been raised in respect of not knowing the exact bat roost locations and therefore not being able to assess the impact of development on them. In respect of this the applicant has stated that they have identified various trees with the potential for roosting bats and have based the mitigation on the assumption that all of these are present, so a worst case scenario. Further comments are awaited from Surrey Wildlife Trust in respect of this objection and will be reported to the meeting, however it is noted that they have not raised any objection in terms of the impact on bats and proposed mitigation thus far.
- 7.10.4 With regard to badgers, a number of setts were identified on site, though several of these were disused. All setts with the exception of two outlying setts (one inactive) are proposed to be retained, with a large buffer between proposed housing and main setts, with a new artificial setts created within the northern woodland area and triangle areas which are not proposed to be publicly accessible. Natural England's standing advice suggests compensation can include replacing setts and improving or creating new habitat. SWT have recommended a condition requiring a method statement to be submitted to protect the badger status on the site and WSBG have maintained that they will object to the proposal until a satisfactory Method Statement has been agreed. A condition is therefore proposed in this regard and long term monitoring and management of retained setts would be set out in the updated LEMP also required by condition. Any interference with badger setts would also require a licence from Natural England.
- 7.10.5 A survey on breeding birds was also undertaken which identified a small number of red/amber status birds on the site. A number of mitigation measures are proposed

which again include careful use of lighting and selection of planting species, and enhancements including bird boxes throughout the site.

- 7.10.6 The proposed SANG and triangle area would be used as mitigation/compensation for the loss of some habitat and will focus on providing suitable habitat for breeding birds, badgers and bats as well as enhancing overall biodiversity levels. The bund on the southern border of the SANG would be planted with dense shrubbery to discourage public access and focus would be on providing an ecological corridor through the SANG along this boundary with species planted known for food and shelter for wildlife. Further, smaller mounds would be created within the site which could provide suitable habitat. The draft SANG Management Plans provided with this application would have to be finalised by condition, and ongoing management of the SANG would be secured through the legal agreement as required by Natural England.
- 7.10.7 A Construction Environmental Management Plan would also be required by condition to minimise any effects on local ecology while the development was carried out and ongoing management and monitoring of the effectiveness of mitigation would be detailed in the updated Landscape and Ecology Management Plan and SANG Management Plans. Following advice therefore from SWT and in line with paragraph 118 of the NPPF, it is considered that the applicant has sufficiently demonstrated how the proposed development could be accommodated without causing significant harm to ecology that is not mitigated or compensated for. The impact on ecology will be considered further at reserved matters stage when the exact layout of the development would be finalised.

## **7.11 Green Belt**

- 7.11.1 Whilst the area of land for housing is outside of the Green Belt, the remainder of the application site area which comprises the northern woodland, SANG and triangle areas, are sited within the Green Belt. Paragraph 81 of the NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; and retain and enhance landscapes, visual amenity and biodiversity.
- 7.11.2 The area where the SANG is proposed are open fields, and are proposed to be changed by the addition of footpaths, mounds, bunds and planting and making this area accessible to the public. It is not considered that the footpaths, planting and proposed accessibility would conflict with the purposes of including land in the Green Belt, as set out within the NPPF. A 4m high bund is proposed along the south of the SANG and triangle area, along the boundary with the M3, which would extend some 650 metres approximately in two parts. This is required by Natural England for noise attenuation and visual amenity purposes, as without it the SANG may not be attractive to use because of the noise/visual impact of the M3 and consequently would fail to achieve its purpose of attracting walkers who may otherwise have used the SPA. It will also be used as an ecological corridor through the SANG. Further mounding within the SANG of smaller size and reduced height would be created for ecological purposes and to guide walkers around the SANG, as required by Natural England, however this would be of smaller size and is not considered to conflict with Green Belt policy.

- 7.11.3 Paragraph 90 of the NPPF states that engineering operations are not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt, and do not conflict with the purposes of including land within the Green Belt. It is considered that in this case, the bund would affect openness to a limited degree, however this would be reduced by its location on the edge of the SANG close to the M3 and proposed planting. In terms of affecting the visual amenity of the Green Belt, views of the bund would be limited from the main road though it would be clearly visible from the SANG itself, the adjoining Public Right of Way and the M3, appearing as an extension of the existing bank. However, given the nature of the bund and proposed planting it is not considered to cause any harm to the Green Belt in terms of visual amenity.
- 7.11.4 The bund is not considered therefore to conflict with the purposes of including land within the Green Belt and given its limited impact on openness, is not considered to be inappropriate development in the Green Belt. Even if the bund was considered to be inappropriate in the Green Belt, it is required by Natural England for noise/visual attenuation purposes for users of the SANG and additionally is proposed to provide ecological benefit. As attracting walkers to the SANG is crucial to limit harm to the SPA as a result of residential development, it is considered in this case that very special circumstances would exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness. Provision of the bund is not considered to cause any other harm and as such is considered to be in line with Green Belt policy.
- 7.11.5 The northern woodland area, also within the Green Belt, is proposed to be retained and enhanced, incorporating existing habitats and would not be publicly accessible. Again it is not considered that this would cause harm to the Green Belt nor conflict with the purposes of including land within the Green Belt. These parts of the site would remain within the Green Belt should permission be granted and therefore would still be protected from development.
- 7.11.6 The Landscape and Visual Impact Assessment provided considers the changes in landscape for the users of the Green Belt as a result of the development. From Woodlands Lane to the south and east, on the edge of the Green Belt the proposed housing is likely to be noticeable to some degree, however the effect would be limited by the buffer of trees to be retained and enhanced on the edge of the development. In addition most users of Woodlands Lane are road users and as such views would be transient, and there is already residential development to the north of Woodlands Lane. As such it is considered that the proposal would result in very limited harm to the visual amenity of the Green Belt, and given the limited degree of this harm it is considered that it would be clearly outweighed by the economic and social benefits of the development.
- 7.11.7 It is therefore considered that the proposal is acceptable in terms of its impact on the Green Belt and in line with the NPPF in this regard.

## **7.12 Local infrastructure and community facility**

- 7.12.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule.

Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.

- 7.12.2 The CIL Charging Schedule came into force on 1 December 2014 and details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself. This development would be CIL liable (at the lower rate as providing their own SANG), and CIL would be payable on commencement. The amount of CIL would have to be determined once the floorspace had been agreed. An informative regarding CIL will be added. It is therefore considered that the proposal would be in accordance with Policy CP12, the Infrastructure Delivery SPD and the NPPF in this regard.
- 7.12.3 Policy DM14 states that the Council will seek to improve community and cultural facilities within the borough. The applicant proposes a Community Facility which is shown on the Illustrative Masterplan as being close to the main access point at Woodlands Lane. While this is not required by paragraph 204 of the NPPF, it is a welcome addition to the proposals and the details of what this could be used for would be provided at reserved matters stage.
- 7.12.4 Improvements to education do not form part of the CIL scheme and there is no mechanism to collect contributions from development for such needs. The impact of the proposal on local education and whether a contribution towards such improvements has to be separately assessed. In this case, Surrey County Council have advised a payment of £1,095,969 is required for early years, primary and secondary education together but to date, insufficient justification and details regarding the projects to which this proposal should contribute has been provided (see Annex D). Similarly the Inspector in the Appeal Decision (paragraphs 44 & 45 of Annex A) considered that despite naming certain schools and stating that others were nearing capacity, that the County Council had not demonstrated sufficiently the need for the contribution in relation to this development. Consequently it is considered that requesting this contribution would not comply with the tests set out in Paragraph 204 of the NPPF.

### **7.13 Affordable Housing and Housing Mix**

- 7.13.1 Policy CP5 states that the Borough Council will seek a target of 35% of all net additional housing as affordable, split evenly between social rented and intermediate. Developments of 15 or more units will be required to have 40% on site provision. In seeking affordable housing provision the Borough Council will assess scheme viability. The applicants have indicated that they would be providing 40% affordable housing, with the exact details to be provided at reserved matters stage. It is therefore considered that the proposal complies with policy as long as this is secured in a legal agreement, which has not been received to date.
- 7.13.2 Policy CP6 states that the Borough Council will promote a range of housing types and tenures which reflect the demand for market housing and need for affordable housing, and the supporting text shows that the mix for private housing should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+



bed units. The mixes for affordable housing are slightly different with higher requirements for 1-bed units.

7.13.3 The applicant has provided a some detail as to mix at this stage, which would be approximately 22% 2-bed, 46% 3-bed, and 32% 4+ bed houses. While this does differ somewhat from the mix required, it does focus on provision of 2 and 3 bedroom homes which are in the greatest demand. Further detail and justification for these would be required at reserved matters stage, and these figures may change, and as such no objection is raised in terms of housing mix at this outline stage.

## **7.14 Open Space Provision**

7.14.1 Policy DM16 states that the Borough Council will encourage new and enhanced opportunities for formal and informal recreation including promotion of dual use facilities or through the provision of new green infrastructure. It states that new residential development will be expected to provide or contribute towards open space, equipped playspaces including teen facilities and outdoor sports facilities.

7.14.2 The Illustrative Masterplan indicates that there would be two Local Areas of Play and one Local Equipped Area of Play within the site, close to the proposed housing. Given the size of the site it is considered that the proposal would be able to accommodate such facilities, however the details of layout are a reserved matter. It is considered that the proposal is line with Policy DM16 at this stage.

## **7.15 Other matters**

### Archaeology

7.15.1 The applicant has submitted a desk-based assessment which identifies that the site may have potential for finds relating to the later prehistoric and Roman periods and further archaeological surveys and evaluation is recommended. Surrey County Council's Archaeological Officer was consulted and has stated the assessment was sufficient and has raised no objections, subject to a condition securing a programme of archaeological work which would be undertaken before any development on site. It is therefore considered that the proposal would be acceptable in terms of archaeology subject to condition, and in compliance with Policy DM17 of the CSDMP and paragraphs 17 and 129 of the NPPF.

### Land contamination

7.15.2 The Contaminated Land report submitted identifies potential pollutant linkages from pesticides, herbicides from M3 work and migration of chemicals from adjacent electricity sub-stations. The Environmental Health Officer advises that this is unlikely to prevent development; however a Phase 2 Ground Investigation Report will be required and has suggested conditions to ensure this takes place. The proposal is therefore considered acceptable in this regard subject to proposed conditions, and in line with paragraphs 109 and 120 of the NPPF.

### Flooding and Drainage

7.15.3 The application site is located wholly within Flood Zone 1 which has the lowest probability of flooding. The application is supported by a Flood Risk and Drainage

Strategy which proposes that the estimated surface water storage volume would be held in a detention basin with a controlled discharge into the existing ditch. A pumping station with rising main to the south would be required.

- 7.15.4 Thames Water have not objected subject to a condition requiring the submission of a drainage strategy covering on and off site drainage works has been submitted. The Environment Agency have requested a similar condition regarding improvement of the existing sewerage system based on Thames Water's comments. The Council's Drainage Officer has commented that further information is required and conditions would be needed for the submission of full surface water drainage proposals, foul water drainage proposals, details of off-site connections and a maintenance schedule to include responsibility and regime of open watercourse clearance to ensure flooding of the ditch does not happen elsewhere. This information would be required at reserved matters stage.
- 7.15.5 The Local Lead Flood Authority originally objected and required further information to be submitted at this stage before a decision could be reached, as well as conditions. However, given that the application is at outline stage they have agreed that the outstanding information could be covered by conditions relating to details of foul and surface water drainage, surface water runoff and ground investigations.
- 7.15.6 It is therefore considered that the further information required can be secured by condition and as such the proposal is considered to be in line with Policy DM10 and the NPPF at this stage.

## **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 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.
- 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 With the exception of the impact on the Thames Basin Heaths SPA and the securing of Affordable Housing, the proposal is considered acceptable in terms of its impact on all the matters above at this outline stage, subject to consideration of further detail at reserved matters stage and as required by the proposed conditions. Until a satisfactory legal agreement is received in respect of the management of the SANG area however, Natural England maintain their objection and as such it is considered that the development could cause an adverse impact on the Thames Basin Heaths SPA. The provision of affordable housing also needs to be secured in a legal agreement at this stage. The application is therefore recommended for refusal on this basis.

## 10.0 RECOMMENDATION

Refuse for the following reason(s)

1. The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) applies in this case then it must refuse the application in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with the guidance contained within the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 and the Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document.
2. In the absence of a legal agreement to secure 40% on-site provision of affordable housing, the proposal fails to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

### Informative(s)

1. Advise CIL Liable on Appeal CIL3

**In the event that the Local Planning Authority is in receipt of a satisfactory legal agreement that sufficiently addresses the management of the SANG area in-perpetuity by 7<sup>th</sup> March 2016 and Natural England remove their objection; and a mechanism for affordable housing is secured the application be GRANTED subject to the following conditions and the signing of the S106, to be delegated to the Executive Head of Regulatory:**

- 1 Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.
  - b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the Site Location Plan SLP-01B received 25.06.15, and access to be provided in the location as shown on the Indicative Site Access point 30446-5501-SK04 Rev B. The dwellings shall be built wholly within the area of the site identified as a Housing Reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000 as shown on the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

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 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The foul water drainage strategy shall include all inspection chamber cover and invert levels, pipe sizes and gradients.

Reason: In order that the development does not lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development, in order to avoid adverse environmental effect upon the local

community, in line with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 4 No development approved by this permission shall be commenced until a formal scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. No occupation of dwellings shall occur until the scheme for the improvement of the existing sewerage system has been completed.

Reason: In order to prevent foul sewer flooding and non-compliance with the Water Framework Directive, in accordance with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development management Policies Document 2012, the National Planning Policy Framework and the Water Framework Directive.

- 5 No development shall commence until a ground investigation has been undertaken followed by an interpretive report undertaken by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority. The ground investigation shall include:

- a) Infiltration testing to BRE 365 or other suitable method
- b) Ground water monitoring to assess highest typical annual groundwater levels within the soil.

Reason: In order to evaluate the ground conditions to inform detailed drainage design, in accordance with Policy DM10 and the National Planning Policy Framework.

- 6 No development shall commence until the existing greenfield rates for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events have been submitted to and approved in writing by the Local Planning Authority. The greenfield rate shall be determined on the basis of the ground conditions determined under Condition 5 above, and shall be calculated in accordance with the method given in the submitted Flood Risk Assessment and Drainage Strategy received 26th June 2015. The peak surface water discharge from the site shall be limited to match the greenfield runoff rate for the equivalent rainfall events up to the 1 in 100 year (plus 30% allowance for climate change) event.

Reason: In order to verify the greenfield runoff rate and avoid increasing surface water flood risk, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 7 No development shall commence until details of the proposed surface water management scheme are submitted to and approved in writing by the Local Planning Authority. The surface water management scheme shall:
- a) Follow the principles set out in the submitted Flood Risk Assessment and Drainage Strategy received 26<sup>th</sup> June 2015.

- b) Be commensurate with outcomes of the soil infiltration testing and runoff rates established under Conditions 17 and 18 above.
- c) Demonstrate compliance with the “non-statutory technical standards for sustainable drainage systems” published by DEFRA (dated March 2015).
- d) Provide design details (including long and cross sections layout) of i) flow controls, ii) SuDS elements, iii) levels and iv) all other elements of the surface water management scheme.
- e) Provide an exceedance flow routing plan and mitigation details for key component failure.
- f) Provide details of how surface water drainage will be dealt with during construction; including how the sustainable drainage system will be protected and maintained during construction.
- g) Provide a schedule of maintenance required to maintain the safe operation of the drainage system throughout its lifetime, including proposed ownership and maintenance responsibilities, responsibility and regime of open watercourse clearance where required for discharge off-site, detailed methods of capturing and removing debris through woodland areas.
- h) Include cover, invert and sump levels for all chambers, ground levels for all other drainage attributes, pipe sizes and gradients; surface levels for boundaries of all hard surface areas including FFL for buildings.
- i) Include typical section detail of any watercourses proposed to be used for discharge and full level information for channel and embankments along its route.
- j) Include for discharge off-site including full details for the off-site downstream connections to ensure the viability of the outfall connection. Maximum discharge from the development to be 5.0 litres/second/hectare if soakage options are not viable.
- k) Show that hard surface areas are contained to ensure failure discharge is conveyed back into the drainage system or overland towards the attenuation facility and that no alternative failure route is possible towards residential properties.

All surface water and attenuation systems shall be maintained to their full design capacity in perpetuity and the development shall be carried out fully in accordance with the approved scheme.

Reason: In order to demonstrate that surface water will be managed safely and will be sustainable according to national standards, and that the development does not result in increased surface water elsewhere, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to assess the archaeological significance of the site and ensure that any archaeological remains are appropriately preserved, in accordance with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 9 Prior to commencement of development, a scheme to assess the nature and extent of any contamination on site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority. Following approval of this scheme, an investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced which must be approved in writing by the Local Planning Authority prior to commencement of development. The report shall include:

- a) A survey of the extent, scale and nature of contamination;
- b) An assessment of the potential risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments.
- c) An appraisal of remedial options, and proposal of the preferred option.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 10 Prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site would not qualify

as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 11 Prior to commencement of development and following completion of measures identified in the remediation scheme approved under Condition 6 above, a Verification Report that demonstrates the effectiveness of the remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. No further work shall continue, unless otherwise agreed in writing by the Local Planning Authority, until an investigation and risk assessment is undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme prepared in accordance with the requirements of condition 6, and these have been submitted to and approved in writing by the Local Planning Authority and agreed remediation scheme measures carried out. Following completion of measures a verification report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 7.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 13 Prior to commencement of development, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of any proposed remediation for a period of 5 years, and the submission of reports to the Local Planning Authority must be submitted to and approved in writing by the Local Planning Authority. As



soon as practicable following completion of the measures identified in the scheme and when the remediation objectives have been achieved, a report that demonstrates the effectiveness of the monitoring and maintenance must be submitted to and approved in writing by the Local Planning Authority. The scheme and reports should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11'.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 14 The development hereby approved shall not be commenced unless and until the proposed vehicular/pedestrian access to Woodlands Lane and 20 metres of the new access road have both been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the access visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 15 The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles/cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 16 No development shall commence until a Construction Transport Management Plan, to include details of:

- a) Parking for vehicles of site personnel, operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials
- d) Programme of works (including measures for traffic management)

- e) Vehicle routing
- f) Measures to prevent the deposit of materials on the highway
- g) On-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 17 Prior to the commencement of the development, a detailed Travel Plan in accordance with Surrey County Council's Travel Plan Good Practice Guide' and in general compliance with that submitted with the planning application, to include a Travel Plan implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The approved detailed Travel Plan shall then be implemented and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 18 Prior to first occupation of the development hereby approved, the two existing bus stops on the north and south side of Updown Hill, between numbers 14 and 16 Updown Hill and adjacent to number 11 Updown Hill shall be provided with:
- a) Replacement timetable information
  - b) Poles and flag signs
  - c) Raised bus borders to assist level access to buses, and
  - d) Any necessary bus stop road markings

In accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 19 Prior to first occupation of the development, the existing footway along the north side of Woodlands Lane between the access to the site and Updown Hill has been converted into a shared footway/cycleway to include any necessary trimming of vegetation, signs, road markings, and any other necessary works, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 20 No development shall take place until details of the surface materials for the roads, car parking areas and driveways shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed surfacing materials shall be used in the construction of the development.

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

- 21 Prior to the first occupation of the development hereby approved, details of cycle and refuse storage areas and access thereto are to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure visual and residential amenities are not prejudiced and to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

- 22 No development shall take place until details of the proposed finished ground floor slab levels of all buildings and the finished ground levels of the site including all roads and driveways etc, in relation to the existing ground levels of the site and adjoining land (measured from a recognised datum point) have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

- 23 The creation of the access hereby approved shall be carried out in all respects in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan written by ACD Arboriculture and dated 24.06.15. This shall include an on-site meeting to include the Council's Tree Officer prior to the commencement of any tree works. A minimum of 14 days' notice shall be given in advance of such a meeting.

Reason: In order to safeguard the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 24 Prior to commencement of development, a Tree Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, prepared by a suitably qualified Arboriculturalist, shall be submitted to and approved in writing by the Local Planning Authority to cover the entire area to the north of Woodlands Lane affected by the development within the application site boundary. The reports must be compliant with BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations and should include provision for an on-site meeting with the Council’s Tree Officer prior to the commencement of tree works. The development shall be carried out wholly in accordance with the approved reports as above.

Reason: To safeguard the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 25 No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development, and thereafter retained in perpetuity. These shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification. It shall also include details of how the impact on ecology (particularly bats) of the proposed lighting has been taken into account.

Reason: In the interests of residential and visual amenities and conservation of biodiversity in accordance with Policies DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

- 26 No development shall commence until a Method Statement for the protection of badgers on the site has been submitted to and agreed in writing by the Local Planning Authority. This shall include as a minimum retention of setts 3 and 4 with a 30 metre buffer zone; retention of setts 5, 6, 7 and 8 as proposed; an artificial sett of main sett size within retained woodland habitat; creation of setts in NW triangle area; provision/protection of badger routes to existing setts; and the enhancement of foraging areas to compensate for habitat lost. The development shall be carried out fully in accordance with the agreed Method Statement.

Reason: To ensure there are no significant adverse effects on the local badger population, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 27 No development shall commence until a scheme detailing the proposed traffic calming measures along Woodlands Lane for the protection of badgers have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the agreed scheme.

Reason: To ensure there are no significant adverse effects on the local badger population, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 28 Prior to commencement of development, the submitted draft Landscape and Ecology Management Plan (LEMP) shall be updated and finalised, and submitted to and approved in writing by the Local Planning Authority. The mitigation and enhancement measures proposed in the LEMP shall no less than as proposed in the draft LEMP dated February 2016, Section 4 of the Bat Activity Report dated August 2015, Section 3 of the Breeding Bird Survey Report August 2015 and Section 5 of the Badger Survey dated December 2014 unless otherwise agreed in writing. The LEMP should be based on up-to-date ecological surveys of no more than two years old unless otherwise agreed in writing. The development shall be carried out fully in accordance with the agreed LEMP.

Reason: To ensure that there are no significant adverse effects upon biodiversity in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 29 Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in all respects in accordance with the agreed CEMP.

Reason: To ensure that the impact upon the local environment and ecology is minimised during the construction of the development, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 30 Prior to commencement of development the submitted draft SANG Management Plan and submitted draft SANG Management Plan - Ecology shall be updated and finalised, and submitted to and approved in writing by the Local Planning Authority in conjunction with Natural England.

Reason: In order to secure the ongoing maintenance of the SANG area to ensure the development does not give rise to a significant adverse effect upon the Thames Basin Heaths Special Protection Area in accordance with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 31 The proposed development shall contribute a sum towards Strategic Access Management and Monitoring (SAMM) in line with that required by Policy CP14. The sum shall be determined by the approved layout of the development under Condition 1 and it shall be paid prior to the approval of the last reserved matter as required by Condition 1 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid any significant adverse effects upon the Thames Basin Heaths SPA from the development, in accordance with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Informatives:

- 1 This decision notice is a legal document and therefore should be kept in a safe place as it may be required at a later date.
- 2 The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and CIL Regulations (as amended). In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge. Failure to pay the CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this decision may result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedures, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.
- 3 The archaeological evaluation work should be completed and the results submitted to the Local Planning Authority prior to the submission of any reserved matters application as it will be necessary to have the archaeological information available in order to make an informed decision.
- 4 Surface water run-off from the development must be managed in such a way so as to prevent the ingress of sediment- or contaminant-laden waters into any waterbody. Such waters may originate from roads, car parks and other hardstandings subject to vehicular activity. The substances they contain may lead to a failure to attain the Water Framework Directives requirements, be it directly via their presence/concentrations or by their effects upon other aspects of the water environment.
- 5 No soakaways shall be constructed in contaminated ground, unless an appropriate risk assessment has shown that the disposal complies with the requirements of the Environmental Permitting (England and Wales) Regulations 2010 (previously the Groundwater Regulations 2009) to prevent the entry into groundwater of hazardous substances.
- 6 The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which is issued by the Environment Agency.

A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

- 7 Within the submitted Ecological appraisal it is noted that Japanese Knotweed is present on the site. Guidance is available on the following website:  
<http://www.nonnativespecies.org/index.cfm?pageid=226>
- 8 Condition 14 refers to the conversion of the existing footway along the north side of Woodlands Lane between the highway access and Updown Hill into a shared pedestrian/cycle path. This should not require any physical construction works to widen the footpath.
- 9 Details of the highway requirements for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
- 10 Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- 11 The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- 12 The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Streetworks Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
- 13 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

- 14 When access is required to be completed before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of development is complete, provided all reasonable care is taken to protect public safety.
- 15 A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the areas of such splays.
- 16 The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 17 The Highway Authority has no objection to the proposed development, subject to the above conditions, but if it is the applicant's intention to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
- 18 The applicant is reminded that all species of wild birds and their nests are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and therefore in order to avoid contravention of current legislation, site clearance and demolition works should be timed to avoid the main bird nesting season, which in general runs from March to August. If this is not possible, a check should be carried out prior to works being commenced to ensure there are no active nests present.
- 19 Vegetation related clay shrinkage subsidence has been reported as an issue within the area in the past and it is likely that subsoils would be prone to volumetric change exacerbated by the presence of vegetation. The use of specialist foundations may therefore be required and should be considered during the design process subsequent to geotechnical site investigations.

Annex A - The Appeal Decision for Land south of Kings Road and Rose Meadow, West End (APP/D3640/W/15/3028247)

Annex B - Highways response

Annex C - Environmental Health Officer response

Annex D - Surrey County Council Education response



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## Appeal Decision

Hearing held on 16 September 2015

Site visit made on 16 September 2015

by **Michael Boniface MSc MRTPI**

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

Decision date: 17 December 2015

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**Appeal Ref: APP/D3640/W/15/3028247**

**Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End, Woking, Surrey**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by William Lacey Group Ltd against Surrey Heath Borough Council.
  - The application Ref SU/14/0532, is dated 5 June 2014.
  - The development proposed is the erection of 84 residential homes, including 34 affordable homes, with associated access.
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### Decision

1. The appeal is allowed and planning permission is granted for 84 residential homes, including 34 affordable homes, with associated access at Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End, Woking, Surrey in accordance with the terms of the application, Ref SU/14/0532, dated 5 June 2014, subject to the conditions contained in the attached Schedule.

### Preliminary Matters

2. No formal decision was issued by the Council in this case but it has since confirmed that it would have refused planning permission for the following reason: *The proposal by reason of being sited within the Countryside beyond the Green Belt, in the eastern part of the Borough, would result in the release of land for development that would currently conflict with the spatial strategy for the Borough, which seeks to firstly concentrate development in the western part of the borough and settlement areas on previously developed land. At this current time, the release of this land would therefore be harmful to the intrinsic characteristics of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CP1 and CP3(iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework. I have taken this to be the decision that the Council would have made, had it been empowered to do so.*
3. The application is submitted in outline form with access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have considered the appeal on this basis.
4. During the Hearing, the main parties agreed that the submitted location plan, drawing number P941/02, had been superseded and that the Council had considered a later iteration, P941/02 Rev B. The revised drawing extends the

application boundary to the public highway. As this was the plan considered and consulted upon by the Council, no party is prejudiced by its submission in respect of this appeal and I have taken it into account in reaching my decision.

5. During the course of considering the planning application, the Council altered the description of development to include the proposed mix of house types. The Appellant suggests that this matter is yet to be firmly established and is for consideration at the reserved matters stage. In light of this, I have used the original description of development contained in the planning application.

### **Main Issues**

6. The main issues are whether the proposal would accord with the spatial strategy for the area, as well as local and national planning policy; the effect on the Thames Basin Heaths Special Protection Area (SPA), and the effect on the intrinsic character of the countryside.

### **Reasons**

#### *Spatial strategy*

7. Policy H8 of the Surrey Heath Local Plan (LP) (2000) identifies the appeal site as a Reserve Housing Site, land which is reserved to meet possible long-term development needs and is consequently excluded from the Green Belt. This policy remains saved, notwithstanding the Council's subsequent adoption of the Core Strategy & Development Management Policies 2011-2028 (CS&DMP) (2012).
8. Policy CP1 of the CS&DMP sets out the spatial strategy for the Borough which envisages that new development will come forward largely through redevelopment of previously developed land in the western part of the Borough. West End is identified as a 'smaller village' which is said to have limited capacity to accommodate any new development. It does not, however, preclude development. Development in the Countryside beyond the Green Belt (such as the appeal site) will not be permitted where it results in the coalescence of settlements. However, the Council accept that this would not be the case in respect of the appeal proposal. Noting the large area of intervening green space that would remain beyond the appeal site and the built up area of the closest settlement, Bisley, I have no reason to disagree.
9. Policy CP3 of the CS&DMP sets out the scale and distribution of new housing within the Borough during the plan period and outlines that provision will be made for 3240 (net) additional dwellings. This figure derives from the housing requirements formerly contained within the, now largely revoked, South East Plan (2009) and based upon a Strategic Housing Market Assessment at that time. That said, it was acknowledged that the housing need for the area would not be met by this level of provision. The Inspector's report<sup>1</sup> following examination of the CS&DMP, having regard to the proposed phasing supporting the policy, is clear that a five year housing land supply would not be provided and this was clearly at odds with national policy at that time<sup>2</sup>. Nevertheless, the difficulties in providing Suitable Alternative Natural Green Space (SANGS) so as to avoid significant effects on the SPA were seen as a local constraint that justified a departure from national policy.

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<sup>1</sup> Paragraph 26

<sup>2</sup> Planning Policy Statement 3 - Housing

10. Shortly after the CS&DMP was adopted, the National Planning Policy Framework (the Framework) was published. Whilst the more recent publication of national policy does not automatically lead to an adopted development plan being out of date, paragraph 215 states that due weight should be given to policies in existing plans according to their degree of consistency with the Framework. Whilst the Framework cannot alter the statutory basis under which the development plan applies<sup>3</sup>, it is an important material consideration.
11. Paragraph 47 introduced a key objective to boost significantly the supply of housing. In order to achieve this, Local Planning Authorities are required to ensure that Local Plans meet the full, objectively assessed needs (FOAN) for market and affordable housing, as far as is consistent with the policies set out in the Framework. Consideration of this matter is also a requirement in decision making, as is highlighted by the Hunston<sup>4</sup> Judgement.
12. To my mind, this introduces a much greater emphasis on the delivery of housing than was the case at the time of adopting the CS&DMP, albeit that this must be weighed against other policies of the Framework. Given that the CS&DMP, even at the time of adoption, would not meet housing requirements for the plan period, this represents a clear conflict with the Framework. Furthermore, Policy CP3 outlines a strategy to reserve housing sites until after 2025 and only release them if it is established at that time that insufficient sites have come forward. This is likely to result in significant delay in addressing potential housing shortfalls that would be at odds with the Framework's important objective to boost significantly the supply of housing. For these reasons, I attach the policies of the Framework in respect of housing great weight and this justifies a departure from the development plan.
13. Furthermore, paragraph 47 makes it a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing (including a 5%/20% buffer) against housing needs. The Council argue that its housing requirement is that contained within the CS&DMP but it accepts that its latest Strategic Housing Market Assessment (2014) represents the most up to date FOAN figure for the area. As this is a recent assessment for the Housing Market Area that takes account of migration, travel to work patterns and recent DCLG household projections, this seems to me to represent a more robust basis for considering current housing requirements than the now out of date figures within the CS&DMP.
14. Whilst I have had regard to the letter from Brandon Lewis MP to the Planning Inspectorate in December 2014, which outlined that SHMA's are untested and should not automatically be seen as a proxy for a final housing requirement, I am satisfied, based on the evidence before me, that this is the correct approach in this case.
15. There was some divergence in the housing land supply claimed by the Council and that suggested by the appellant but a range of scenarios was submitted during the Hearing. The most optimistic of those using the SHMA housing requirement (340 dwellings per annum), suggests a housing land supply of 5.1 years. This is based on the inclusion of a 5% buffer and the supply figure identified in the Council's 5 Year Housing Land Supply 2015-2020 (February

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<sup>3</sup> S38(6) of the Planning and Compulsory Purchase Act 2004

<sup>4</sup> Hunston Properties Limited v. (1) Secretary of State for Communities and Local Government and (2) St Albans City and District Council [2013] EWHC 2678 (Admin)

2015) report, after deducting 17 units which the Council conceded were unlikely to be delivered (1884 dwellings). This also takes account of the reduced backlog figure presented by the Council during the Hearing which was amended from 156 dwellings to 54 dwellings based on its recorded completions between 1 April 2014 and 31 March 2015.

16. However, the appellant raised a number of concerns about the figures feeding into this calculation. Principally, suggesting that a 20% buffer should be applied. Having regard to the completion data compared to the development plan requirements contained in paragraph 4.1.40 of the appellant's Statement of Clarification, there has been an under delivery for 5 out of the 9 past years (the latest completion figures provided by the Council now show a surplus for 2014/15). However, 3 of these years immediately preceded adoption of the CS&DMP at a time when there were acknowledged constraints to development posed by the Thames Basin Heaths SPA. Subsequently, there has been no pattern of under delivery or any significant shortfall in provision overall. In the absence of any persistent under delivery, indeed many of the years have provided a surplus, I conclude that the 5% buffer is appropriate.
17. There is also dispute between the parties as to whether a number of the sites included in the Council's supply figures were in fact deliverable in the terms of paragraph 47 of the Framework and, whilst the Planning Practice Guidance makes it clear that S78 appeals are not the place for local plan style examinations of housing sites, some were discussed during the Hearing in order to establish the latest position.
18. Of importance is the site known as Princess Royal Barracks which the Council expect to deliver 500 units by 2020. This would be at a rate of 125 dwellings per year for the latter 4 years of the period. The appellant suggests that a more likely build out rate based on comparable schemes is in the region of 50-100 dwellings per year. I am inclined to agree that 125 dwellings per year seems overly optimistic and I was provided no detailed evidence from the Council to suggest that such a rate of delivery could be expected, notwithstanding that officers may have had undisclosed discussions with the developer.
19. Furthermore, the Council confirmed that planning permission and subsequent reserved matters approval only provided for 81 dwellings to be built at the present time, the remaining number all requiring further approvals before development could commence. This may further delay the rate of delivery, noting that full permission does not exist even for the first year's expected delivery.
20. Conversely, the appellant's expectation that the site will deliver just 200 dwellings is at the lower end of the expected build out rate. In reality, the delivery is likely to be somewhere in between the parties' estimates. However, even based on the appellant's upper range for build out at 100 dwellings per year, this would reduce delivery by 100 units within the five year period. This would have the effect of reducing the demonstrable five year housing land supply to 4.85 years. This is assuming that all other sites identified by the Council would deliver in line with its expectations but there are numerous other sites that the appellant takes issue with. However, I need not explore these further for the purposes of this appeal as the result could only worsen the housing land supply position.

21. I conclude that the Council cannot currently demonstrate a five year housing land supply in accordance with paragraph 47. Under these circumstances, paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be seen as up-to-date. This would include Policy CP3 of the CS&DMP. Where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.
22. Paragraph 14 of the Framework states that, for decision taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or specific policies in this Framework indicate development should be restricted. This is the basis on which I must determine the appeal.

*Thames Basin Heaths SPA*

23. The site is around 0.8km from the Thames Basin Heaths Special Protection Area (SPA). The Habitats Regulations<sup>5</sup> require that proposed developments do not adversely impact on the integrity of the SPA, which in this case seeks to protect a number of internationally important bird populations and habitats. Significant effects should be avoided and new residential development should not be allowed within 5km of the SPA unless measures are in place to avoid or mitigate such impacts which may arise either alone or in combination with other development.
24. Saved Policy NRM6 of the South East Plan (SEP) (2009) sets these requirements out in policy terms and outlines a strategy for facilitating new development, whilst avoiding potential impacts, including through the provision of Suitable Alternative Natural Green Space (SANGS). Locally, these requirements are recognised through Policy CP14 of the CS&DMP and the Council's Avoidance Strategy Supplementary Planning Document (2012).
25. This sets out a strategy to avoid any significant effects, including in combination effects, arising from residential development through the collection of financial contributions towards the provision of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM).
26. The SANGS are areas of open space close to the proposed development designed for recreational use by future occupants which it is expected will be used in lieu of land within the SPA, thus negating the potential for damage or other adverse effects to its integrity. To ensure that this strategy is successful, the SAMM contribution is used to employ wardens to patrol the SPA, for educating the public about the SPA and to monitor the ongoing effectiveness of the approach. Both parties agree that these measures are necessary to avoid significant adverse effects on the SPA and that they would be effective in avoiding harm. The approach accords with the Council's policies and its published Avoidance Strategy and I am minded to agree.
27. Concerns were raised by the Council regarding the availability of SANGS land in the area that might be able to serve the development but the Statement of Common Ground outlines various options that are likely to come forward in the foreseeable future, including at Heather Farm and Bisley Common. No specific

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<sup>5</sup> Conservation of Habitats and Species Regulations 2012 (as amended)

SANGS was formally identified for the appeal proposal at the present time but it was also agreed that a Grampian style condition could be used to prevent any development until such time as suitable SANGS was in place. In essence, this would prevent any development and any potential impacts until the necessary avoidance measures were secured. This is an approach endorsed by Natural England in its consultation response dated 27 July 2015.

28. It was highlighted that the Council's CIL tariff makes provision for the collection of SANGS contributions where the relevant SANGS would be within the Local Authority Area. Subsequently, a Unilateral Undertaking has also been provided to secure the necessary SAMM payment, notwithstanding the Council's view that this could be secured at the Reserved Matters stage. These measures would accord with the Council's Avoidance Strategy and ensure that significant effects to the SPA were avoided.
29. Whilst it is often undesirable to grant planning permission which cannot be implemented until the terms of a Grampian condition can be fulfilled and where this relies upon parties other than the appellant, I am persuaded that there is a good prospect of suitable SANGS land becoming available within the time span of any planning permission granted, and this seems to me to be a reasonable approach in this case.
30. I have had regard to advice in Planning Practice Guidance that such conditions should generally only be used for development of strategic importance but I cannot conclude that the development would avoid harm to the SPA in the absence of the condition. Given the clear indication that the matter can be dealt with within the lifetime of the planning permission, I consider that it is reasonable to rely on the approach in this case in order to ensure that much needed housing is delivered. The condition will prevent any development coming forwards until SANGS are available and there is, therefore, no risk to the SPA.
31. It was suggested by the Council that an Appropriate Assessment (AA) would be necessary under the Habitats Regulations, but this is only required where significant effects are likely to result to the SPA. I have established that significant effects on the SPA would be avoided in this instance and, therefore, AA is not required. Consequently, paragraph 119 of the Framework does not preclude application of the presumption in favour of sustainable development.
32. I conclude that significant effects on the Thames Basin Heaths SPA would be avoided and I find no conflict with Policy NRM6 of the SEP; Policy CP14 of the CS&DMP; or the Council's Avoidance Strategy Supplementary Planning Document (2012).

#### *Character of the countryside*

33. The site is located on the edge of the village, to the rear of properties on Kings Road and Rose Meadow. The remaining boundaries are surrounded by established tree and hedgerow planting providing a good level of screening and visual containment. Whilst the development would be visible from a number of residential properties surrounding the site, wider views from the surrounding countryside would be limited.
34. The Council concludes that if there is a clear proven need to release countryside for housing, the impacts on character grounds would be

acceptable. The development would alter the appearance of the currently undeveloped site to that of a developed site, resulting in loss of its intrinsic countryside character. However, I have already concluded that the Council is unable to demonstrate sufficient land availability to deliver much needed housing in line with the Framework's objectives.

35. Given my observations above and the Council's own conclusion regarding the impact of the development, this need for housing outweighs the loss of intrinsic character in this instance. This is particularly so, as it appears unlikely that the Council can deliver sufficient housing to meet the identified need for the area without using land in the countryside. The fact that this site is specifically identified for future development and purposefully removed from the Green Belt further indicates that the site is suitable for residential development.
36. Consequently, I have no reason to disagree with the Council's conclusion that the appeal proposal accords with Policy DM9 of the CS&DMP which seeks to protect the character of the countryside.

### **Other Matters**

37. A number of interested parties raised concerns regarding highway and transport impacts, including highway safety. The application is accompanied by a detailed Transport Assessment (TA) (June 2014) which considers the capacity of the local highway network to accommodate the proposed development, taking account of the private roads, Rose Meadow and Kings Road. This was carried out in consultation with Surrey County Council, the Local Highway Authority, and concludes that little impact would result in terms of highway safety or capacity. Having considered the document, the County Council raises no objection.
38. The TA identifies that in combination with other development in the area, future delays might be experienced on the A322 but the County Council is satisfied that suitable improvement works would increase capacity and improve operation of the nearby roundabout. However, it is accepted that these improvements are not necessary to make the appeal proposal acceptable in planning terms. Notwithstanding this, the Council's Community Infrastructure Levy (CIL) Tariff would provide potential funding for any necessary future improvements.
39. A suitable hard surface is in place to serve the site from Beldam Bridge Road, Kings Road and Rose Meadow. Whilst the surface on the remainder of Kings Road is in a poor state of repair, the TA confirms that the development is unlikely to generate significant amounts of traffic from this direction.
40. Overall, the Council conclude that the appeal proposal is acceptable in highway terms and in accordance with Policies CP11 and DM11 of the CS&DMP. I have no reason to disagree based on the evidence before me.
41. The Ecological Appraisal (June 2014) and Reptile Survey (May 2014) accompanying the application identify limited ecological potential on the site, largely due to the annual harvesting of hay. Whilst I have had regard to the submissions of local people, who suggest that wildlife is often apparent on the site, the submitted reports conclude that limited impact is likely to result in biodiversity terms subject to a range of mitigation and enhancement measures. Such measures would be secured by condition in the event that planning

permission is granted and would ensure compliance with Policy CP14 of the CS&DMP.

42. A number of concerns were raised regarding contamination, drainage and flood risk on the site. The majority of the site is located within flood zone 1 (lowest risk) as identified by the Environment Agency and no built development is proposed in the higher risk flood areas, notwithstanding the indicative nature of the site layout drawings at the present time. The Drainage Impact Assessment (June 2014) confirms that suitable foul and surface water drainage can be provided to serve the development and avoid flooding on site or elsewhere. Although further details will be required at the reserved matter stage, the Council confirm that the development would accord with policy DM10 of the CS&DMP. I have seen no evidence to contradict the detailed assessment submitted and have no reason to disagree with the Council's conclusions in these regards. It was suggested by an interested party that the development should finance the provision of mains sewerage in the vicinity of the site but this would not be reasonable or necessary as a result of the development and would not meet the relevant tests for planning obligations or conditions.
43. The impact of the development on local infrastructure is also a key concern for local people. In this respect, I have had regard to the CIL Charging Schedule adopted by the Council and which is now in effect. The development would be liable for a payment under this scheme. The schedule includes payments towards SANGS, open space, transport projects, play areas and equipment, indoor sports, community facilities such as libraries and surgeries, waste and recycling, and flood defence/drainage improvements. The purpose of the CIL is to ensure sufficient funding in the area for necessary improvement as a result of development, including cumulative impacts. I am satisfied that such a payment would ensure that the impacts of the development were sufficiently mitigated where necessary.
44. One absence from the scheme is any payment towards education provision. In these regards, I note the submission of many local people, both in writing and during the Hearing that the local school is at capacity. Although the County Council has requested a contribution towards local education provision, the Council consider that this has not been justified with reference to the tests for planning obligations set out at paragraph 204 of the Framework, and these tests are further set out in law<sup>6</sup>.
45. The County Council is seeking contributions towards generic local improvements to local schools, including Bisley Primary School and Bishop David Brown Secondary School. However, despite assertions that local schools are at or nearing capacity, no evidence has been provided as to the remaining capacity, notably in relation to Holy Trinity Primary School in West End itself or in relation to secondary schools. It is also suggested that improvement/expansion works are already underway to deal with increased demand and it is unclear whether these works would provide the capacity needed as a result of this development. Therefore, I am inclined to agree with the Council that the requested contributions have not been justified as being necessary as a result of the appeal proposal. Whilst the submitted Unilateral Undertaking makes provision for an education contribution if I were to

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<sup>6</sup> Regulation 122 of the Community Infrastructure Levy Regulations 2010



determine it necessary, I am unable to take it into account for the reasons set out above.

46. Neighbours to the site have raised concern regarding impacts to their living conditions arising from the development. Matters of appearance, landscaping, layout and scale are reserved matters at this stage and potential impacts would need to be fully considered at the reserved matters stage. However, the indicative drawings submitted demonstrate that 84 dwellings could be accommodated without unacceptable harm to living conditions. A good level of separation would be maintained between existing and proposed properties and the residential nature of the development would be compatible with surrounding land uses. Although the currently open views valued by local people would be interrupted, private views are not protected under the planning system and this would not materially harm living conditions.
47. The matter of Human Rights has been raised by a nearby resident, suggesting that the development would affect residents' ability to enjoy the current peace, tranquillity and rural aspect of the area. Submissions were made relating to Article 8 of the European Convention of Human Rights and I recognise that if the appeal is allowed it would interfere with Mr and Mrs Jones' home and family life. This consideration must be balanced against the rights and freedoms of others, however, and I am satisfied that if this development goes ahead its effects on Mr and Mrs Jones would not be disproportionate. For the same reason, I consider the interference with Mr and Mrs Jones' peaceful enjoyment of their property is proportionate and strikes a fair balance in compliance with the requirements of Article 1 of the First Protocol.
48. The Council raises no concerns with regard to archaeology which it suggests can be dealt with by condition; the amount of affordable housing proposed (40%) which accords with Policy CP5 of the CS&DMP; crime, subject to an appropriate layout as reserved matters stage; the ability to provide sufficient open space, which is indicated on the indicative drawings; or in respect of any other matters. Based on the evidence before me, I have no reason to reach a different conclusion on these matters.
49. I note that there is significant local objection to the proposed development, which was highlighted in the significant amount of written submissions, attendance at the Hearing and through representations from the local Member of Parliament. I have had regard to the perceived impact on the local community but growth is clearly necessary and I see no reason why the proposed development could not be satisfactorily integrated with the existing community. Whilst I have taken all of these matters into account I must determine the appeal in line with current planning policy.

### **Planning Obligations**

50. A draft Unilateral Undertaking was provided in advance of the Hearing but a completed version was not available. This has subsequently been provided, having been amended to adjust its wording and technical construction in line with discussions at the Hearing. The proposed obligations, involving a SAMM and education contribution, along with affordable housing provision remain.
51. I have already established that the education contribution is not justified in light of the tests set out in CIL Regulation 122. No need for the contribution has been established and I cannot take it into account.

52. Conversely, I have established that the SAMM contribution is necessary to avoid significant effects on the SPA in accordance with the development plan and the Habitats Regulations. Furthermore, I am satisfied that the proposed affordable housing provision is necessary and in accordance with Policy CP5 of the CS&DMP. These contributions accord with the requirements of the CIL Regulations and have been taken into account.

### **Conclusion**

53. The development would deliver much needed housing, including affordable housing, and this weighs significantly in favour of the proposal, along with other benefits such as the creation of jobs during construction and support for local services from increased population. I have found no harm in economic, social or environmental terms that is sufficient to significantly and demonstrably outweigh these benefits and having regard to paragraphs 18 to 219 of the Framework taken as a whole, I conclude that the proposal represents sustainable development to which the presumption in favour applies.

54. In light of the above, and having taking all other matters into account, planning permission should be granted.

### **Conditions**

55. The main parties have agreed a number of conditions that would be necessary in the event that planning permission is granted. I have attached the standard conditions for further approvals and time restrictions relevant to outline applications.

56. I have found it necessary to require accordance with the recommendations of the relevant ecological assessments to protect and enhance biodiversity affected by the development. Furthermore, as discussed in the decision, a Grampian style condition is necessary to ensure that development cannot commence without the necessary SANGS provision to avoid significant effects on the SPA.

57. A contamination investigation is needed given the past use of the site and the sensitive residential use proposed. A Method of Construction Statement is necessary to minimise the impacts on neighbouring residents and ensure highway safety during construction. It is also reasonable to require details of the proposed road surface materials to ensure suitability for the development.

58. I have not found it necessary to attach a condition relating to landscaping as this remains a reserved matter that is not for consideration as part of this application. I am not satisfied of its need to make the development acceptable at the current stage.

59. Details of the finished levels of the proposed buildings and roads are necessary to ensure an appropriate appearance for the development and in the interests of neighbours' living conditions. Drainage details are required to ensure an appropriate form of development. The location of refuse and cycle stores should be identified. There is a need for details of any external lighting to protect neighbours' living conditions and avoid harm to ecology. Finally, a Travel Plan is necessary to promote sustainable patterns of development.

60. I have altered the wording of the proposed conditions to improve their precision and otherwise ensure compliance with Planning Practice Guidance.

*Michael Boniface*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Matthew Reed	Counsel
Andrew Stallan	Planning Consultant (Agent)
Stuart Crickett	Planning Consultant (Agent)
Graham Bellamy	Transport Consultant
Simon Maiden-Brooks	Flooding and Drainage Consultant

### FOR THE LOCAL PLANNING AUTHORITY:

Duncan Carty	Senior Planner
Jane Ireland	Planning Policy Manager
Laura James	Principal Solicitor

### INTERESTED PERSONS:

William Bain	Local resident
Jason Ing	Local resident
Jeffrey Llewellyn	West End Action Group and local resident
Diane Doney	Local resident
Ian Allard	Local resident
Guy Consterdine	West End Action Group and local resident
Douglas Bond	Local resident
Beulah Kingston	Local resident
Mike Lazer	Local resident
Charlotte Waters	Rose Meadow Management Committee and local resident

## **DOCUMENTS**

Document 1	Housing land supply scenarios
Document 2	E-mail dated 15 September 2015 from Paul Druce of Surrey CC to Stuart Crickett
Document 3	Draft Unilateral Undertaking
Document 4	Drawing P941/02 Rev B
Document 5	Justification Statement from Surrey CC in respect of requested education contribution (26 June 2015)
Document 6	Council's Housing Completions 01/04/2014 – 31/03/2015
Document 7	Letter in respect to Heather Farm SANGS from Ray Morgan, Chief Executive of Woking Borough Council to Chris Lacey, Chief Executive of William Lacey Group
Document 8	Second Draft Unilateral Undertaking

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place other than in accordance with the recommendations set out in Section 6.0 of the Ecological Report by ACD dated September 2014 and Section 5.0 of the Reptile Survey Report by ACD dated June 2014.
- 5) No development shall take place until written approval has been obtained from the Local Planning Authority that an appropriate Suitable Alternative Natural Green Space (SANGS) has been secured so as to avoid any significant effects of the development on the Thames Basin Heaths Special Protection Area. No dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the SANGS up to an acceptable standard have been completed.
- 6) Prior to commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application/appeal, will be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. No development shall take place until the scheme has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until a detailed remediation strategy to bring the site to a condition suitable for its intended use has been submitted to and approved in writing by the Local Planning Authority. In the event that contamination is found, that was not previously identified, at any time during the development, this will be reported in writing to the Local Planning Authority and any work on site should cease until an investigation and risk assessment is undertaken and the site is remediated in accordance with a scheme approved in writing by the Local Planning Authority. Infiltration SuDS shall only be used for areas where it has been proven that there are no unacceptable risks from contamination.
- 7) No development shall take place until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of parking for the vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; a programme of works (including measures for traffic management); provision of boundary hoardings; hours of construction; and confirmation that there will be no on-site burning during any site clearance, demolition and

- construction works. The development shall be carried out in accordance with the approved Statement.
- 8) No development shall take place until details of the surface materials for the roads, car parking areas and driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 9) No development shall take place until details of the proposed finished floor levels of all buildings and finished levels of all roads and driveways within the site in relation to the existing ground levels and adjoining land (measured from a recognised datum point) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 10) No development shall take place until full details of the foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage details shall ensure attenuation of the 1:100 year event with a 30% allowance for climate change. The development shall be carried out in accordance with the approved details.
  - 11) No development shall take place until details of the proposed refuse and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 12) Prior to the commencement of development, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the lighting supports, posts or columns, details of their location and a full technical specification. The approved lighting shall be provided prior to first occupation of the development.
  - 13) Prior to first occupation of the development hereby approved, a Travel Plan to promote sustainable patterns of movement shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, it shall be implemented.

SC

APPLICATION NUMBER	SU 15	0590
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**DEVELOPMENT AFFECTING ROADS**  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

**Applicant:** Charles Church Southern Limited & Sentinel Housing Association

**Location:** Heathpark Wood, Land East of Heathpark Drive, Windlesham

**Development:** Outline planning permission for up to 140 dwellings and potential community facility with associated landscaping, open space, car parking, vehicular and pedestrian access from Woodlands Lane together with provision of a SANG (access only to be considered at this stage)

Road Name or Number	Woodlands Lane/C4	Consultation Date	13/07/2015	Use Class		Previous Applications
National Grid Reference	494277/163531	Amended Plan Date		Strat Con	No	
Contact Officer	Angela Goddard 020 8541 7428	Planning Decision		Appeal		

**The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who :**

recommends the following conditions be imposed in any permission granted :-

1. The development hereby approved shall not be commenced unless and until the proposed vehicular/pedestrian access to Woodlands Lane and 20 metres of the new access road have both been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the access visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
2. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles/cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.

3. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) vehicle routing
- (f) measures to prevent the deposit of materials on the highway
- (g) on-site turning for construction vehicles

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

4. Prior to the commencement of the development a detailed Travel Plan in accordance with Surrey County Council's Travel Plan Good Practice Guide' and in general compliance with that submitted with the planning application to include a Travel Plan implementation timetable shall be submitted for the written approval of the Local Planning Authority. The approved detailed Travel Plan shall then be implemented and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

5. Before the proposed development is first occupied the two existing bus stops on the north and south side of Updown Hill, between numbers 14 and 16 Updown Hill and adjacent to number 11 Updown Hill shall be provided with:

- (a) replacement timetable information
- (b) poles and flag signs
- (c) raised bus borders to assist level access to buses, and
- (d) any necessary bus stop road markings

in accordance with details to be submitted and approved in writing by the Local Planning Authority.

6. The development shall not be first occupied unless and until the existing footway along the north side of Woodlands Lane between the residential development site highway access and Updown Hill has been converted into a shared footway/cycleway to include any necessary trimming of vegetation, signs, road markings and any other necessary works, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.



## **Reason**

The above conditions are required in order that the new development should not prejudice highway safety, nor cause inconvenience to other highway users and to encourage sustainable travel and to meet the requirements of CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies and the National Planning Policy Framework 2012.

## **Informatives**

1. Condition 6 above refers to the conversion of the existing footway along the north side of Woodlands Lane between the highway access and Updown Hill into a shared pedestrian/cycle path. This should not require any physical construction works to widen the footpath.
2. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
3. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
5. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148,149).

7. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.

8. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2 m in height above ground level shall be erected within the area of such splays.

9. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

10. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

## **Notes on the Transport Assessment**

### **Accident Data**

The Crash Map website has been used to analyse accident data but only for the five years to 2013, so this is not up to date. I have therefore interrogated Surrey County Council's personal injury accident data up to 2015. The only additional accident since 2013 was a 'slight' accident in March 2014 involving a pedestrian at the junction of Updown Hill/Chertsey Road junction. This accident was not caused by defects in the road layout.

### **TRICS**

The trip rate data produced for the affordable housing element of the development was considered to be quite low given the site is not in a very non car accessible location with limited local facilities in Windlesham. To ensure a more robust assessment of the likely trip generation, it was requested that all 140 proposed dwellings be analysed using only private market housing. A sensitivity assessment was carried out and the results of the recalculated trip generation rates show a more realistic figure.

### **Access**

The proposed vehicular access to Woodlands Lane will be provided with appropriate width and junction geometry and visibility splays of 2.4 m x 120 m in both directions which is suitable for the speed of the road and will therefore be sufficient to accommodate the proposed level of development and meet the required standards.

Concern has been raised that only one point of access is being used should there be a major incident on the site. The proposed development of 140 dwellings is at the limit of what the Highway Authority would consider to be the size of development where a single point of access is adequate. However it is not an issue we would consider significant and cannot justify an objection on this point. The internal layout can be designed with extra width to address this issue. The Borough may wish to have a separate consultation with the fire service on this point.

### **Parking**

As this is an outline planning application with only access being considered, both parking and cycle parking will be detailed during the reserved matters applications. It is expected that this will accord with the recommendations set out in Surrey County Council document 'Vehicular and Cycle Parking Guidance 2012'.

### **Traffic Distribution**

It is considered that the method used in the TA to predict vehicle distribution from the proposed development on the local highway network is reasonable.

### **Junction Assessment**

Key junctions within the village of Windlesham were analysed to predict the likely impact that the proposed development traffic would have during the am and pm peak hours. This analysis demonstrated that the additional queuing/delay caused by the development traffic above the baseline results is small and therefore there would not be a significant impact on these junctions during peak hours as a result of the development.

### **Construction of the development**

A Construction Transport Management Plan will need to be submitted prior to the commencement of the development. This will also include the route construction traffic will use to and from the site, which will need to be agreed before any works start.

### **Traffic Issues in Windlesham**

Concern has been raised that the village is already used as a 'rat run' and will have safety implications. This is an existing concern that we cannot address but would welcome some CIL receipts from the development to be used on environmental impacts in Windlesham village.

The width restriction on the bridge over the M3 is not a long term issue and there are proposals to replace the bridge.

If cars are parked on footpaths and are causing an obstruction, this would be a matter for the Police.

**Informative for Surrey Heath Borough Council**

It is noted on the illustrative masterplan that the street is straight or slightly curved, lengths + 70m recommended by Manual for Streets 1 for target 20 mph design speed. If the street is to be private then this is just advice, but if it is to be offered for adoption then it is suggested that the masterplan layout be reviewed.

I would refer you to Highways England with regard to the section in the Transport Assessment on the M3.

**Sustainability Advice**

The local facilities offered by Windlesham are limited, together with limited non car travel opportunities which make the development more vehicle travel oriented than better located sites with more extensive nearby local facilities and better non car transport connections and services.

It is noted that the walk distance from the centre of the site to the nearest bus stops on Updown Hill are nearer to 800 m this is twice the usual 400 m recommended walk distance to bus stops for residential developments.

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Signed:

Date: 30/11/2015

## ANNEX C – SCC EDUCATION COMMENTS

**10<sup>th</sup> December 2015**

Thank you for sending the letters through to me the contents of which are noted.

In response and summarising the pertinent matters raised within, my comments to bear in mind when compiling your report are as follows;

An air quality management area is required only when there are regular exceedancies of pollution limits at relevant receptors, which in this instance is facades and garden areas of residential housing. Simply because there is an exceedance next to the motorway where there is no nearby housing does not warrant the declaration of an AQMA and would be refused by DEFRA.

There is no evidence to require PM10 measurements on Heath Park Wood. The nearest residential plot to the m3 side is 140m. Our PM10 monitor at Castle Road Camberley is located there because it was modelled to be the worst case deposition area from pollutants along the m3. It is 18metres from the motorway edge. Its PM10 levels easily achieve the national objective and therefore would be expected to be even less at 122 metres further away.

We do not measure PM2.5 since there is no requirement to do so as yet. If adopted into UK legislation the national standard is for an exposure reduction approach (a target of 15% reduction) to be achieved by 2020. Typical levels from 24hour measurements at roadsides in London ( Marylebone Road) reveal a max. level of 15ug/m<sup>3</sup> against a proposed standard of 25. There is no evidence that Heath Park Wood, with its distance from the motorway, would achieve anywhere near these levels with road traffic as the only source.

As regards NO<sub>2</sub> the max permitted hourly limit at a relevant receptor is 200ug/m<sup>3</sup> with an annual allowance of 18 hours. This level is not exceeded at Castle Road and therefore would not be reasonably expected to be exceeded at Heath Park Wood. I have a monitor at Heath Park Wood much closer to the motorway than any proposed residential unit for this pollutant and its results fully comply with my expectations; an annual average of 22ug/m<sup>3</sup> against a national standard of not exceeding 40ug/m<sup>3</sup>. This is supported by guidance from Defra LAQM.TG(09) which states that where the annual mean is less than 60 µg/m<sup>3</sup>, exceedances of the short term objective are unlikely.

In summary I have no reason to require the applicant to submit an air quality assessment other than what has been supplied, and confirm my advice to you sent on previous occasions regarding this site.

**9<sup>th</sup> October 2015**

The air quality report submitted with the application references relevant technical and legal standards and concludes that standards for nitrogen dioxide and dust are unlikely to be exceeded at the subject site where housing is proposed. This concurs with our measurements from either on site or from within the vicinity, where in accordance with methods prescribed by DEFRA levels of pollutants are well below national prescribed standards. There is no evidence to object to the development on grounds of air quality.

The noise impact assessment references current traffic noise levels and also models levels on site that are likely in the future. It uses relevant guidelines and technical documents to demonstrate compliance with British Standard 8233:14 'Guidance on sound insulation and noise reduction for buildings' both day and night within proposed properties and within garden areas. Its conclusions are that trickle ventilation will need to be installed to window openings to achieve the night time standard. These are fitted into standard double glazed units. The increase in local noise levels associated with traffic from the development is calculated to be less than 3db, which will be imperceptible. There are no grounds to object to the development by reason of noise.

The Contaminated Land desk top study identifies potential pollutant linkages from pesticides, herbicides, made ground of M3 work and migration of chemicals from adjacent electricity sub stations. These are unlikely to prevent development but a phase two ground investigation report will be required to be submitted. This may be controlled by a condition such as follows;

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### **1. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## **2. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## **3. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## **4. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

## **5. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of {x} years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**Reason (common to all):** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.



**Surrey County Council CIL Education Infrastructure**

**Justification Statement**

**Proposed Development of: Heathpark Wood, Heathpark Drive, Windlesham, GU20**

**Planning Authority: Surrey Heath Borough Council**

**Planning Reference: 15/0590**

**Justification Date: 27 July 2015**

**Prepared by: Nicholas Smith**

**Job Title: School Commissioning Officer, North West Surrey**

**Key areas of responsibility:** Responsibility for the planning and commissioning of school places in a defined sector of the county. The role includes the implementation of Education S106 policy.

**1. Introduction**

- 1.1. This statement justifies the need for contributions towards education infrastructure to mitigate the effects of the proposed development.
- 1.2. Appendix A (attached) sets out the range of national and local policies, frameworks, Acts and regulations that form the basis of Surrey County Council's request for an infrastructure contribution for education purposes.
- 1.3. Surrey County Council has a duty to ensure there are sufficient places for early years, primary and secondary pupils in its area. This includes the provision of some surplus space to enable due regard to be given to parental preference and to enable some headroom for in year applications.
- 1.4. In Surrey Heath, the large majority of schools across the borough are at, or very close to, capacity; therefore it is likely that new housing will result in a need for new school places.
- 1.5. There is currently school expansion work underway in two planning areas: the Windlesham, Bagshot and Lightwater planning area, and the Chobham, West End and Bisley planning area.

**2. CIL Compliance**

- 2.1. From 6 April 2015, any developer contributions are required to comply with the statutory guidance contained in the CIL Regulations 2010 which state that any request for a contribution must be:
  - i) directly related to the development;
  - ii) necessary to make the development acceptable in planning terms; and

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Proposed development of Heathpark Wood, Heathpark Drive, Windlesham, GU20

- iii) fairly and reasonably related in scale and kind to the development.
- 2.2. The number of school places needed in future years is based on the best intelligence at a given planning point. Until it is known for certain that a development will proceed, it cannot be known for certain what additional education infrastructure will be needed.
  - 2.3. Surrey County Council does not disclose education infrastructure projects that are at an early stage and are not yet public knowledge. Changes to maintained schools can only be made once the statutory consultation process has been completed and statutory notices determined by the Cabinet Member for Schools and Learning. Until this time, details of specific projects are commercially sensitive because if specific details of a project were made public before due political process had taken place, the outcome of the proposal and the ability of the council to provide its residents with the best value for money could be compromised.
  - 2.4. For the reasons given above, until the time when it is known that planning consent is given and the commencement date is confirmed, Surrey County Council is unable to confirm specific details of the education infrastructure projects that will be nominated to receive infrastructure contributions from the development.
  - 2.5. However, the developer contributions requested will be applied to specific projects within a specified radius of the proposed development. In accordance with CIL regulations, no more than five obligations will be applied to the same specific project.
  - 2.6. To meet with the CIL tests, the specific education infrastructure contributions requests, although unspecified at this time, will:
    - i) relate to school(s) which children from the proposed development would be likely to attend, or are schools where other local pupils might be displaced due to pupils yielded from the development;
    - ii) support the need to increase housing stock whilst acknowledging that new housing developments are likely to yield new pupils, and given that very few areas in Surrey have a surplus of school places, contributions are sought for local infrastructure costs. (In cases where there are sufficient school places for new pupils yielded from the development, education contributions would not be requested.);
    - iii) be calculated based on a) pupil yield and b) cost of education infrastructure, for the number of dwellings in the development, and the number of bedrooms per dwelling, as detailed section 4 below.

### **3. The requirement to mitigate pressure on schools in an area**

- 3.1. Where schools are popular, pupils on roll may come from a relatively large area as a result of their parents' choice. This means that pupils currently at a popular school may live a greater distance from that school than children in the proposed new development. It is Surrey County Council's policy that when there are more applicants than places available at a school then straight line distance from the school is used to allocate places. Children who live in the new development would therefore be

allocated places before, or even instead of, the children who live further away. As a result, pre-existing resident children would be displaced.

- 3.2. In areas where demand exceeds available places, schools are expanded either permanently or temporarily. Surrey County Council receives capital funding from the Department for Education. However this is generally insufficient (only providing approximately one third of the funding needed). Contributions made by developers are therefore essential to mitigate the loss of school places for existing residents who would otherwise be faced with the onus of repaying borrowing incurred by increases in council tax.

#### **4. Cost per place**

- 4.1. From 6 April 2015, developer contributions are requested based on the Surrey S106 Education Formula. This uses pupil yield per dwelling as the basis for the contribution.
- 4.2. The housing mix is used to calculate the likely pupil yield from development. Where the housing mix for a development is not known, average yields are used to estimate contributions. Where it is known, specific yield factors in relation to the number of bedrooms for each dwelling type are used to calculate contributions.
- 4.3. The contribution required according to the Surrey S106 Education Formula is established by multiplying the number of primary pupils yielded by a development by the cost per primary place, and the number of secondary pupils yielded by the cost per secondary place.
- 4.4. The Department for Education (DfE) estimates the average cost for new build and extensions to schools across the country. The DfE also provides location factors in recognition that costs are different in different areas. The DfE build costs do not include ICT equipment or site 'abnormals' (e.g. protected wildlife habitats, drainage issues, archaeological remains etc.) and they are likely to underestimate the level of fees that are normally paid.
- 4.5. The DfE cost per place is obtained from the primary and secondary cost multipliers multiplied by the regional factor. The 2008-9 Multipliers are £12,257 for primary and £18,469 for secondary, with the location factor for Surrey being 1.12; giving a cost per place of £13,728 for primary and £20,685 for secondary.
- 4.6. The DfE has not published updated cost multipliers since 2008/09 and until the cost multipliers are revised, the existing Surrey County Council policy will apply.

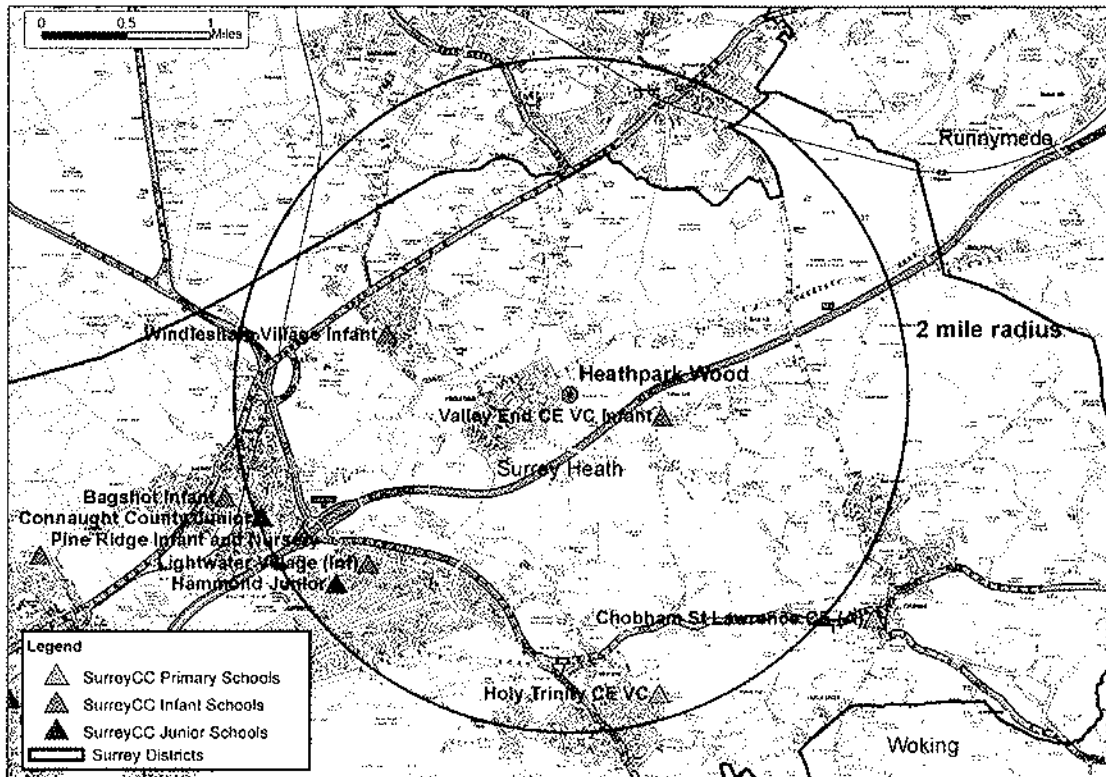
#### **5. Pupil Yield**

- 5.1. Children enter school as 4 year olds into the Reception Year (YR). Demand for YR places from resident children is forecast using data on births in an area, GP registrations, population estimates and school census data.

- 5.2. Data on planning permissions and housing trajectories (where available) is obtained from the local planning authorities. The baseline forecast numbers are increased by the projected number of pupils yielded from housing developments.
- 5.3. Surrey County Council's principle is based on the assumption that pupils yielded from new housing will require a place in the year following commencement. This allows time for housing to be completed and for housing to be purchased and families to move in.

## 6. Primary school infrastructure justification

- 6.1. The map below shows the proposed development and primary schools within a 2 mile radius.



- 6.2. Schools are organised in planning areas and places are planned on this basis rather than by individual schools. It is Surrey County Council policy to provide local schools for local children, although parents / carers can exercise their right to apply for schools that are not the nearest to their home.
- 6.3. Birth rates have continued to rise in the borough Surrey Heath over the last decade and there are school expansions planned or underway, both permanent expansions and temporary bulge classes, to cope with demand from new housing and families moving into the area.
- 6.4. There has been a particular demand in the Windlesham, Bagshot and Lightwater planning area. School provision in this planning area is provided by infant and junior

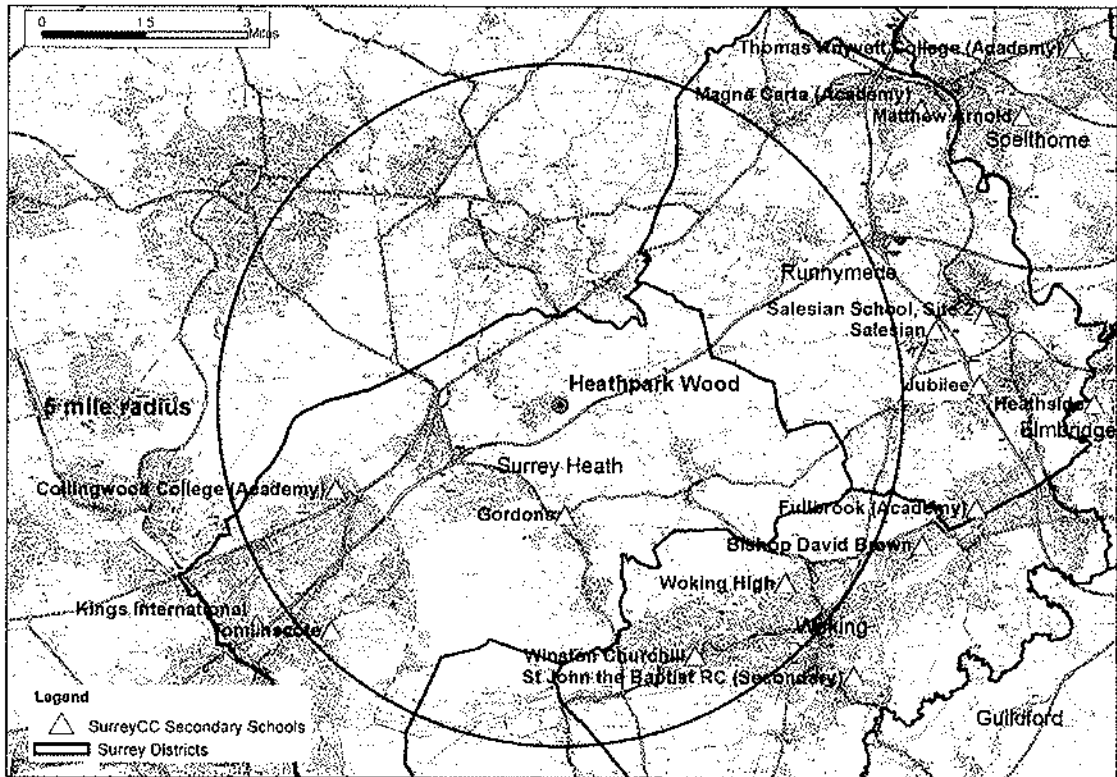
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schools. Recently, the infant school in Windlesham has been expanded and as a result junior schools are currently at capacity. Any additional yield from housing will mean a requirement to provide additional junior places in the area to students having to attend junior provision outside of the planning area.

- 6.5. Expansions, both temporary and permanent, are currently underway at primary schools within 3 miles of the proposed development at Bisley C of E Primary School and Connaught County Junior School.

**7. Secondary school infrastructure justification**

- 7.1. The map below shows the proposed development and secondary schools within a 5 mile radius.



- 7.2. Given the expansions that have occurred in the primary sector, pressure on secondary places is beginning to increase and additional education infrastructure may be necessary at secondary school(s) in the area to cope with this growing and expected demand.

## 8. Contributions for this development

Total No of Dwellings		140			
Phase	No of Dwellings	Yield factor	Yield Estimate	Cost Multiplier	Contribution
Early Years	140	0.07	9.8	£9,615	£94,227
Primary	140	0.25	35	£13,728	£480,480
Secondary	140	0.18	25.2	£20,685	£521,262
<b>Total</b>					<b>£1,095,969</b>

(These calculations are subject to revision upon confirmation of the housing mix of the development)

### Early Years Contributions

8.1. There are currently only three early years providers in this area, and all are operating at capacity. If the proposed development were to proceed, it would be necessary to expand early years settings in order to meet increased demand. The area is identified as having a deficit of future provision. For this development, Surrey County Council would therefore request a contribution of £94,227 towards new early years education infrastructure project(s) within 2 miles of the proposed development. This will be identified once it is known that the development is proceeding.

### Primary Contributions

8.2. For this development, Surrey County Council would request a contribution of £480,480 towards primary education infrastructure. The developer contributions requested for this development would be applied to a specific project to deliver additional classrooms at Connaught Junior School to facilitate the expansion of the school.

### Secondary Contributions

8.3. For this development, Surrey County Council would request a contribution of £521,262 towards secondary infrastructure. The developer contributions requested for this development would be applied to a specific project to deliver a temporary 'bulge' class at Tomlinscote School which will be needed to accommodate additional students if the development proceeds.

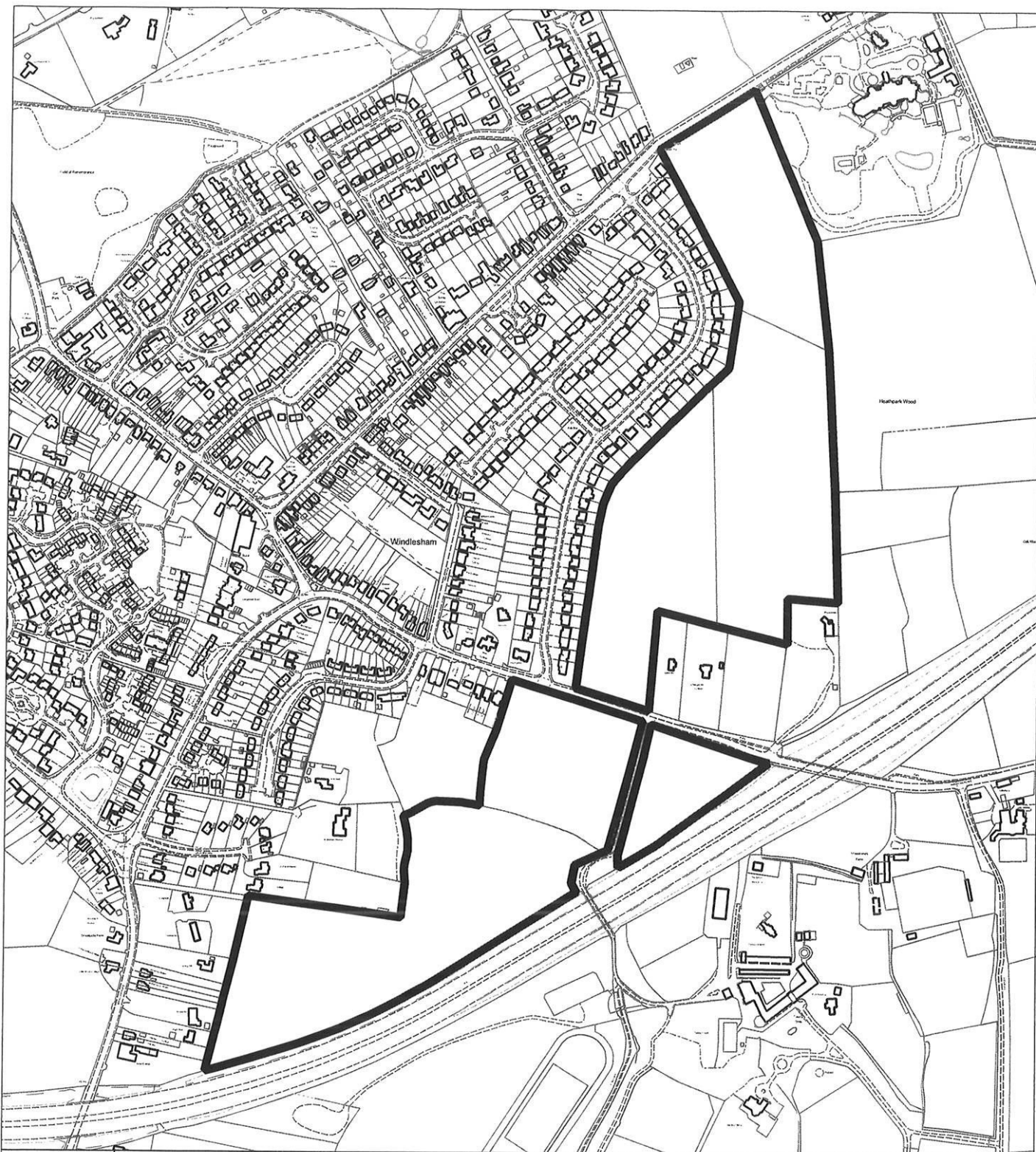
**Appendix A – Frameworks, Policies, Acts and Regulations underpinning the justification for an education contribution**

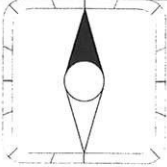

<b>Document</b>	<b>Sub-section</b>	<b>Relevance</b>
National Planning Policy Framework (NPPF)	Policies in Regulations 6 & 18 to 219	Constitutes the Government's view of what sustainable development in England means in practice for the planning system. Development of the proposed site without an increase in capacity of education infrastructure would be in contravention of the NPPF. If a development were to take place without sufficient education infrastructure being in place the pressure would increase on current infrastructure. Increase pressure on educational infrastructure would not support the achievement of improved educational outcomes. Significant weight should be given to whether a proposed development makes provision for sufficient educational infrastructure when determining planning applications.
	Regulation 30 & 37	Encouragement should be given to solutions which support reductions in greenhouse gas emissions and planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for education. Therefore significant weight out to be given to whether a proposed development makes provision for enabling more children to walk or cycle safely to school when determining planning applications.
	Regulation 72	The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Moreover, local planning authorities should give great weight to the need to create, expand or alter schools.
	Regulation 156	Local planning authorities should set out the strategic priorities for the area in the Local Plan and this should include strategic policies to deliver the provision of community infrastructure.
	Regulation 176	Where safeguards are necessary to make a particular development acceptable in planning terms, the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements.
	Regulation 203	Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The effects of pupils yielded by a development may only be mitigated via a planning obligation.
	Regulation 204	Planning obligations should only be sought where they meet all of the three tests; a) necessary to make the development acceptable in planning terms; b) directly related to the development; c) fairly and reasonably related in scale and kind to the development.
South East Plan		Although revoked in March 2013, NPPF regulation 218 states that local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies.
	Policy CC7:	The scale and pace of development will depend on

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Document	Sub-section	Relevance
	Infrastructure and Implementation	sufficient capacity being available in existing infrastructure to meet the needs of new development. Contributions from development will also be required to help deliver necessary infrastructure.
Community Infrastructure Levy, England and Wales (CIL) Regulations 2010	Regulation 123	Allows for the pooling of contributions provided that no more than 5 separate planning obligations relating to the infrastructure have been entered into prior to such an obligation.
Town and Country Planning Act 1990	Section 106	Surrey County Council (SCC) is the Local Authority with the responsibility for the functions of education in the area in which the proposed development is located. Requests for contributions to mitigate the effects of developments are made according to Section 106.
Education Act 1996	Section 14	Places a duty on Local Authorities to secure that schools are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. Therefore there needs to be sufficient appropriate places to accommodate pupils.
	Sub-section 3A of S 14	Places a duty on SCC to give regard to parental preference in discharging its statutory functions. Therefore, even if there were an overall surplus of school places in a local area, pressure would be applied to the popular schools by pupils yielded by developments and this effect needs to be mitigated.
School Standards and Framework Act 1998	Section 86	Places a duty on SCC to have due regard to parental preference of school and, as far as possible comply with any preference expressed, provided compliance would not prejudice the provision of efficient education or the efficient use of resources.
Education and Inspections Act 2006	Section 1 inserts sub-section 1b into S13 of the Education Act 1996	Places a duty on local education authorities in England to exercise their functions under this section with a view to ensuring fair access to educational opportunity.
	Section 2 inserts sub-section 3A of S14 of the Education Act 1996	Places a duty on local education authorities to exercise their functions under this section with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.





<b>Title</b>	Planning Applications		<b>Page</b>	3 of 3
<b>Application number</b>	15/0590		<b>Scale @ A4</b>	1:6,000
<b>Address</b>	HEATHPARK WOOD, HEATHPARK DRIVE, WINDLESHAM		<b>Date</b>	18-02-2016
<b>Proposal</b>	Outline planning permission for 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 ac			
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Looking west along Woodlands Lane, with Heathpark Wood on the right and the area proposed for SANG on the left



Trees within the site



Field proposed for SANG to south of Woodlands Lane



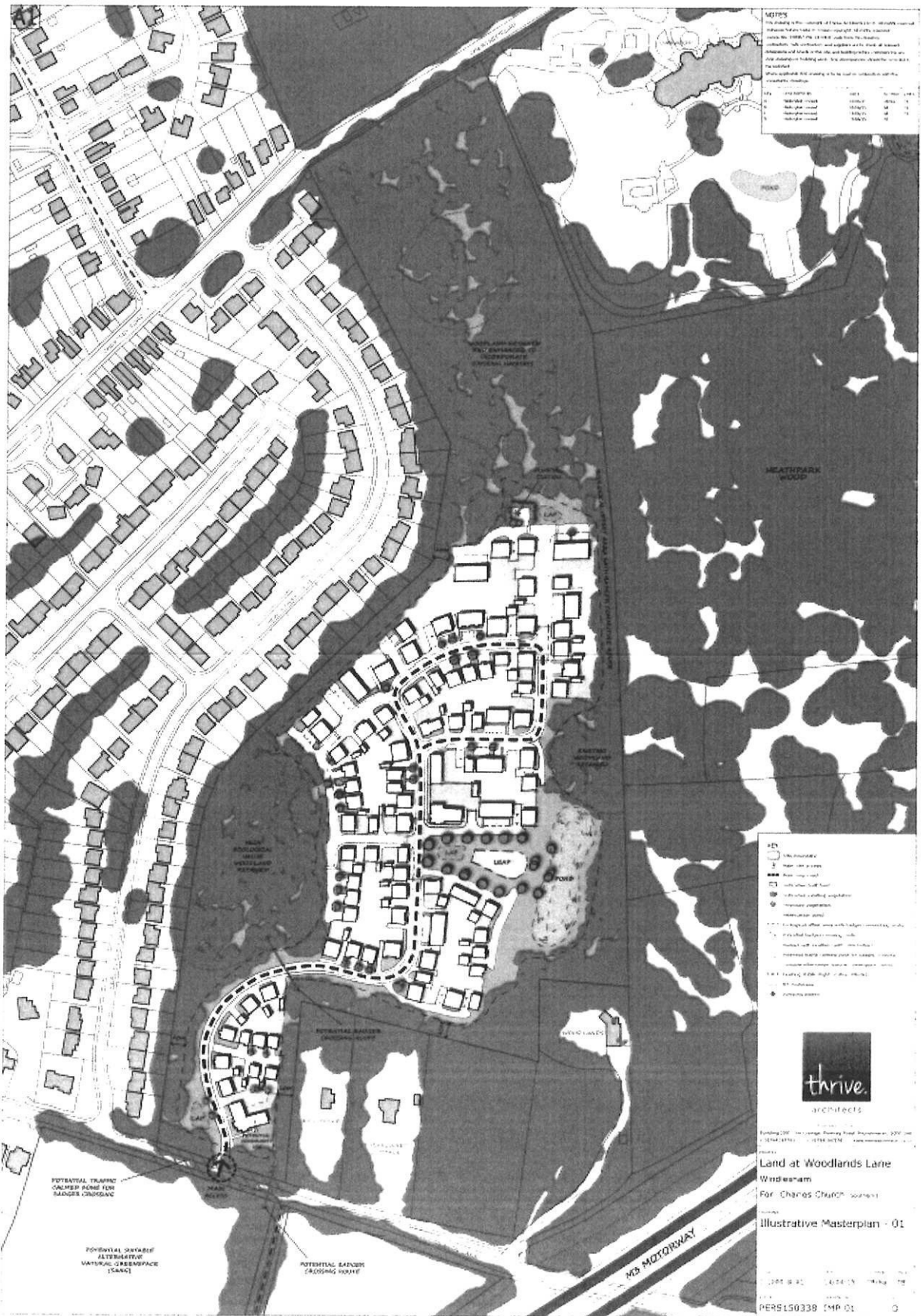
Northern side of Heathpark Wood from Chertsey Road







Illustrative Masterplan






SU15/0590 – Heathpark Wood, Heathpark Drive, Windlesham

Site Access Point



 <p>www.pba.co.uk 01223 321100</p>		<p>Client</p> <p>INDICATIVE SITE ACCESS POINT</p> <p>LAND TO THE EAST OF HEATHPARK DRIVE, WINDLESHAM</p>		<p>FOR INFORMATION</p> <p>Date of 1st Issue: 15.05.2015 Drawing Number: 30446_5501_SK04</p> <p>Author: GH Designer: DS Checker: GH</p>		<p>Revised 24/06/15 DS GH 16/06/15 DS GH 15/06/15 DS GH</p> <p>Drawn/Checked/Approved</p>	
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2015/1069

Reg Date 07/12/2015

Chobham

**LOCATION:** CHOBHAM NURSERIES, BAGSHOT ROAD, CHOBHAM, WOKING, GU24 8DE

**PROPOSAL:** Erection of five detached dwellings (2 x 3-bed, 2 x 5-bed, 1 x 6-bed) with detached garages, parking, access and landscaping, following demolition of existing horticultural buildings.  
(Additional and Amended Plans - Rec'd 02/02/2016.)  
(Amended Plan - Rec'd 19/02/2016.)

**TYPE:** Full Planning Application

**APPLICANT:** Homes Plc

**OFFICER:** Emma Pearman

**This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr E Hawkins and Cllr Tedder it has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions and legal agreement**

## 1.0 SUMMARY

- 1.1 Chobham Nurseries is located on the northern side of Bagshot Road, between West End and Chobham and within the Green Belt. The proposal is for the erection of five detached dwellings (2 x 3-bed, 2 x 5-bed and 1 x 6-bed) and detached garages following the demolition of existing disused glasshouses. The proposed dwellings would be two storey in height and individual in character, with the retention of existing trees and hedgerows and supplementation of planting along the Bagshot Road frontage which is currently fairly open. Two of the dwellings would be accessed directly from Bagshot Road, and the other three (two sharing an access) from Clappers Lane.
- 1.2 The proposal represents inappropriate development in the Green Belt but given the reduction in the quantum of built form would significantly improve the openness of the Green Belt. The development would result in no adverse harm to residential amenity or the highway and is acceptable in all other regards.
- 1.3 The proposal would require the provision of a legal agreement to secure a contribution in respect of affordable housing and SAMM. To date, no legal agreement has been provided, however subject to the completion of such an agreement by 7<sup>th</sup> March 2016 the proposal is considered to be acceptable.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located on the northern side of Bagshot Road, approximately 0.5km to the west of the settlement area of Chobham and lies within the Green Belt. It is 0.66ha in size and is currently almost completely

covered with glasshouses and areas of hardstanding, having been a former horticultural nursery. There is one existing access from Bagshot Road and the site borders Clappers Lane to the north and public footpath 18 to the east. The boundaries of the site are a mixture of fences, hedges and trees with a high, dense conifer screen around the south-western corner. The site is mostly open to view along the southern boundary.

- 2.2 Residential properties in the vicinity of the site are generally detached properties on generous plots. The nearest properties to the proposal are Westview, which is surrounded by the application site to the east, west and south, and Peperstitch and Fars to the east and Bourne Farm to the west.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 15/0400 – Erection of six 5-bedroom detached dwellings with associated garages, parking, access and landscaping following demolition of existing horticultural buildings.

*Application withdrawn 20/07/2015*

- 3.2 94/0935 – Erection of a polythene tunnel

*Granted 19/01/1995*

- 3.3 92/0101 - Erection of glasshouse for horticultural purposes

*Granted 06/07/1992*

- 3.4 14/0003 – Haghthorn Farm, Pennypot Lane, Chobham – Erection of one 4 bedroom, two-storey dwellinghouse and detached double garage following demolition of existing glasshouses

*Granted 09/04/2014*

*Very special circumstances were considered to exist given that the reduction in floor area would be approximately 75% (reduced by later applications to 63%).*

- 3.5 13/0578 – Land to the south of Bagshot Nurseries, former Plants to Go, Chobham Nurseries, Bagshot Road, Chobham [opposite this site] – Erection of three detached two-storey dwellings and garages

*Refused 25/10/13 and dismissed on Appeal 10/02/15*

*Refused on Green Belt grounds only because the existing site contained a polytunnel (though there was planning permission for stables) and the proposed use of three houses would have resulted in an increase in built form.*

## **4.0 THE PROPOSAL**

4.1 The proposal is for the erection of five detached dwellings, following the demolition of the existing glasshouses. There would be 2 x 3-bed dwellings on Plots 1 and 2, 1 x 6-bed dwelling on Plot 3, and 2 x 5-bed dwellings on Plots 4 and 5 and all would have a detached garage.

- Plots 1 and 2 are the furthest to the west and would share an access from Clappers Lane
- Plot 3 in the middle of the site would have its own access from Clappers Lane
- Plots 4 and 5 to the east would be accessed direct from Bagshot Road, each having a separate entrance. Plot 5 would utilise the existing access.
- Plots 1 and 2 would have a single garage and Plots 3, 4 and 5 a double garage. These would have pitched roofs and are designed to appear similar to agricultural outbuildings
- Much of the existing hedges and trees on the borders of the site would be retained
- Minor improvements to the existing footpaths along Bagshot Road are proposed

4.2 In support of the application, the applicant has provided a Planning Statement, Ecological Appraisal, Arboricultural Impact Assessment and Method Statement, Landscape and Visual Impact Assessment, Archaeology Desktop study, Contamination Report, Design and Access Statement, Flood Risk Assessment, Viability Report, Drainage Statement, Transport Statement, Energy report and letters from Housing Associations. These have been taken into account in preparing this report.

## **5.0 CONSULTATION RESPONSES**

- |     |                                      |                                       |
|-----|--------------------------------------|---------------------------------------|
| 5.1 | Surrey County<br>Highway Authority   | No objection, subject to conditions.  |
| 5.2 | Head of<br>Environmental<br>Services | No objection, subject to conditions.  |
| 5.3 | Council's<br>Arboricultural Officer  | No objection, subject to conditions.  |
| 5.4 | County<br>Archaeologist              | No objection.                         |
| 5.5 | Environment Agency                   | No comments – low environmental risk. |

5.6	Council's Drainage Officer	No comments received at time of writing.
5.7	Surrey Wildlife Trust	No objection, subject to conditions.
5.8	Surrey Police	No objection, subject to condition.
5.9	Thames Water	No response received at time of writing.
5.10	Chobham Parish Council	Objection – new dwellings in the Green Belt. If Council minded to approve then should be one exit onto Bagshot Road and no exit onto Clappers Lane, to preserve the rural nature of Clappers Lane and due to poor sight lines. Attention should also be paid to contamination report.

## 6.0 REPRESENTATION

6.1 At the time of preparation of this report 5 letters of objection have been received which raise the following issues:

- Massive development on such a small site and overdevelopment of the Green Belt [see sections 7.4 and 7.5]
- Out of character in terms of density [see section 7.5]
- House on Plot 1 would be totally overshadowed by tall hedges to the south and west of the plot so hedge would be cut down [see section 7.5]
- Previous proposal 15/0400 was for six houses on a cul-de-sac with one entrance on Bagshot Road; this adds three entrances onto single track road with blind bend which is used by horse riders, ramblers, dog walkers. New entrances on Clappers Lane would increase traffic and create a hazard. [see section 7.7]
- Plots 4 and 5 should share an exit onto Bagshot Road [see section 7.7]
- Both Clappers Lane exits onto Bagshot Road are difficult with restricted visibility [see section 7.7].

## 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, and in this case the relevant policies are Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety). The National Planning Policy Framework (NPPF) is also a relevant consideration.

The main issues to be considered are as follows:

- Principle of use
- Green Belt appropriateness and harm
- Character, trees and landscaping
- Residential amenity
- Highways, parking and access
- Affordable housing and housing mix
- Impact on Infrastructure and Thames Basin Heaths SPD

Other matters including ecology, flooding and drainage, land contamination and archaeology.

## **7.2 Principle of use**

- 7.2.1 Residential development is, in principle, acceptable given that there is an identified need for housing in the Borough. The loss of the historical horticultural/agricultural use can also be justified. The applicant has submitted a viability report which identifies that the use of the nursery is not viable because of the size of the site being too small for a modern horticultural business, the size, layout and condition of the buildings and lack of planning consent for a retail use from the site. It appears, therefore, that the business became unviable for the subsequent owners, though it is also noted that the site has not been marketed as a horticultural unit since 2009. In terms of its current limited contribution to the economy there is no objection to the loss of the horticultural use in economic terms. It should also be noted that the committee granted permission for application 14/0003 (see above) without justification for the loss of horticultural use and nor was justification required in terms of the viability of the agricultural/horticultural use for application 13/0578 (see above) for the land opposite this application site.

## **7.3 Green Belt appropriateness and harm**

- 7.3.1 Paragraphs 89 and 90 of the NPPF list the forms of development that are not inappropriate within the Green Belt (Buildings for agriculture is not inappropriate development in the Green Belt and thus the historical horticultural use is not inappropriate). One of these exceptions is the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use. However, horticultural sites are not included in the definition of previously developed land, and there are no other exceptions under paragraphs 89 or 90 that would allow this development. As such the development is inappropriate in the Green Belt.
- 7.3.2 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that 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, is clearly outweighed by other considerations.

7.3.3 The most important attribute of the Green Belt is its openness and therefore it is necessary to ascertain whether the quantum of proposed development would cause additional harm to the Green Belt. In this case the site is almost completely covered with single storey horticultural buildings. The following table indicates the differences in floorspace, footprint and volume in comparison with the existing situation:

	Existing	Proposed	Difference
Footprint	3455.3m <sup>2</sup>	785m <sup>2</sup>	-77%
Volume	10,048.5m <sup>3</sup>	4754m <sup>3</sup>	-52%
Floorspace (GEA)	3455.3m <sup>2</sup>	1383m <sup>2</sup>	-60%

7.3.4 As such, the footprint, volume and floorspace and the spread of built development across the site would be reduced significantly from existing. As such the significant net gain to the openness of the Green Belt is considered to outweigh the in principle inappropriateness to constitute very special circumstances. To safeguard the openness of the site it is, however, considered necessary and reasonable to remove permitted development rights.

#### 7.4 Character, trees and landscaping

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 this requirement.

7.4.2 The existing buildings can clearly be seen from Bagshot Road to the east of the site, and do not enhance the character and quality of the local area, and given that the buildings are not required, are likely to fall into a further state of disrepair. The area in the vicinity of the site is open and rural in character, with sporadic residential development either side of Bagshot Road, which comprise detached houses on large plots. Density varies between approx. 3.1 dwellings per hectare (dpha) to 8.2 dpha within 300m of the site, and increases along this road towards the settlements of West End and Chobham. Dwellings vary in age and architectural style and are a mixture of two-storey and single-storey. Substantial vegetation along the road partly hides many of the dwellings from view, and forms most of the boundaries between dwellings and Bagshot Road, adding to the rural character.

7.4.3 Withdrawn application 15/0400 originally proposed six 5-bedroom dwellings with one access. However, on the basis of the above site context, officers considered that the design of the dwellings themselves, the shared access and cul-de-sac design was reminiscent of a suburban development and not appropriate in this rural location.

- 7.4.4 The applicants subsequently entered into lengthy pre-application discussions prior to submitting the application, in order to ensure the character of the dwellings proposed was in line with those surroundings, and the dwellings have been further revised and reduced in size during the course of this application. As such the proposal now incorporates five dwellings of varying sizes which are all unique in terms of their architectural design and have taken design cues from surrounding dwellings. The detached garages located at a distance from the dwelling are reminiscent of a more rural, agricultural design, and the buildings have been laid out to ensure that they do not appear cramped. The materials proposed are red brick with timber and cladding, grey slate or natural clay tiled roofs and sash windows. It is considered that the proposed materials can be considered further by condition.
- 7.4.5 The existing buildings on site are 3-4m in height, and ridge heights of the proposed dwellings are between 7.8m-8.2m approx. with gables on Plot 3 slightly higher, however this dwelling would be set back from the road by 21m. The nearest dwellings at Peperstich, Hamlet and Budle Cottage to the east are all full two-storey height and can be seen from the road, and as such it is not considered that the dwellings would look out of character in this regard. From Bagshot Road, the rear/side of Plot 1 would be visible which would be 5.2m from the road at its nearest point, however its visibility would be significantly reduced by the existing mature conifer screen. The rear of Plots 2 and 3 would also be visible but the proposed landscaping would reduce this and additionally they would be set back at least 21m from the road. The front of Plots 4 & 5 would also face the road with a set back of 10-12m, similar to that of neighbouring Peperstich and Hamlet at 10-14m. Once the proposed landscaping has matured therefore it is not considered that these dwellings would appear significantly different from those existing along Bagshot Road. From Clappers Lane, Plots 1-3 may be visible behind the vegetation which would have to be cut back to some degree for visibility splays. Again Plot 1 on the corner would be set back by 5.6m approx, similar to that of Bourne Farm on the opposite side of Clappers Lane which also does not face the road. Plots 2 and 3 would be set back by 14m and 29m respectively which is similar to other dwellings in the road with set backs of 18m-39m and as such their visual impact on Clappers Lane would be limited, and similar to existing dwellings.
- 7.4.6 The density of a development can be misleading indicator of whether a development integrates into its content, nevertheless, the density would be approximately 7.5 dpha, which given the density of surrounding dwellings and Policy CP2 which requires land is used efficiently, is not considered harmful to local character.
- 7.4.7 The Landscape Masterplan indicates that the existing mature trees and hedges along the Bagshot Road and Clappers Lane frontages would be retained and supplemented with additional 2-3m high native boundary hedge along the Bagshot Road frontage, and the residential curtilages would be separated by hedges. There is no reference to pruning existing hedges but it is accepted that this may be necessary, partly also because of the visibility splays required on Clappers Lane, and can be considered further when the detailed landscaping scheme is received by condition. The application also includes a Tree Report which advises that one tree will be removed and some cypress hedging. The Council's Arboricultural Officer has not objected, subject to a condition for a pre-

commencement site meeting and the implementation of tree protection measures. He has also commented that it would be preferable to alter some of the suggested species on the Masterplan, however this can be considered when a detailed scheme is submitted.

- 7.4.8 It is therefore considered that the design of the development would respect and improve the character and quality of the area and accord with the NPPF and Policies CP2 and DM9.

## **7.5 Residential amenity**

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. 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 nearest property to the site is Westview, which is to the north of the site and would border Plot 3 to the west and Plots 4 and 5 to the south. The property itself, however, is approximately 6m from its southern boundary at the nearest point, and the nearest building would be the garage of Plot 3 at 2.5m away, which given its single storey nature is not considered to cause any amenity impacts. The dwellings themselves are over 15m away from the boundary and are not considered to cause any adverse harm to amenity. The next closest dwellings are Peperstitch to the east, which is approximately 24m away from the boundary it would share with Plot 5, and Bourne Farm is 17m from the dwelling at Plot 1, on the opposite side of Clappers Lane. As such no adverse impacts in terms of amenities would occur for on either of these properties.

- 7.5.3 There are no other properties close enough to be affected in terms of amenity and as such the proposal is considered acceptable on these grounds, and in line with Policy DM9 and the NPPF.

## **7.6 Highways, Parking and Access**

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy CP11 states that all new development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. DM11 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 such impacts to acceptable levels can be implemented.

- 7.6.2 The County Highway Authority have been consulted and have assessed the application on safety, capacity and policy grounds and have not objected. They have recommended conditions which include an informal pedestrian crossing on Bagshot Road opposite plots 4 and 5 which would entail lowered kerbs and tactile



paving on each side, visibility splays for the accesses onto Clappers Lane, and a Construction Transport Management Plan.

- 7.6.3 In light of their advice it is therefore considered that the proposal is acceptable in terms of highway safety and capacity and in line with Policies CP11, DM11 and the NPPF in this regard.

## **7.7 Affordable Housing and Housing Mix**

- 7.7.1 Policy CP5 states that developments of 5-9 units should secure a 20% on-site provision of affordable housing. In this case the developer proposes a financial contribution of £218,000 in lieu of on-site provision, having submitted evidence from two local housing authorities that one unit in this location would not be viable for them to manage. This sum is in line with that required under Policy CP5 and the affordable housing SPD. The Housing Services Officer has also verbally commented that he would have no objection to a financial contribution. It is therefore considered that the proposal is in line with Policy CP5, subject to the receipt of a legal agreement by the Committee date to secure this sum.

- 7.7.2 Policy CP6 states that the Council will promote a range of housing types and tenures, and for market housing suggests that this should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+ bed units. In this case, the character of the area features larger detached dwellings and as such no objection is raised to the mix of 2 x 3-bed, 2 x 5-bed and 1 x 6-bed dwellings.

## **7.8 Impact on Infrastructure and Thames Basin Heaths SPD**

- 7.8.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery.

- 7.8.2 The CIL Charging Schedule came into force on 1 December 2014 and details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself. This development would be CIL liable, and CIL would be payable on commencement. An informative regarding CIL will be added. It is therefore considered that the proposal would be in accordance with Policy CP12, the Infrastructure Delivery SPD and the NPPF in this regard.

- 7.8.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 1.5km from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. In this case there is sufficient SANG and the development is CIL liable.

7.8.4 The development would also be liable for a contribution towards SAMP (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMP payment of £4235. It is therefore considered that, subject to the receipt of a legal agreement to secure this sum by the Committee date, the proposal complies with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

## **7.9 Other matters**

7.9.1 Policy CP14A supports the conservation and enhancement of biodiversity within Surrey Heath. The applicant has submitted an Ecological Appraisal, which assessed the site as having negligible benefit for protected species, and recommends the provision of new habitats within the site, bat and bird boxes. Surrey Wildlife Trust have not objected to the development, subject to conditions including a method statement for reptile protection and the undertaking of the other mitigation measures as outlined in the Ecological Assessment. They have also made species suggestions which can be considered under the further landscaping details required. It is therefore considered that subject to these conditions, the development is acceptable in this regard.

7.9.2 Policy DM10 of the CSDMP expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development. Most of the site is within Flood Zone 1 (low risk) other than the western boundary and part of the house of Plot 1 which is in Flood Zone 2 (medium risk). Given that the majority of the site lies within an area of lowest risk of flooding officers are satisfied that the Sequential Test has been passed. In accordance with EA advice necessary conditions and informatives can be added in respect of emergency planning and safe access.

7.9.3 Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The applicant has submitted a Contamination Report. The Environmental Health Officer has not objected but has recommended conditions to ensure further work is carried out to establish the extent of the contamination and remediation measures implemented, all to be agreed with the LPA. It is therefore considered the proposal is acceptable in this respect, subject to the proposed conditions.

7.9.4 Policy DM17 states that development which affects any Heritage Asset should first establish and take into accounts its individual significance and seek to promote its conservation and enhancement. The applicants have submitted an archaeological desk-top assessment which has been reviewed by the County Archaeologist. The Archaeologist has stated that given that there is evidence of historic quarrying on the site and remains are likely to have undergone truncation during the construction and use of the nursery glasshouses, that no further work or conditions are required in this respect.

## **8.0 CONCLUSION**

- 8.1 Whilst the proposal would represent an inappropriate form of development in the Green Belt the reduction of quantum of built form on the site would result in a significant net gain to the openness of the Green Belt. It is therefore considered that there are very special circumstances to outweigh the harm to the Green Belt. No additional harm has been identified in respect of impact on character, residential amenity, highways or the other matters discussed above. The application is recommended for approval subject to conditions and the legal agreement being received in a timely manner.

## **9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 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.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **10.0 RECOMMENDATION**

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:
  - Location Plan 13-P908-CP received 7.12.15
  - Site Layout 13-P908-20 Rev A received 2.2.16

- Plot 1 Floorplans and Elevations 13-P908-21 Rev A received 2.2.16
- Plot 2 Floorplans and Elevations 13-P908-22 received 7.12.15
- Plot 3 Floorplans and Elevations 13-P908-23 Rev A received 2.2.16
- Plot 4 Floorplans and Elevations 13-P908-24 Rev A received 2.2.16
- Plot 5 Floorplans and Elevations 13-P908-25 Rev A received 2.2.16
- Proposed Garages 15-P1117-27 received 7.12.15

unless the prior written approval has been obtained from the Local Planning Authority.

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

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

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

4. Prior to the commencement of building operations in Plot 1, a plan shall be submitted to and approved in writing by the Local Planning Authority to show that the finished floor levels of the dwelling in Plot 1 shall be 300mm above the general ground level of the site or 600mm above the estimated river or flood sea level, whichever is the greater; or that extra flood resistance and resilience measures have been put in place if this is not possible. This dwelling shall be built in accordance with the approved plan.

Reason: In order to ensure that future occupiers of the dwelling are not put at unacceptable risk of flooding, in accordance with Policy DM10 and the National Planning Policy Framework.

5. Prior to completion of the building works, full details of both hard and soft landscaping works shall be submitted to the Local Planning Authority, and these works shall be carried out as approved in writing by the Local Planning Authority, and implemented prior to first occupation. These details should be broadly in line with those shown on the submitted Landscape Masterplan and should include an indication of all level alterations, hard surfaces, boundary treatments, access features, the existing trees and hedges to be retained, together with the new planting to be carried out which should include planting of species of ecological value/native origin to provide habitat and food for wildlife. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to BS3936 Part 1: Nursery stock specification for trees and shrubs and the planting shall be carried out after

completion of the building programme and prior to first occupation. Any trees or plants which within a period of 5 years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with other species of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason: In the interests of local landscape character and ecology in accordance with Policies DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

6. Development shall be carried out wholly in accordance with the submitted Arboricultural Impact Assessment and Method Statement by ACD Environmental dated 03.12.2015. Prior to commencement of development an on-site meeting shall take place to include the Council's Tree Officer and tree protection measures shall be implemented and agreed in writing by the Local Planning Authority. The Tree Officer shall be given no less than 14 days' notice of such a meeting.

Reason: In the interests of landscape character in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

7. The development shall be carried out in accordance with the ecological enhancements as outlined in the ecological appraisal, which are the installation of two bat boxes on south or east facing exterior walls of new buildings, installation of four bird boxes on mature trees within the site and the installation of at least one log pile to encourage invertebrates.

Reason: In the interests of increasing biodiversity in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2012.

8. Prior to commencement of development, a scheme to assess the nature and extent of any contamination on site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority. Following approval of this scheme, an investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced which must be approved in writing by the Local Planning Authority prior to commencement of development. The report shall include:
  - A survey of the extent, scale and nature of contamination;
  - An assessment of the potential risks to:
    - Human health
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - Adjoining land

- Groundwater and surface waters
- Ecological systems
- Archaeological sites and ancient monuments

- An appraisal of remedial options, and proposal of the preferred option. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

9. Prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

10. Prior to commencement of development and following completion of

measures identified in the remediation scheme approved under Condition 6 above, a Verification Report that demonstrates the effectiveness of the remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, additions, enlargements or outbuildings or means of enclosure shall be erected under Class A, Class B or Class E of Schedule 2, Part 1 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 protecting the openness of the Green Belt, in accordance with the NPPF.

12. The garages hereby permitted shall be retained for such purpose only and shall not be converted into living accommodation without further planning permission from the Local Planning Authority.

Reason: To ensure the provision of on-site parking accommodation and protect the visual amenities of the Green Belt and local character, in accordance with Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

13. The development hereby approved shall not be occupied unless and until the proposed and modified vehicular accesses for plots 4 and 5 to Bagshot Road have been constructed in accordance with the approved plans.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

14. The development hereby approved shall not be occupied unless and until

informal pedestrian crossings with pram crossing points and tactile paving have been constructed at the junction of Clappers Lane and Bagshot Road and for plots 4 and 5 on Bagshot Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

16. No development shall commence until a Construction Transport Management Plan to include details of:
  - a) parking for vehicles of site personnel, operatives and visitors
  - b) loading and unloading of plant and materials
  - c) storage of plant and materials

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

17. The development hereby approved shall not be occupied unless and until the proposed vehicular access to Plots 1 and 2 to Clappers Lane have been provided with visibility splays of not less than 2m x 33m to the right and 2m x 26m to the left and the vehicular access from Clappers Lane to Plot 3 is provided with visibility splays of 2m x 33m in both directions, unless otherwise agreed in writing with the Local Planning Authority. The visibility zones shall thereafter be kept permanently clear of any obstruction above 1.05m high.

Reason: In order that the development should not prejudice highway safety



nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

18. Within the development's construction zone, methods of working will be adopted fully in accordance with those set out in the email of 29th January 2016 from Daniel Wood of ACD Environmental to Emma Berry at Surrey Wildlife Trust.

Reason: In order to safeguard any reptiles that may be present at the site in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

#### Informative(s)

1. CIL Liable CIL1
2. Form 1 Needs Submitting CIL2
3. The applicant is reminded that all species of wild birds and their nests are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and therefore in order to avoid contravention of current legislation, site clearance and demolition works should be timed to avoid the main bird nesting season, which in general runs from March to August. If this is not possible, a check should be carried out prior to works being commenced to ensure there are no active nests present.
4. The applicant is advised that native species should be used for new trees and shrubs, preferably of local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. The priority should be to source planting stock from the seed zone of the planting site, but with the inclusion of a proportion from other nearby seed zones, particularly from the south east. This will introduce some genetic variation which may allow woodland to adapt more easily to future climate change. Boundary planting is particularly important as native species, hedgerows and tree lines can facilitate the movement of animals through a developed area. Where cultivated species are selected, consider using those that provide nectar-rich flowers and/or berries as these can also be of considerable value to wildlife. Plantings of foreign species of invasive habitat should be avoided adjacent to natural habitat. The use of peat-based composts, mulches and soil conditioners should be avoided due to the loss of important natural habitat.

5. The applicant's attention is drawn to the consultation response from Surrey Police and the landscaping details required by Condition 5 should have regard to the Secured By Design initiative as far as possible without compromising the character of the area. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)
6. Details of the highway requirements necessary for inclusion in any application seeking approval of conditions may be obtained from the Transportation Development Planning Division of Surrey County Council.
7. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
8. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority (0300 200 1003) before any works are carried out on any footway, footpath, carriageway or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or cause damage to the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131,148,149).
10. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

**In the event that a satisfactory legal agreement is not completed in respect of SAMM and Affordable Housing contribution by 7<sup>th</sup> March 2016, the recommendation would be to REFUSE for the following reasons:**

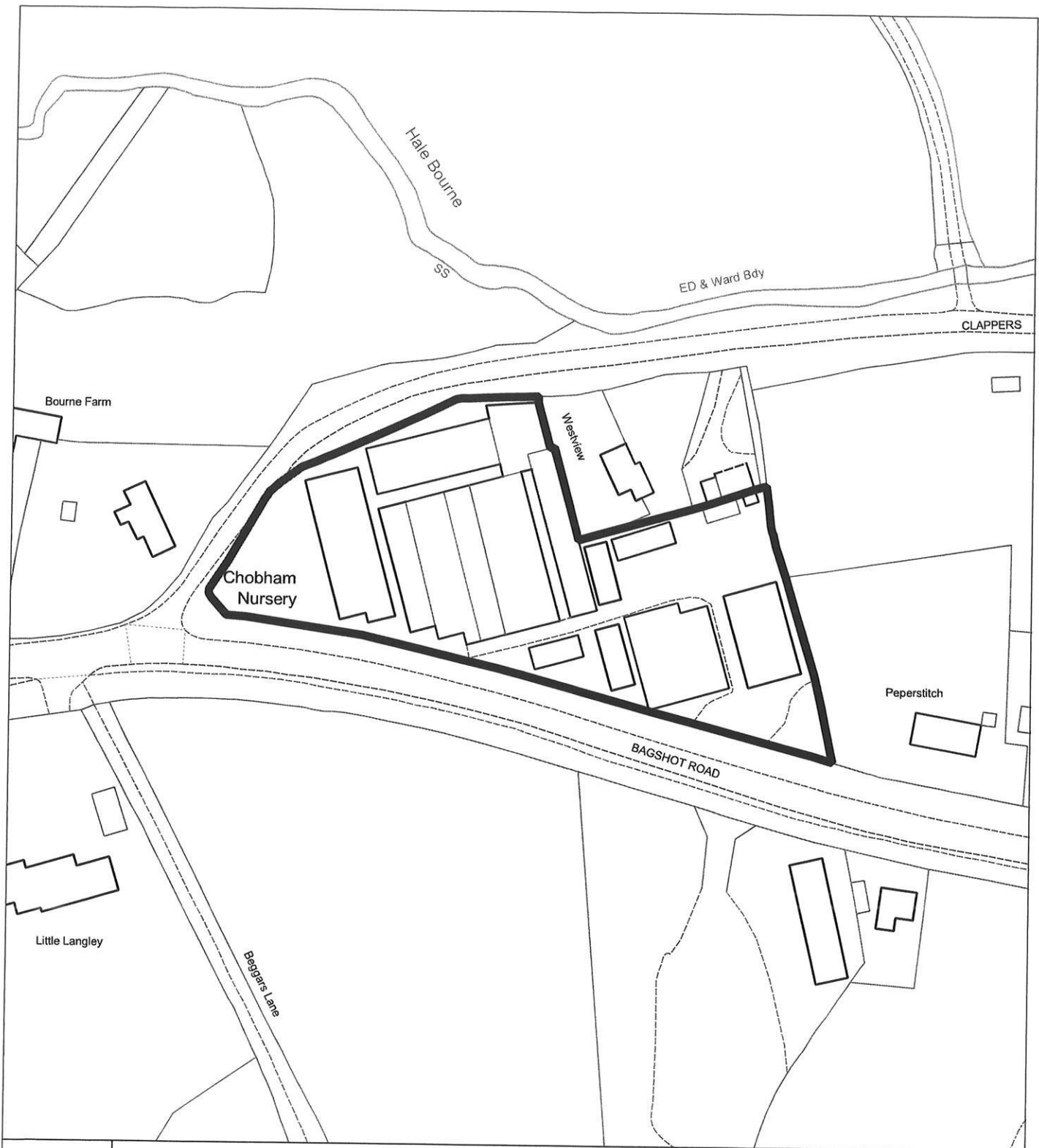
The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is

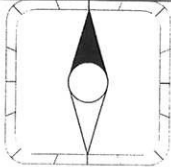

likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas.

Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) applies in this case then it must refuse the application in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with the guidance contained within the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 and the Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document.

No sum or legal agreement to secure payment has been received in respect of affordable housing and as such the proposal fails to accord with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

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<b>Title</b>	Planning Applications		<b>Page</b>	1 of 3
<b>Application number</b>	15/1069		<b>Scale @ A4</b>	1:1,250
<b>Address</b>	CHOBHAM NURSERIES, BAGSHOT ROAD, CHOBHAM, WOKING, GU24 8DE		<b>Date</b>	18-02-2016
<b>Proposal</b>	Erection of five detached dwellings (2 x 3-bed, 2 x 5-bed, 1 x 6-bed) with detached garages, parking, access and landscaping, following demolition of existing horticultural buildings. (Additional and Amended Plans - Rec'd 02/02/2016.)			
<small>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</small>				

Glasshouses within the site



View from Bagshot Road



Clappers Lane looking towards Bagshot Road



Glasshouses within the site



SU15/1069 – Chobham Nurseries, Bagshot Road, Chobham

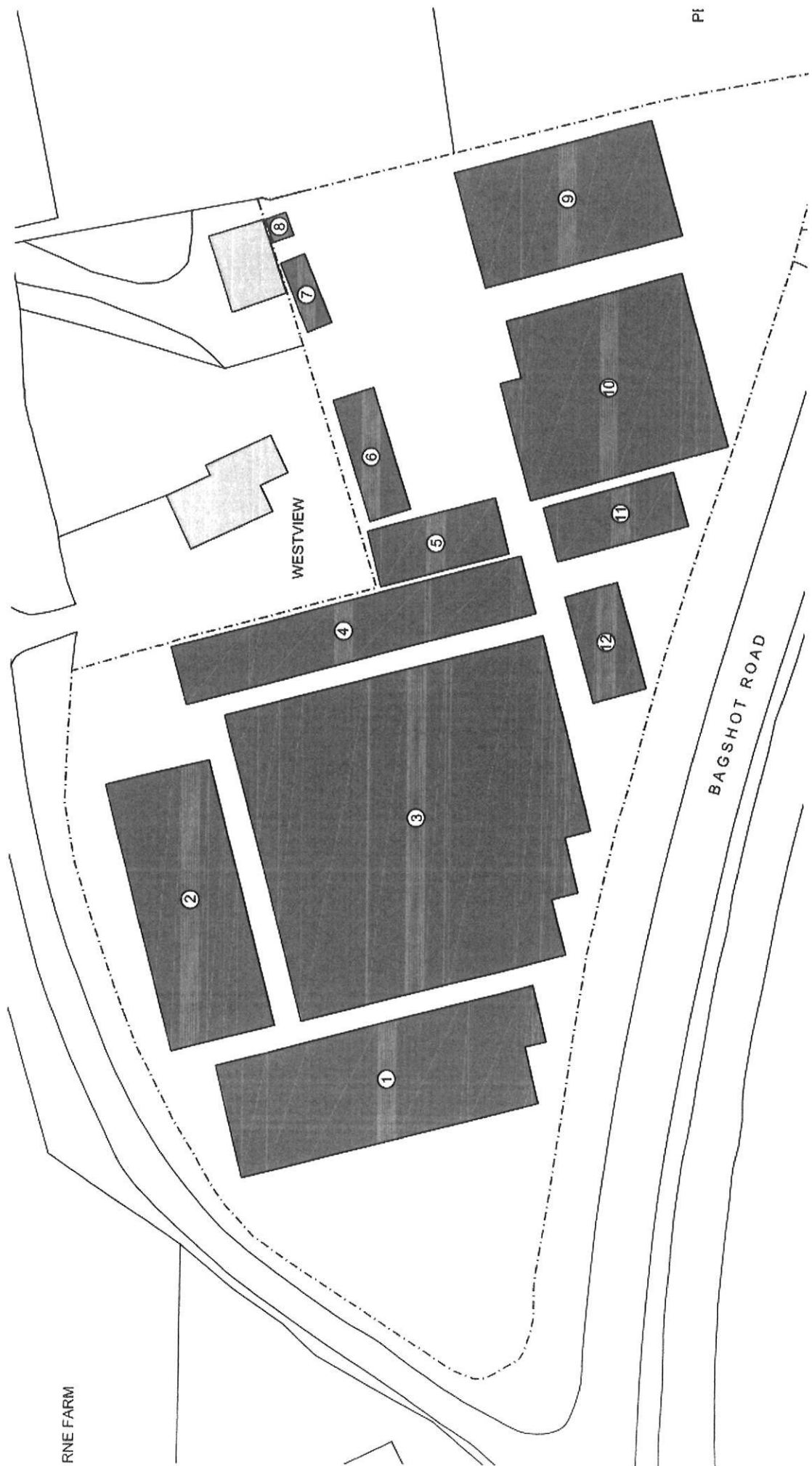
Location Plan



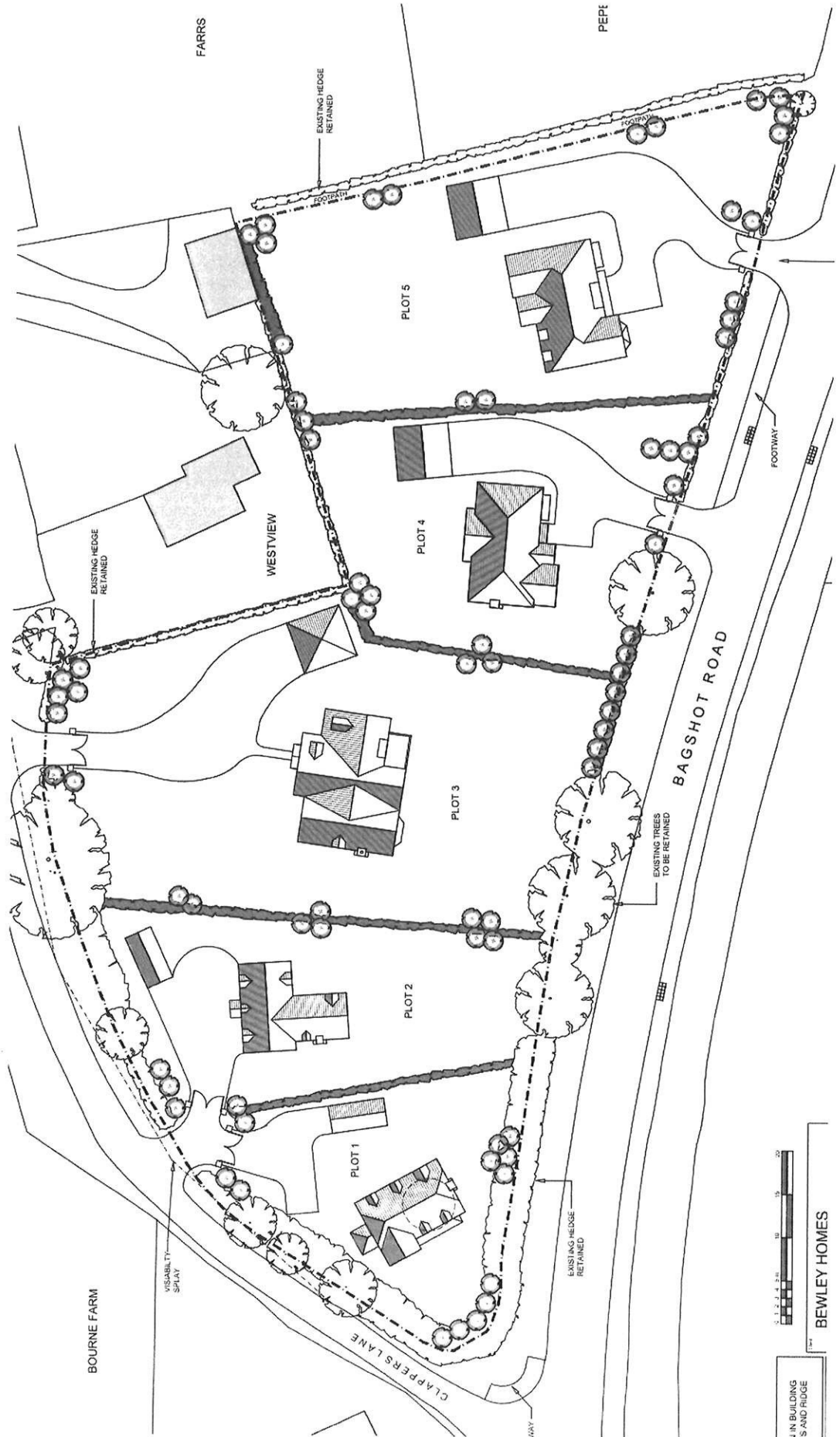
<p><b>ASCOT DESIGN</b> ARCHITECTURE</p> <p><small>100, Church Lane, Ascot, Berkshire, RG22 7JH Tel: 01344 793220 Email: info@ascotdesign.co.uk www.ascotdesign.co.uk</small></p>	<p><b>PLANNING SUBMISSION</b></p>	
	<p><b>BEWLEY HOMES</b></p>	<p><b>LOCATION PLAN</b></p>
<p><b>CHOBHAM NURSERY, BAGSHOT ROAD, CHOBHAM</b></p>		<p>1:1250 @ A3 APR 15</p>
		<p>13 - P908 - LP</p>



Existing site coverage



Proposed Site Layout



Front elevations

Plot 1 (3-bed)



FRONT ELEVATION

Plot 2 (3-bed)



FRONT ELEVATION

Plot 3 (6-bed)



FRONT ELEVATION

Plot 4 (5-bed)



FRONT ELEVATION

Plot 5 (5-bed)



FRONT ELEVATION

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2015/1133

Reg Date 24/12/2015

Chobham

**LOCATION:** CHOBHAM SERVICE STATION, STATION ROAD,  
CHOBHAM, WOKING, GU24 8AJ

**PROPOSAL:** Variation of Condition 1 of planning permission  
SU/13/0367 so as to allow the petrol station to remain  
open 24 hours a day, 7 days a week.

**TYPE:** Relaxation/Modification

**APPLICANT:** Mr Rupert Ainsworth  
Rontec Watford Ltd

**OFFICER:** Emma Pearman

**This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr Tedder it has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions**

## **1.0 SUMMARY**

- 1.1 The application relates to the Esso Service Station in Chobham, on the corner of Station Road, Scotts Grove Road and the High Street. The petrol station lies within the settlement area of Chobham and within the Conservation Area. It is currently open from 6am – midnight daily, and this proposal seeks to extend the opening hours such that it would be open 24 hours a day, 7 days a week. No changes to the built form of the petrol station are proposed and the additional facilities such as the car wash, jet wash, cash machine, and air and vacuum facilities are not proposed to be open during the extended hours. The timing of tanker deliveries is also controlled by condition and this is not proposed to be changed.
- 1.2 While there have been a number of objections from residents, there have been no objections from statutory consultees nor any evidence submitted to demonstrate that harm to amenities would arise. As such it is considered that the proposal is acceptable in terms of its impacts upon character, residential amenity and highways. Conditions are proposed in terms of lighting and restriction of the air and vacuum facilities which are not currently restricted by any other permission.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is an operating petrol filling station and shop, located on the mini roundabout on the junction of Station Road, Scotts Grove Road and High Street, Chobham. The entrance is on Station Road and the exit on Scotts Grove Road. It is located within the settlement area of Chobham and within the Chobham Conservation Area. The filling station accommodates a shop, cash machine, car wash, jet wash and air and vacuum facilities.

- 2.2 The petrol filling station adjoins residential properties on either side to the east and south, and on the opposite side of Scotts Grove Road. There are a mixture of commercial and residential properties on the opposite side of Station Road. Behind the garage is the recreation ground and pavilion.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 SU13/0367 – Application for variation of Condition 8 of planning permission SU90/0324 to allow opening hours of the petrol station between the hours of 0600-2400 Monday to Sunday.

*Granted 21/08/2013.*

*Condition 1 of this permission restricted the opening hours to between 0600-2400 hours Mondays to Sundays, which is the condition sought to be varied by this application. Condition 2 restricts deliveries to the site to between 0700-2300 hours Mondays to Saturdays and 0800-2300 hours on Sundays.*

*If permission is granted for this application it would replace this permission, and as such Condition 2 would be repeated. Conditions covered by separate permissions detailed below would remain and are not necessary to repeat.*

- 3.2 SU03/0053 – Variation of Condition 8 of planning permission SU90/0324 to allow opening hours from 0600-2300 hours Monday to Friday, 0700-2300 hours on Saturdays and 0800-2300 hours on Sundays.

*Granted 11/03/2003.*

*This permission was effectively replaced by SU13/0367 above as it was a later variation to the same condition.*

- 3.3 SU96/0035 – Installation of an automatic telling machine and alterations to relocate existing customer toilet.

*Granted 20/03/1996.*

*Condition 3 of this permission restricted the operating hours of the machine to between 0700-2300 hours Mondays to Saturdays and 0800-2200 hours on Sundays.*

- 3.4 SU91/0899 – Installation of jet wash

*Granted 26/03/1992.*

*Condition 3 of this permission restricts the jet wash to operation between 0800-2100 hours Mondays to Saturdays and 0900-2100 hours on Sundays.*

- 3.5 SU90/0324 – Erection of a new petrol filling station, shop, stores and car wash following the demolition of the existing petrol filling station, car showroom, workshop and spray shop.

*Granted 03/08/1990*



*Condition 8 restricted the opening hours to 0700-2300 hours Monday to Saturdays and 0800-2200 hours on Sundays. This condition was varied by application SU13/0367 above. Condition 9 restricts the car wash to 0800-2100 hours Monday to Saturdays and 0900-2100 hours on Sundays.*

#### **4.0 THE PROPOSAL**

- 4.1 This proposal is for the variation of Condition 1 of planning permission SU13/0367 so as to allow the petrol station to remain open 24 hours a day, 7 days a week, from its current opening hours of 0600-2400 hours Monday to Sunday. It does not propose to extend the hours of the car wash, jet wash, air and vacuum facilities or tanker deliveries, which are, with the exception of the air and vacuum facilities, already controlled by various conditions (see section 2 above). No change to the built form of the petrol station is proposed.

#### **5.0 CONSULTATION RESPONSES**

- |     |                                 |  |
|-----|---------------------------------|--|
| 5.1 | Surrey County Highway Authority | No objection.  |
| 5.2 | Head of Environmental Services  | No objection.  |
| 5.3 | Council's Heritage Officer      | No objection, subject to control of lighting (verbal).   |
| 5.4 | Surrey Police                   | No response received.  |
| 5.5 | Chobham Parish Council          | Objection – inappropriate in a conservation area, light and noise pollution together with increased traffic. |

#### **6.0 REPRESENTATION**

- 6.1 At the time of preparation of this report 23 letters of objection have been received, some from a considerable distance from Chobham, which raise the following issues:
- Increase in noise including vehicles accelerating away, car stereos, loud voices, slamming of car doors, motorbikes revving engines, using jet wash or vacuum facilities [see paragraphs 7.5.2-7.5.5]
  - Increase in vibration in close proximity to listed properties [see paragraphs 7.5.4-7.5.5]
  - Light pollution including headlights [see paragraphs 7.5.6-7.5.7]

- Planning statement does not acknowledge/address nearest residential neighbours [*Officer comment: the nearest residential neighbours have been fully taken into account*]
- Location plan is out of date and doesn'tt correctly show boundaries [*Officer comment: this has now been updated to show accurate boundaries*]
- Increase in traffic and delivery vehicles which park inconsiderately [*see section 7.6; Officer comment: no changes to parking of vehicles are proposed and inconsiderate parking is not something that can be taken into account as part of this planning application*]
- Shop now has alcohol licence so will increase late night drinkers [*see paragraphs 7.5.8-7.5.9*]
- Increase in anti-social behaviour/crime at night/cannot control customers' behaviour [*see paragraphs 7.5.8-7.5.9*]
- Applicant has not demonstrated need and puts profit above people/other petrol stations nearby are open late/local shops not open beyond midnight so no disadvantage for this petrol station [*see section 7.3*].

## **7.0 PLANNING CONSIDERATION**

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policies CP2 (Sustainable Development and Design), CP8 (Employment), DM9 (Design Principles), Policy DM11 (Traffic Management and Highway Safety) and DM17 (Heritage). The National Planning Policy Framework (NPPF) is also a relevant consideration.

7.2 The issues to be considered are:

- Principle of the development;
- Impact on character and the Conservation Area;
- Residential amenity; and,
- Highways, parking and access.

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

7.3.1 The NPPF in paragraph 17 supports sustainable economic development to deliver thriving local places, and in paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and planning should operate to encourage and not act as an impediment to sustainable growth. It goes on to say that significant weight should be placed on the need to support economic growth through the planning system. Policy CP2 of the CSDMP requires development to promote smart economic growth and Policy CP8 supports the creation of jobs in Surrey Heath.

- 7.3.2 The applicant has stated that the change is required to enhance the viability and functionality of the site, to the benefit of motorists and local residents. They have stated that the development will create additional working hours for the existing employees and therefore can be recognised as economic development, and that it will enable them to operate a facility that meets the expectations of customers, reflecting other local facilities and to retain a competitive trading position.
- 7.3.3 There is no policy requirement for the applicant to demonstrate that there is a need for the facilities by providing any further information, and the above policies indicate that the principle of the development in economic terms is acceptable. The application should therefore be considered in terms of whether it is acceptable in respect of its impacts upon character, residential amenity and highways, as discussed below.

#### **7.4 Impact on character and the Conservation Area**

- 7.4.1 The application does not propose any changes to the built form of the petrol station. The Council's Heritage Officer has not raised an objection, stating that he is satisfied that the principle of extended opening hours would not harm the Conservation Area. The extension of hours under SU13/0367 was previously considered acceptable in this regard, with the Officer noting that paragraph 1.2 of the Conservation Area Character Appraisal 2001 stated that "*the purpose of designation [of a Conservation Area] is to help to retain the character and appearance and prevent unsympathetic alterations which would harm the area or its setting*".
- 7.4.2 It is therefore considered that the extended hours would not have a significant adverse impact on the integrity of the Conservation Area or local character, subject to controls in respect of lighting (see section 7.6) in accordance with Policies DM9 and DM17 of the CSDMP.

#### **7.5 Residential amenity including noise and light pollution**

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses and that development should be designed to reduce the potential for crime and the fear of crime.
- 7.5.2 The extension of hours could have the potential for noise disturbance, especially taking into account the close proximity of local residents. No.1 Rowell End Villas is 1.5m away from the boundary of the petrol station to the east, and 1 Oakdene approximately 2-3m from the southern boundary. There are also two Grade II listed properties opposite on the High Street and a locally listed property opposite, all between 20-25m away. It should be noted, however, that the hours of operation of the car wash, jet wash, cash machine and tanker deliveries are not proposed to be extended as a result of this application and are already controlled by various conditions.

The air and vacuum facilities are not controlled by condition, however, a condition would be imposed on this permission to restrict their use to the current opening hours.

- 7.5.3 The applicant has submitted a noise assessment which concludes that the extension of hours would not result in undue impacts on amenity for the local neighbours. This assessment has been considered by the Environmental Health Officer, who has stated the following:

*“The report details both short and longer term impact of noise associated with the proposed extension of hours on the nearest residential properties. Existing controls on the car wash facilities and upon deliveries remain unaffected by this application. The noise levels from petrol filling station operations has been assessed against relevant noise criteria as defined by BS 4142:97 and BS 8233:14. These are appropriate and relevant standards to assess against. Tables 7.1, 2 and 3 detail that the proposed operations present a marginal or less than marginal significance under BS 4142 assessment and that the standard achieved within the bed and living rooms of nearest residential property remain as good under BS 8233. Tables 7.5 to 7.7 determine that expected changes to the noise climate are predicted to be below a level whereby occupants would notice any change. In conclusion the report demonstrates that there are no significant issues to local residents relating to noise associated with the proposed change of trading hours and I therefore have no objection to the application.”*

- 7.5.4 A large number of objections have cited noise as a concern and as a consequence the Environmental Health Officer was asked to specifically comment on the points being raised. His further comments in this regard are given below.

*The noise assessment considered all of those activities you mention in determining the impact of petrol filling station noise. These include;*

- *Use of the fuel pumps and fuel pump noise;*
- *Vehicle movements;*
- *Car doors open/ closing; and,*
- *Other irregular noise sources (car stereos, patrons talking, movement of people around the site etc).*

*In respect of deliveries and car wash facilities the proposed changes would not entail any changes in layout or operational practices at the site inclusive of the additional controls put on the car wash facilities by Condition 9 of the original 1990 planning permission or deliveries controlled under condition 2 of the 2003 Relaxation/modification. Vibration is not a subject normally associated with late night petrol forecourt activity and we would not require an assessment of it.*

- 7.5.5 In light of the above and in the absence of any evidence to the contrary it is not considered an objection on the grounds of noise and vibration could be sustained.

- 7.5.6 The application does not seek to change the existing lighting arrangements and it is noted that Environmental Health has no records of light pollution complaints.

Moreover, the EHO has advised that for a light pollution complaint to be actionable it would need, for example, to seriously affect a person's ability to sleep (an example of a flood light shining directly into a bedroom window has been given).

- 7.5.7 Concerns regarding light pollution from car headlights have also been raised, however as the extended opening hours would not, in itself, change the patterns of light spill from vehicles entering and leaving the site, it cannot reasonably be concluded that these would result in light pollution so harmful as to be disruptive to residents sleep patterns. Therefore, and in the absence of evidence to demonstrate that harm would arise, it is considered an objection on light pollution cannot be sustained.
- 7.5.8 Paragraph 69 of the NPPF states that planning decisions should aim to achieve places that promote safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion. Objections have been raised in respect of the potential of the extended opening hours to result in increased anti-social behaviour. It should also be noted that the shop has a licence to serve alcohol during its current opening hours of 6am – midnight daily. Any extension to these hours is not proposed at present and would be a matter for the Council's Licensing Committee if it was in the future.
- 7.5.9 Surrey Police have been consulted on the application, however, no response has been received at the time of writing this report. A check of the police data available to the public shows that in the last year, five incidents of anti-social behaviour were reported within the vicinity of the petrol station, and three of criminal damage however it is not clear whether any of these related to the petrol station itself. A total of 698 incidents of anti-social behaviour were recorded in the Six Villages policing area in total which appears to indicate that this type of crime is not a particular problem for this part of Chobham. Given also that the licensing hours do not coincide with the extended hours, it is not considered that the proposal is likely to result in any significant adverse effects on amenity resulting from anti-social behaviour.
- 7.5.1 It is therefore considered that, given the advice from the EHO, that subject to a condition in respect of lighting, the proposal is not likely to generate any significant adverse effects on residential amenity.

## **7.6 Highways, Parking and Access**

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 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 such impacts to acceptable levels can be implemented.
- 7.6.2 The proposal will not change existing parking or delivery arrangements. Deliveries by tanker would not occur during the extended hours as stated above and the applicant anticipates that there would be one additional tanker delivery per week as a result of the extended hours. The County Highway Authority have undertaken an assessment in terms of the likely net additional traffic generation,

access arrangements and parking provision and are satisfied that the proposal would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore have no highway requirements. In conclusion it is envisaged that the proposal would not conflict with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and it is considered that the proposal is acceptable in this regard.

## **8.0 CONCLUSION**

- 8.1 It is therefore considered that the proposal is acceptable in principle and in terms of its impact on character, residential amenity and highways. It is therefore considered that permission can be granted, subject to conditions.

## **9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 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.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **10.0 RECOMMENDATION**

GRANT subject to the following conditions:-

1. No deliveries shall be taken or dispatched from this site outside of the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 08:00 and 23:00 hours on Sundays.

Reason: In the interests of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management

Policies 2012.

2. The air and vacuum facilities shall only be available for use between the hours of 6am - midnight Monday to Sunday unless the prior written approval has been obtained from the Local Planning Authority.

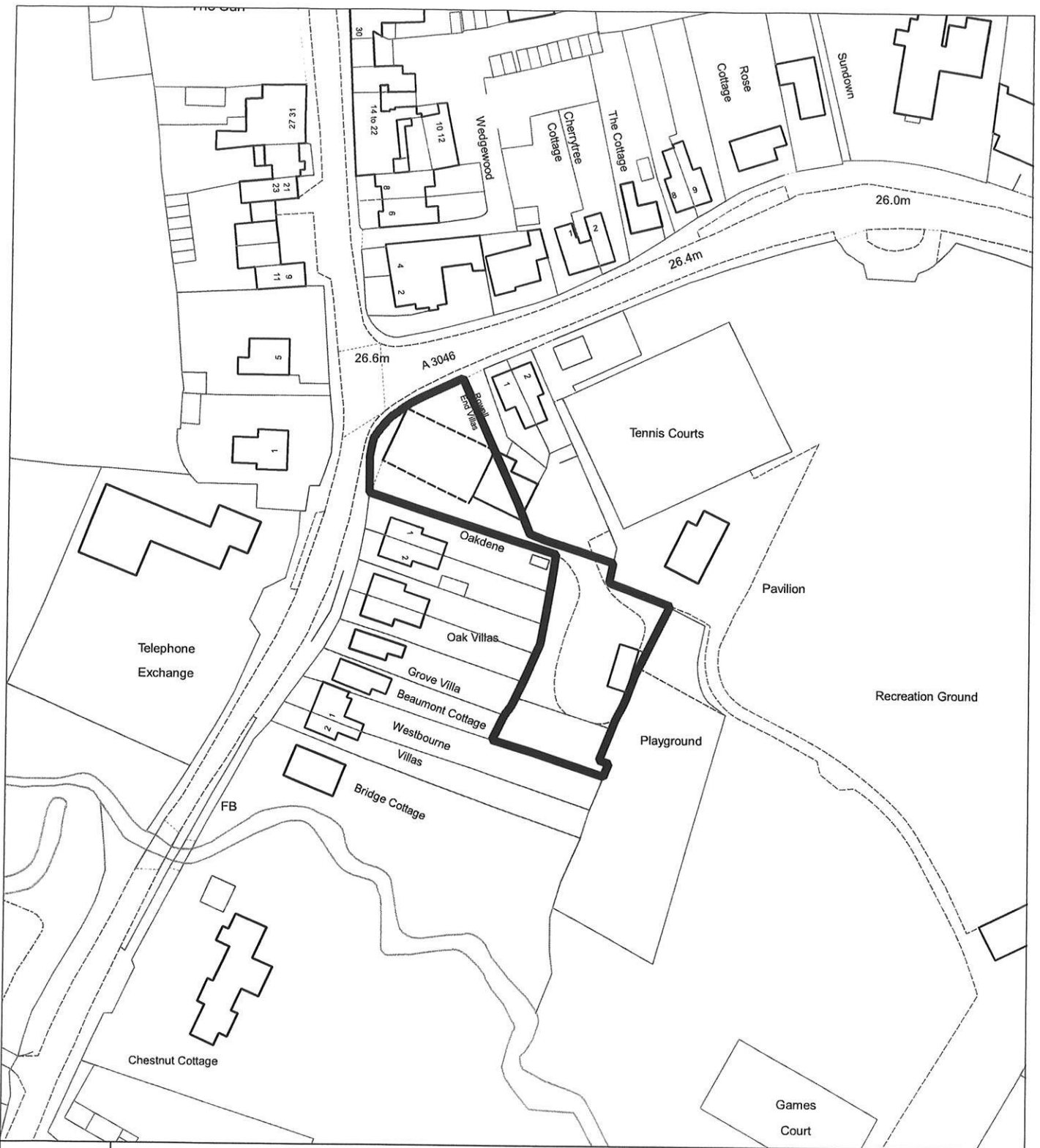
Reason: In the interests of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.


Informative(s)

1. Decision Notice to be kept DS1
2. The applicant is reminded that there are conditions setting out limitations on the hours of opening/operation of the jet wash facility [Condition 3 of planning permission SU/91/0899], the automatic teller machine [Condition 3 of planning permission SU/96/0035], and the car wash [Condition 9 of SU90/0324] which also remain in place.

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<b>Title</b>	Planning Applications		<b>Page</b>	2 of 3
<b>Application number</b>	15/1133		<b>Scale @ A4</b>	1:1,250
<b>Address</b>	CHOBHAM SERVICE STATION, STATION ROAD, CHOBHAM, WOKING, GU24 8AJ		<b>Date</b>	18-02-2016
<b>Proposal</b>	Variation of Condition 1 of planning permission SU/13/0367 so as to allow the petrol station to remain open 24 hours a day, 7 days a week.			
<p style="text-align: center;">© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</p>				

Service station shop, with recreation ground to the rear



Looking east along Station Road



Looking south along Castle Grove Road



Looking north along Chobham High Street



Site Location Plan



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

**NOTES**

**Officers Report**

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

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

Each report also includes a recommendation to either approve or refuse the application. Recommended reason(s) for refusal or condition(s) of approval and reason(s) including informatives are set out in full in the report.

**How the Committee makes a decision:**

The Planning Applications Committee's decision on an application can be based only on planning issues. These include:

- Legislation, including national planning policy guidance and statements.
- Policies in the adopted Surrey Heath Local Plan and emerging Local Development Framework, including Supplementary Planning Documents.
- Sustainability issues.
- Layout and design issues, including the effect on the street or area (but not loss of private views).
- Impacts on countryside openness.
- Effect on residential amenities, through loss of light, overlooking or noise disturbance.
- Road safety and traffic issues.
- Impacts on historic buildings.
- Public opinion, where it raises relevant planning issues.

**The Committee cannot base decisions on:**

- Matters controlled through other legislation, such as Building Regulations e.g. structural stability, fire precautions.
- Loss of property value.
- Loss of views across adjoining land.
- Disturbance from construction work.
- Competition e.g. from a similar retailer or business.
- Moral issues.
- Need for development or perceived lack of a need (unless specified in the report).
- Private issues between neighbours i.e. boundary disputes, private rights of way. The issue of covenants has no role in the decision to be made on planning applications.

**Reports will often refer to specific use classes. The Town & Country Planning (Use Classes) Order 1995** (as amended) is summarised for information below:

<b>A1. Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
<b>A2. Financial &amp; professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
<b>A3. Restaurants and Cafes</b>	For the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes.
<b>A4. Drinking Establishments</b>	Public houses, wine bars or other drinking establishments (but not nightclubs).
<b>A5. Hot Food Takeaways</b>	For the sale of hot food consumption off the premises.
<b>B1. Business</b>	Offices, research and development, light industry appropriate to a residential area.
<b>B2. General Industrial</b>	Use for the carrying on of an industrial process other than one falling within class B1 above.
<b>B8. Storage or Distribution</b>	Use for the storage or as a distribution centre including open air storage.
<b>C1. Hotels</b>	Hotels, board and guest houses where, in each case no significant element of care is provided.
<b>C2. Residential Institutions</b>	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
<b>C2A. Secure Residential Institutions</b>	Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
<b>C3. Dwelling houses</b>	Family houses or houses occupied by up to six residents living together as a single household, including a household where care is provided for residents.
<b>C4. Houses in Multiple Occupation</b>	Small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
<b>D1. Non-residential Institutions</b>	Clinics, health centres, crèches, day nurseries, day centres, school, art galleries, museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training areas.
<b>D2. Assembly &amp; Leisure</b>	Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used).
<b>Sui Generis</b>	Theatres, houses in multiple paying occupation, hostels providing no significant element of care, scrap yards, garden centres, petrol filling stations and shops selling and/or displaying motor vehicles, retail warehouse clubs, nightclubs, laundrettes, dry cleaners, taxi businesses, amusement centres and casinos.