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Tuesday, 12 July 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 and Local Ward Members may make a request for a site visit. Requests in writing, explaining the reason for the request, must be made to the Development Manager and copied to the Executive Head - Regulatory and the Democratic Services Officer by 4pm on the Thursday preceding the Planning Applications Committee meeting.

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber, Surrey Heath House on **Thursday, 21 July 2016 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes	3 - 20

To confirm and sign the minutes of the meeting held on 30 June 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

4	Monitoring Report	21 - 26
5	Application Number:16/0323 - Land north of Beldam Bridge Road, West End, GU24 9LP	27 - 74
6	Application Number:16/0389 - development at land at former Little Heath Nursery, Burr Hill Lane, Chobham GU24 8QD	75 - 122
7	Design Codes - Princess Royal Barracks, Brunswick Road, Deepcut, Camberley, GU16 6RN	123 - 132
8	Application Number:15/1062 - Princess Royal Barracks, Brunswick Road, Deepcut GU16 6RN	133 - 154
9	Application Number:15/0701 - Vernon House, 16 Southwell Park Road, Camberley GU15 3PY	155 - 170

Glossary

Minutes of a Meeting of the Planning Applications Committee held at Council Chamber, Surrey Heath House on 30 June 2016

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

+ Cllr David Allen	- Cllr Adrian Page
- 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 Katia Malcaus Cooper	- Cllr Valerie White

+ Present

- Apologies for absence presented

Substitutes: Cllr Ruth Hutchinson (In place of Cllr Pat Tedder) and Cllr Max Nelson (In place of Cllr Richard Brooks)

In Attendance: Duncan Carty, Sadaf Malik, Emma Pearman, Michelle Fielder, Jonathan Partington, Andrew Crawford, Gareth John, Cllr David Lewis, Cllr Alan McClafferty, Cllr Charlotte Morley and Cllr Wynne Price

67/P Minutes

The minutes of the meeting held on 12 May 2016 were confirmed and signed by the Chairman.

68/P Application Number: 16/0095 - Plots B and C, Trade City, Former BAE Systems, Lyon Way Frimley

The application was for the erection of 2 No. light industrial/ground industrial/warehouse buildings, (Class B1C/B2/B8) and ancillary office accommodation with parking and landscaping. (Additional Information Rec'd 15/03/2016), (Additional info rec'd 07/04/16), (Additional plans/info rec'd 26/05/16). (Amended plans & information rec'd 03/06/2016), (Amended plans rec'd 07/06/16).

Members were advised of the following updates:

One further objection raised on the following additional grounds:

- Impact of noise and vibration on residential amenity [*Officer comment: It is not considered that the impact of vibration would be so significant to warrant the refusal if this application. In relation to noise, see Paragraph 7.5 of the officer report*]
- Impact of vibration on structure of residential property [*Officer comment: This is a private matter*]

- Loss of privacy [*Officer comment: The level of separation and lack of windows in the rear elevation of the nearest building (Plot C) would limit any such impact. Also, see Paragraph 7.5 of the officer report*]
- Impact on wildlife and domestic pets (cats) [*Officer comment: It is not considered that the current proposal would have any significant impact on any protected species. The impact on cats which may stray into the site would not be a reason to refuse this application*]
- Impact on flood risk [*See Paragraph 7.7 of the officer report*]

Resolved that application 16/0095 be approved subject to the conditions as set out in the report of the Executive Head – Regulatory.

Note 1

Councillor David Allen declared a disclosable pecuniary interest as the owner of a nearby property and having submitted an objection and left the room during consideration of the application.

Note 2

The recommendation to approve the application was proposed by Councillor David Mansfield and seconded by Councillor Mrs Vivienne Chapman.

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 approve the application:

Councillors Nick Chambers, Mrs Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, David Mansfield, Max Nelson, Robin Perry, Conrad Sturt, and Victoria Wheeler.

Councillor Ian Sams abstained and Councillor Colin Dougan refrained from voting having arrived part way through discussion thereon.

69/P Application Number: 16/0199 - Plot A, Trade City, Former BAE Systems, Lyon Way, Frimley

The application was for the erection of 1 No. light industrial/general industrial/warehouse buildings (Class B1c/B2/B8 and ancillary office accommodation with parking and landscaping. (Amended information recv'd 29/3/16), (Additional info rec'd 07/04/16), (Additional plans & info rec'd 26/05/16). Amended plans & information rec'd 03/06/2016).

Resolved that application 16/0199 be approved subject to the conditions as set out in the report of the Executive Head – Regulatory.

Note 1

Councillor David Allen declared a disclosable pecuniary interest as the owner of a nearby property and left the room during consideration of the application.

Note 2

The recommendation to approve the application was proposed by Councillor David Mansfield and seconded by Councillor Conrad Sturt.

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 approve the application:

Councillors Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, David Mansfield, Max Nelson, Robin Perry, Conrad Sturt, and Victoria Wheeler.

Voting against the recommendation to approve the application:

Councillor Ian Sams.

70/P Application Number: 16/0038 - 92 Park Road, Camberley GU15 2LN

The application was for the formation of an access road to serve Kingsclear Care Home development (Class C2) following the demolition of existing dwelling (Class C3). (Amended plan rec'd 10/02/16). (Additional information recv'd 12/4/16).

The application would normally be determined under the Council's Scheme of Delegation. However, it was reported to the Planning Applications Committee at the request of Cllr David Lewis.

A site visit took place at this site.

Members were advised of the following updates:

An email response, with a revised drawing, has been received from the Agent. The amended drawing indicates details of soft landscaping to either side of the proposed access road and to either side of the new footpath link (where the existing access is to be removed).

In summary, the email indicates:

- The reference to "emergency" staff accommodation at Paragraph 7.2.3 of the officer report (relating to accommodation within the approved care home under construction (under permission SU/14/0562) at the adjoining site is misleading and this accommodation would be used as permanent accommodation for staff including 3 no. en-suite bedrooms and shared use of staff lounge and kitchen (negating the impact of the loss of the property at the application site). [*Officer comment: This would breach the legal agreement for the care home, restricting occupancy to residential care residents, and this accommodation is shown on the approved drawings as "overnight" staff accommodation. As such, this accommodation should be used as emergency or overnight accommodation only*].

- The landscaping can be provided to both sides of the proposed access road and reduced existing access (from vehicular to pedestrian), as shown on the amended.

The Committee received representations from Rebecca Mayne and Lisa Byrne (objecting) and Nicola Thornton (in support).

Resolved that application 16/0038 be refused for the reasons as set out in the report of the Executive Head – Regulatory.

Note 1

It was noted for the record that Councillor Colin Dougan and Councillor Victoria Wheeler knew one of the speakers.

Note 2

As the application triggered the Council's Public Speaking Scheme, Rebecca Mayne and Lisa Byrne spoke in objection and Nicola Thornton spoke in support.

Note 3

The recommendation to refuse the application was proposed by Councillor Colin Dougan and seconded by Councillor Katia Malcaus Cooper.

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 refuse the application:

Councillors David Allen, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, David Mansfield, Max Nelson, Robin Perry, Ian Sams, Conrad Sturt, and Victoria Wheeler.

71/P Application Number: 16/0383 - Land adjacent to Lynwood, Heath Rise and between 9 and 18 Chaucer Grove, Camberley GU15 2ER

The application was for the creation of alternative access to 5-bedroom dwellinghouse approved pursuant to application SU10/0717. Access to be created off Chaucer Grove as opposed to Heathcote Road as originally approved. (Amended plan rec'd 15/06/16). (Additional information recv'd 16/6/16).

The application would normally be determined under the Council's Scheme of Delegation. However, it was reported to the Planning Applications Committee at the request of Cllr Richard Brooks.

Members were advised of the following updates

County Highway Authority response

The County Highway Authority has issued a revised response requiring a Construction Management Plan by condition. It is considered that this would help to ensure that any disruption during construction is minimised. They have also been advised of the home for adults on the corner of Park Road and have made the following additional comments:

- *The proposal is for one detached dwelling with vehicular access onto Chaucer Grove which is a cul-de-sac. The likely additional traffic movements generated by one dwelling is considered to be minimal with perhaps 1-2 movements in the am and pm peak hours.*
- *Concerns have been raised regarding the suitability of Chaucer Grove to accommodate the small number of additional traffic movements generated by the proposed development. The section of Chaucer Grove where the proposed dwelling is to be located has been designed as a shared surface, so cars and pedestrians/cyclists share the same space. The road has been designed to be narrow and winding in order to keep vehicle speeds low.*
- *I have looked at the accident records held by Surrey County Council and this shows that there are no recorded personal injury accidents within the last 5 year period either at the junction of Chaucer Grove and Park Road or along Chaucer Grove itself.*
- *To address concerns with regard to construction vehicles a Method of Construction statement will need to be submitted prior to any work starting on site.*
- *Chaucer Grove is an adopted highway and therefore would have been built to accommodate large vehicles, however Surrey County Council has powers under the Highways Act to recover any costs to repair damage that may have been caused to the road by construction or other types of vehicles. Following an assessment of the proposals, the Highway Authority do not consider that the proposed dwelling and vehicular access would cause a 'severe impact' on the public highway and therefore have no highway safety objections to the proposals subject to conditions being imposed.*
- *(Re: 116 Park Road – home for adults) I understand there are existing issues with vehicles who park on the pavement in the vicinity of this premises. The proposed dwelling at the end of Chaucer Grove will provide its own parking on site and I do not consider that it would contribute to a worsening of the existing situation. If vehicles are causing an obstruction then this is a matter for the police to deal with. I understand that there is also concern that residents from the development walk quite slowly when crossing the road. I have checked the personal injury accident records and there have been no accidents involving pedestrians in the vicinity of Chaucer Grove or it's junction with Park Road within the last 5 years.*

Surrey Wildlife Trust Response and change to recommendation

- A response has now been received from Surrey Wildlife Trust who has stated that the further bat survey undertaken in respect of the trees to be removed

has concluded that they do not currently support roosting bats and can be removed without adverse effect to bat species. SWT has advised that if they are not removed within a year they should be checked again, and also checked for the presence of active birds' nests prior to their removal.

As such the reason for refusal given in the report no longer applies, and the recommendation has changed to GRANT, subject to the following conditions and informatives:

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 vehicular access shall be built and retained in accordance with the following approved plans Amended Location and Block Plans CDA-204-001 Rev J received 15.06.16 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 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) measures to prevent the deposit of materials on the highway
 - e) before and after construction condition surveys of the highway (photographic) and a commitment to fund the repair of any damage caused.

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 does not prejudice highway safety nor cause inconvenience to highway users, in accordance with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

4. The development hereby permitted shall be carried out wholly in accordance with the submitted Arboricultural Report prepared by ACD Environmental dated 12.04.16 and Tree Protection Plan BECK20203-03D both received 14.04.16. No development shall commence until photographs have been provided by the retained Consultant and forwarded to and approved by the Council's Arboricultural Officer. This should record all aspects of tree and ground protection measures having been implemented in accordance with the Arboricultural Report. The tree

protection measures shall be retained until completion of all works hereby permitted.

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

5. If, within one year of the date of this decision, the trees shown to be removed on the Tree Protection Plan BECK20203-03D received 14.04.16 have not been removed then no trees shall be removed on the site until a Bat Survey to establish the presence or otherwise of bats within these trees has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent harm to protected species in accordance with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, ODPM Circular 06/2005 and the National Planning Policy Framework.

6. The access hereby approved shall not be implemented in addition to the access from Heathcote Road approved under planning permission SU10/0717.

Reason: In order to prevent further loss of trees and vegetation and associated harm to the wooded character of the locality in accordance with Guiding Principles WH1 and WH3 of the Western Urban Area Character SPD, Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Informatives:

1. 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.
2. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The application is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
3. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), 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.

4. There is an existing lamp column in the area where the access is to be constructed and the applicant should be aware that this may need to be relocated.
5. The applicant is advised that under the Control of Pollution Act 1974 construction work which will be audible at the site boundary will be restricted to the following hours: 8am to 6 pm Monday to Friday; 8am to 1pm Saturday; and, not at all on Sundays and Public Holidays. For the avoidance of doubt 'Public Holidays' include New Year's Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.
6. 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.

Objections

Two further letters of objection has been received which raise the following issues:

- Residential home for adults at 116 Park Road does not have planning permission yet has a significant number of traffic movements throughout the day, causes parking problems and pedestrians on foot [*Officer comment: The presence of the home had already been raised in other objection letters and as such these have been already taken into account by the County Highway Authority in their response*]
- Criteria of there not having been any personal injury accidents is not appropriate in a small residential cul-de-sac as data on near misses etc is not available [*Officer comment: the Planning Authority have to assume that the County Highway Authority have correctly assessed the application according to the relevant criteria*]
- The concept of looking at peak hours traffic is not particularly relevant to a residential cul-de-sac, average number of cars is 2/3 and these and associated deliveries generate multiple traffic movements throughout the day [*Officer comment: the Planning Authority have to assume that the County Highway Authority have correctly assessed the application according to the relevant criteria*]
- Concern over a letter having been received by residents from the applicant following objection letters which does not take fully into account or address the concerns raised [*Officer comment: All representation letters are fully taken into account by the Local Planning Authority in the determination of the application and the letter from the Applicant to residents is not relevant in the determination of the application*]

- A letter addressed to Legal Services was also received which stated that this application invalidates application 14/0120 for a Lawful Development Certificate for an existing use or operation comprising the implementation of planning permission 10/0717 for the erection of a detached dwelling house, agreed on 16/05/2014. It is not considered however that the change of access in any way invalidates a certificate which was to prove the implementation of a planning permission. A planning permission does not have to be implemented in full and as such a further application such as this to make changes is possible. As such Legal Services do not intend to revoke the above Certificate as requested.

Chaucer Grove Residents Association Document

A document has been circulated and emailed to Members today from Chaucer Grove Residents Association. It is considered most of the issues raised have already been addressed in the Officer's Report and this update sheet.

The quotes under 'Negative impact to the tree screen' are not from the Officer's report on the previous application. However, the Officer concluded that the verdant character would be preserved. In this case it is considered that the small number of trees being lost would not significantly impact the verdant character as most of the trees on this boundary would remain.

With regard to the number of trees being lost, trees are sometimes grouped in Arboricultural Reports and in paragraph 7.3.4 of the Officer's report it explains that one of these 5 is actually a group of 3 so the total number of trees lost is 7. The Officer's report explains in paragraph 7.3.4 that the previous access would also see a substantial loss of vegetation over a much longer distance that outweighs the slight variation in the number/quality of trees now proposed to be lost from that of the previously approved access.

The information provided in respect of application 09/0814 is not considered relevant to the consideration of this application. This application was for three dwellings which were allowed on appeal at a site adjacent to this one, after a refusal by Surrey Heath, but this is not the planning permission for the house to which this proposed access relates. The statements again appear to be from the applicant and not Officers.

Members noted that the recommendation had changed from refusal to approval following information provided in the Committee update and listed above.

Resolved that application 16/0383 be approved for the reasons as set out in the update of the Executive Head – Regulatory.

Note 1

It was noted for the record that Cllrs Colin Dougan and Edward Hawkins knew Mr Macleod, who was speaking on behalf of the applicants.

Note 2

As the application triggered the Council's Public Speaking Scheme, Mr A Clarke spoke in objection and Mr Macleod spoke in support.

Note 3

The recommendation to refuse the application was proposed by Councillor Vivienne Chapman and seconded by Councillor Conrad Sturt.

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 David Allen, Nick Chambers, Colin Dougan, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, David Mansfield, Max Nelson and Ian Sams.

Voting against the recommendation:

Councillors Mrs Vivienne Chapman, Katia Malcaus Cooper, Robin Perry, Conrad Sturt and Victoria Wheeler.

72/P Application Number: 16/0320 - 49 Bosman Drive, Windlesham GU20 6JN

The application was for the division of existing four-bedroom dwelling to form two 2 bedroom dwellings with associated parking and garden space. (Part Retrospective).

The application would normally be determined under the Council's Scheme of Delegation. However, it was reported to the Planning Applications Committee at the request of Councillor Conrad Sturt.

Members were advised of the following updates:

Following a site inspection visit, it was noticed that the plans submitted were not quite accurate in terms of the development on the ground, including the location of the door on the side elevation, the bay windows to the front, and position of parking spaces. As such the plans have been amended to reflect these minor changes and as such the following conditions have been updated to refer to the correct plans:

Conditions 2, 3 and 4 should now read as follows (there are no changes to conditions 1 & 5):

2. The proposed development shall be built in accordance with the following approved plans: Proposed Ground Floor Plan 1550 P104A, Proposed First Floor Plan 1550 P105A, Proposed Elevations 1550 P106A all received 22nd June 2016, unless the prior written approval has been obtained from the Local Planning Authority.

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

3. 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 gates, fences or walls shall be erected under Schedule 2, Part 2, Class A of that Order other than along the existing boundaries defining the curtilage of 49 Bosman Drive as shown in red on the Location Plan 1550 P100A received 22nd June 2016 and along the boundary between the rear gardens of the two new dwellings as shown on the Block Plan 1550 P100A received 22nd June 2016; without the prior approval in writing of the Local Planning Authority.

Reason: To prevent any obvious sub-division of the driveway which may cause harm to character and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. The parking area to the front of the properties as shown on Block Plan 1550 100A received 22nd June 2016 shall be retained as such at all times unless the prior approval has been obtained in writing from the Local Planning Authority.

Reason: To ensure that sufficient off-road parking remains for the two proposed dwellings so as not to cause a nuisance on the highway, in line with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Members expressed concerns in relation to the proposed development in that it was considered an inappropriate density and development and out of character for the area.

The officers had recommended that the application be approved. However, after consideration, the Members felt that the application should be refused due to the inappropriate development and density proposed and it being out of character with surrounding properties.

Resolved that application 16/0320 be refused for the following reasons:

- (i) **Inappropriate density;**
- (ii) **Inappropriate development; and**
- (iii) **Out of character with surrounding properties.**

Note 1

It was noted for the record that one of the speakers was known to Cllr Conrad Sturt.

Note 2

As the application triggered the Council's Public Speaking Scheme, Mr R Chatfield and Mr P Williams spoke in objection.

Note 3

The recommendation to approve the application was proposed by Councillor Colin Dougan and seconded by Councillor Nic Chambers.

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 Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Max Nelson, Robin Perry and Ian Sams.

Voting against of the recommendation to approve the application:

Councillors David Allen, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, David Mansfield, Conrad Sturt and Victoria Wheeler.

Note 5

The recommendation to refuse the application was proposed by Councillor Conrad Sturt and seconded by Councillor David Mansfield.

Note 6

Voting in favour of the recommendation to refuse the application:

Councillors David Allen, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, David Mansfield, Conrad Sturt and Victoria Wheeler.

Voting against of the recommendation to approve the application:

Councillors Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Max Nelson, Robin Perry and Ian Sams.

73/P Application Number: 16/0172 - The Manor, 30 Southwell Park Road, Camberley GU15 3QQ

The application was for the variation of condition 1 of planning permission SU/15/0494 to allow an increase in the number of children in attendance at the nursery school from 12 to 15.

The application would normally be determined under the Council's Scheme of Delegation. However, it was reported to the Planning Applications Committee at the request of Councillor Alan McClafferty.

Members were advised of the following updates:

An email response, with a revised drawing, has been received from the Agent. In summary, the email indicates:

- the negative nature of the pre-application advice which preceded the application [*Officer comment: The pre-app response indicated that the Council raised concerns about the proposal and any application would need to be supported by a noise report and traffic statement*]
- the availability of the Environmental Health comments on the web-site [*Officer comment: A request was made to update the electronic file on the web-site*]
- the reasons why the application was called-in [*Officer comment: The reasons were provided to the agent*]
- the lack of a pro-active approach with officers [*Officer comment: As indicated above and in the officer report, the noise information was not satisfactory*]
- a request for a 12 month period permission so that the impact of the proposal can be monitored [*Officer comment: it is the officer's opinion that the application should have been supported by a noise report and the lack of such a report is fundamental in the assessment of the current application. Under such circumstances, officers do not agree with this request*]

Resolved that application 16/0172 be refused for the reasons as set out in the report of the Executive Head – Regulatory.

Note 1

Councillor Colin Dougan declared a disclosable pecuniary interest as the owner of a nearby property and left the room during consideration of the application.

Note 2

As the application triggered the Council's Public Speaking Scheme, the applicant, Mr Mike Sanderson spoke in support of the application. Mr R Grigson had been unable to attend to speak in objection , due to a family health issue. The Vice-Chairman, Councillor David Mansfield read a statement on Mr Grigson's behalf.

Note 3

The recommendation to refuse the application was proposed by Councillor David Allen and seconded by Councillor Robin Perry.

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 refuse the application:

Councillors David Allen, Nick Chambers, Mrs Vivienne Chapman, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, Max Nelson, David Mansfield, Robin Perry, Ian Sams, Conrad Sturt, and Victoria Wheeler.

74/P Application Number: 16/0162 - Highway Verge, West of the Cottage, Church Lane, Bisley, Woking

The application was for the Advertisement Consent to display a notice board to display Parish and Borough Council Agenda's and Notices. (Non-illuminated).

The application would normally be determined under the Council's Scheme of Delegation. However, it was reported to the Planning Applications Committee at the request of Cllr David Mansfield.

Members were advised of the following updates:

The committee report refers to a neighbouring property as 'The Cottage' and this is correct. However, reference is also made to this property by its former name 'The Clock House' (paragraph 6.2, 7.4.2 and 7.5.2). This is incorrect and any reference to the Clock House should read The Cottage.

Paragraph 4.2 refers to the height from ground level as 0.6m, this is incorrect and the correct height from ground level is 1m.

Members expressed concerns in relation to the impact on the street scene and the character of the village, visual clutter and safety.

Resolved that application 16/0162 be refused on the grounds of visual clutter, with the exact wording to be determined by the Officers in consultation with the Chairman.

Note 1

It was noted for the record that Cllr David Mansfield had been spoken to by a number of residents, but had not engaged in discussion or offered any views. It was also noted that the Chairman and Vice Chairman met on site.

Note 2

There was no proposer or seconder on the officer's recommendation to approve the application with conditions.

Note 3

The recommendation to refuse the application was proposed by Councillor David Mansfield and seconded by Councillor Edward Hawkins.

Note

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 David Allen, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, David Mansfield, Max Nelson, Robin Perry, Ian Sams, Conrad Sturt, and Victoria Wheeler.

75/P Application Number: 16/0365 - 27 Diamond Ridge, Camberley GU15 4LB

The application was for the variation of condition 3 of approval 15/0686 (two storey and single storey rear extensions) to enable minor material amendments including an increase in the size of the bedroom window on the northwest first floor side elevation and addition of obscure glazing film. (Amended plan recv'd 4/5/16). The application would normally be determined under the Council's Scheme of Delegation. However, at the request of the Executive Head of Regulatory, it was reported to the Planning Applications Committee for determination.

A site visit took place at this site.

Members were advised of the following updates:

A two page email, as an addition to the original objection has been received, plus a 9 page representation in response to the officer's report. On request of the objector, this representation has been circulated to Members. However, the key points made by the objector at no. 25 are summarised and commented on below:

- Summary of report does not reflect the objector's concerns.
- Para 1.2 of report - The objector considers there to be a significant difference to levels, not slight. No reference has been made to the fourth first floor window serving the half landing.
- Para 4.2 - Does not refer to the increased depth of the window.

[Officer comment: For clarity the application form states that the height/depth would amend from 1.22 m to 1.25 m i.e. an increase by 0.03 m]

- Page 105 - 2nd bullet point - Officer's comments relating to design guidance is dismissive of the objector's concerns when the maintenance of a neighbour's privacy remains central to the decision making process.
- Page 105 - 3rd bullet point - The drawing showing the ground floor window is misleading and inaccurate.

[Officer comment: To regularise the situation a corrected drawing has been received].

- Page 105 4th bullet point - Disagrees that there is no conflict with the Human Rights Act.
- 7.1.2 - Objector disagrees with the reasons as to why application 15/0686 was allowed.
- 7.1.3 - The applicant inserted a larger window than the approved plans with a more intrusive positioning and it is therefore misleading to say that they commenced the works in good faith.

- 7.2.2 - The case officer did not go into the rear garden and therefore can make no judgement about the level of intrusion here

[Officer comment: A judgement could be made from standing and viewing from the applicant's bedroom. However, the officer did go into the rear garden during the Member site visit]

- 7.2.3 - Explanation needed on how actual impact is judged and what is meant by perceived impact. Queries the difference latticing/leading makes and what is meant by the nature of these rooms. Objector disagrees with the statement relating to difficulty to gain full view of the window from the kitchen. There is actual impact on the enjoyment of the kitchen.

[Officer comment: A judgement has to be made on the merits of the case based upon adopted policy and site specific circumstances. The objector perceives/interprets the harm as greater than the case officer's professional assessment of the seriousness of the impact. Latticing has the effect of interrupting views from a window, although this is a moot point. In respect of the nature of the rooms the overlooking effects are greater on primary/habitable spaces i.e. the kitchen/dining area, than the other secondary rooms affected (including the landing, utility room, bathroom and downstairs toilet) where normally usage is less; and, the bathroom/toilet windows also have obscure glazing]

- 7.2.4 - Objector disagrees with statement that the patio cannot be seen.

[Officer comment: The objector has not viewed from inside the applicant's window. The photographs on pages 110 and 111 of the agenda pack show the extent of visibility]

- 7.2.5 - Queries the relevancy of making reference to permitted development rights in relation to the potential to insert a larger window.

[Officer comment: The purpose of this statement is for information purposes to advise what control PD rights actually give]

- 7.2.6 - Queries who decides when the film is degraded enough to need replacing, how this would be implemented and whether a planning officer would visit to make a judgement.

[Officer comment: If a complaint was received in the future then this condition would provide the level of control for the Planning Authority to investigate and take any necessary action. The window would be inspected on site as part of this process]

- 7.2.7 - Queries the relevancy of reference to permitted development rights in respect of the obscure glazing rating.

[Officer comment: The purpose of this statement is to explain that the film inserted is effective as it meets the same standard otherwise required by PD]

- 7.2.8 - The applicant resorting back to the original approval would be preferable.

[Officer comment: If the applicant resorted back to the original approval then there would be no obligation for any obscure glazing given that permission was granted with no condition, see para. 7.1.3]

- 7.2.9 - Request the window frame to be replaced. The objector does not consider switching a hinge without removing the casement to be an option. It is unreasonable to make a decision based on the applicant's current usage of the room and on the basis of promises.

[Officer comment: The applicant has now sourced a local supplier who is able to reverse the direction of the window. See recommended condition below in the event that Members consider this to be necessary. It is accepted that this room could be used differently in the future, and the window could be opened more frequently. The objector has since advised that they would welcome this change]

- 9.1 - The report is full of errors, omissions, misleading statements and untruths. It is biased.
- The two page email reiterates the concerns addressed above. In addition, this email consider the photographs used on the agenda not to be fully representative of the overall impact. On request of the objector further photographs have been circulated to Members.

Additional Recommended Condition 3

3. Within 3 months of the date of this permission the casement window serving the bedroom in the first floor side elevation shall be hinged in the opposite direction so that it swings open to the rear of the property. Thereafter there shall be no changes to the openings of the window unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of good neighbourliness to prevent open views to the rear of the property to safeguard the privacy levels of no.25 Diamond Ridge and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

Resolved that application 16/0365 be approved subject to the conditions as set out in the report of the Executive Head – Regulatory, and as amended.

Note 1

The recommendation to approve the application was proposed by Councillor Robin Perry and seconded by Councillor Colin Dougan.

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:

Councillors David Allen, Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Ruth Hutchinson, Katia Malcaus Cooper, David Mansfield, Max Nelson, Robin Perry, Ian Sams, Conrad Sturt, and Victoria Wheeler.

Chairman

Monitoring Report

Portfolio:	Regulatory
Ward(s) Affected:	All Wards

Purpose: As an information item providing an overview of function and performance of the Development Management service since October 2015

Recommendation

The Planning Applications Committee is advised to NOTE the contents of this report to the Executive.

1. Key Issues

- 1.1. A monitoring report for the period 1 April 2014 – 30 September 2015 was reported to Planning Applications Committee on the 13 October 2015. This report will provide an update on matters since October 2015 with planning application performance figures provided up to the end of the 2015 financial year i.e. 31 March 2016.

2. Major Applications Received

- 2.1 The number of major applications remains high. Since October 2015 there have been some particularly controversial development proposals reported to committee, including reserved housing sites. These types of applications demand significant office resource and, by their very nature, have generated appeal work and also a legal challenge. Key applications of note include the following:

2.2 Determined

- 15/0445 - Full application for 95 dwellings on a reserved housing site (Land northeast Malthouse Farm, Benner Lane, West End, refused 15/10/15)
- 15/0272 - Outline application for 65 bed care home, doctors surgery and bungalow, Green Belt departure (Orchard Cottage, Shepherds Lane, Windlesham, referred to SoS and approved 14/12/15);
- 15/0849 - Continued use of the existing site for industrial use and revised access (Frimhurst Farm, Deepcut Bridge Road, refused 15/1/16);
- 15/0884 - Outline application for 85 dwellings on a reserved housing site (Land north of Beldam Bridge Road, West End, approved 10/3/16); and,
- 15/0590 - Outline application for 140 dwellings on a reserved housing site (Heathpark Wood, Heathpark Drive, refused 18/3/16)

2.3 Pending decisions

- 15/0162 - Reserved matters for infrastructure, central SANGS and Village Green (Princess Royal Barracks, Deepcut)
- 15/0994 - Full application for 40 dwellings (Woodside Cottage, Chapel Lane, Bagshot)
- 16/0323 - Outline application for 85 dwellings (Land north of Beldam Bridge Road, West End)
- 16/0389 - Erection of 35 affordable dwellings (Little Heath Nursery, Little Heath Road)

3. Applications Performance

3.1 The following table summarises the performance of the Authority quarter by quarter from 1 April 2014 – 31 March 2016. These are the statutory returns i.e. those planning applications types reported to the government:

	Q1 2014	Q2 2014	Q3 2014	Q4 14/15	Q1 2015	Q2 2015	Q3 2015	Q4 15/16	Average
Majors (Target 60%)	86%	100%	75%	100%	100%	91%	100%	100%	94%
Minors (Target 65%)	74%	61%	59%	70%	73%	83%	83%	50%	69%
Others (Target 80%)	86%	88%	78%	77%	78%	92%	87%	80%	83%

3.2 This table shows that on average the service is continuing to meet and better all government targets, in particular major applications.

4. Planning Appeal Performance

4.1 The following table shows the appeal success of the Authority quarter by quarter from 1 April 2014 – 31 March 2016:

	Q1 2014	Q2 2014	Q3 2014	Q4 14/15	Q1 2015	Q2 2015	Q3 2015	Q4 15/16
Appeals Determined	7	5	10	7	6	6	4	14
Appeals Allowed	71%	0%	50%	14%	50%	0%	50%	21%

4.2 This table shows that there has been a spike in the number of appeals lodged and determined in the past quarter. Defending appeals is resource hungry and puts additional strain on an already stretched service. For example, officers are currently

preparing for a number of public inquiries including the Hook Meadow appeal scheduled for July, and Frimhurst Farm.

4.3 Five appeals have been allowed since October 2015 to the end of June 2016 and these are listed below:

- 13/0173 - Temporary change of use of the land to two pitches for gypsy families (Stonehill Piggery, Dunstall Green, Chobham, allowed 18/11/15);
- 14/0532 - Erection of 84 dwellings on reserved housing site (Land south of 24-26 Kings Road and 6 & 9 Rose Meadow, West End, Woking, allowed 17/12/15)*;
- 14/0931 - Certificate of Proposed Lawful Development for a two storey front extension (Pond Cottage, Chertsey Road, Windlesham, allowed 7/1/16);
- 15/0705 - Erection of detached garage to front of house (Crown Land House, Maultway North, Camberley, allowed 1/2/16); and,
- 15/0153 - Erection of one pair of 3 bed semi-detached dwellings (Land r/o 4, 6 & 8 MacDonald Road, Lightwater, allowed 8/3/16).

4.4 Of these allowed appeals the Stonehill Piggery and Kings Road decisions were particularly controversial. The Stonehill Piggery decision is currently subject to legal challenge due to the Inspector's interpretation of development within 400 m of the SPA; and, as Members will recall, the Kings Road decision concluded that the Authority could not demonstrate a 5 year housing supply.

4.5 Appeals of note dismissed since October 2015 include the following:

- 14/0675 - Erection of outbuilding & shed with additional parking (Brickmakers Arms, Chertsey Road, Windlesham, dismissed 7/1/16);
- Enforcement Notice appeal - Change of use of premises for business purposes (103 Arethusa Way, dismissed 7/3/16);
- 13/0435 - Variation of retail conditions relating to former Notcutts site (150-152 London Road, dismissed 31/3/16)*; and,
- 15/0479 - Development of 10 three bed dwellings (69 James Road, Camberley, dismissed 21/4/16)*

4.6 Those applications marked with an asterisk in paragraphs 4.3 and 4.5 above are major developments.

5. Enforcement Performance

- 5.1 The following table summarises the number of Enforcement Notices issued per year since 2013:

2013	9
2014	2
2015	9
2016 (to date)	3

- 5.2 Whilst the number of notices issued may appear low this does not account for cases which are resolved by other means including officer negotiation, voluntarily compliance and submission of retrospective applications. The issuing of notices should always be the last resort and must meet the expediency test. By comparison, the following cases have been received per annum, all of which need to be investigated and actioned:

2013	130
2014	217
2015	124
2016 (up to end of May)	54

- 5.3 As reported last October, the service only has one full time enforcement officer for the entire Borough and therefore resources have to concentrate on the most serious breaches. In order to issue enforcement notices and defend enforcement appeals there is also a necessity for significant planning officer input and this has put further pressure on planning staff.
- 5.4 In October a full enforcement review was carried out and this identified a number of areas where improvements should be made. Work has commenced on this including steps to tackle the backlog and improve processes. In addition, resource in the Council's Audit and Investigations team is being used to assist with monitoring and compliance site visits.

6. Trees

- 6.1 The following table provides the numbers of tree applications (both TPO and Conservation Area applications) since January 2015.

Year	Total	Average per month
2015	355	30
2016 (to date)	182	30

- 6.2 This shows the workload remains high for one officer. This figure also doesn't account for the necessity for the Tree Officer to comment on approximately 50% of planning applications received, including submitted trees surveys and details to comply. During the same period a total of 6 tree appeals were determined. The success rate on appeal was 5 out of 6, or 83% dismissed.

7. Drainage

- 7.1 It is now over 18 months since the Lead Local Flood Authority (LLFA) was introduced with the statutory responsibility for commenting on sustainable drainage (SUDS) for major developments. The Council's Drainage Engineer is working closely with the LLFA and work has gone into ensuring that the LLFA comments on planning applications fully take into account localised drainage issues. Since last reporting consultation processes have been amended so that there is a consistency in advice between the Council Engineer and the LLFA. This marrying up of resource is improving the service offered to developers.
- 7.2 As previously advised the Council Engineer has secured monies from the EA for further flood improvement works in the Borough. Further discussions are required with the EA and LLFA to programme this work; and, with the LLFA in respect of other projects including finalising drainage works at Lightwater. Other work recently completed includes drainage improvements to the car park at Frimley Lodge Park, various works at the Council's SANGS sites including Chobham Meadow, and finalising the attenuation facilities at Chobham Common with the Surrey Wildlife Trust.

8. Staff Turnover & Recruitment

- 8.1 A key issue in the performance of the service is the number of planners available. When the team is fully staffed the average caseload per officer is now 200 per year as compared with the government view that 150 cases per officer should be aimed for. Following budgetary review, funding for 2 posts was removed for 2016 and for the remaining vacancy there have been delays with recruitment. As reported in October 2015 the service has been relying on agency staff to fill the gap, although it has proved difficult to find staff. One contractor was employed for a 6 month period but left at the end of April. A replacement contractor has been employed since May.
- 8.2 Whilst the supply of planning officers is improving from what was previously reported there remain difficulties with recruitment, particularly at the senior level. The service recently advertised for the trainee officer vacancy and was unsuccessful in finding a suitable candidate during the first rounds of interviews. Following re-advertisement and second round of interviews this post has now been filled and this trainee will start working with Surrey Heath this summer.
- 8.3 As a consequence of the above, the service remains under considerable pressure. There remains a necessity for the Team Leader to take on a caseload of applications and for the Development Manager to take on a caseload. This continues to impact on the quality of customer service, particular on the major applications, and has made it more difficult to progress service improvements. An important issue for customer service is the speed of decision making with the focus on progressing applications monitored by government to avoid repayment of fees or government intervention in the service.

Annexes	None
Background Papers	None
Author/Contact Details	Jonathan Partington Jonathan.partington@surreyheath.gov.uk
Head of Service	Jenny Rickard

2016/0323

Reg Date 01/04/2016

West End

LOCATION: LAND NORTH OF, BELDAM BRIDGE ROAD, WEST END,
WOKING, GU24 9LP

PROPOSAL: Outline planning application for the erection up to 85 dwellings
with new access, landscaping and open space.

TYPE: Outline

APPLICANT: Mr Woolf
Taylor Wimpey UK Ltd.

OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 The current outline application relates to the erection of up to 85 dwellings on land to the north of Beldam Bridge Road. The proposal relates to the approval of the access only. This application is identical to the proposal under earlier permission SU/15/0884, with the exception of the deletion of a proposal for a Site of Alternative Natural Greenspace (SANG) that was proposed under this earlier permission.
- 1.2 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime, and in a similar manner to previous permission SU/15/0884 (and earlier application SU/14/0594), no objections are raised. A legal agreement is to be provided to secure affordable housing and a SAMM contribution, and the SANG contribution would be delivered through the CIL process.
- 1.3 It is considered that in the light of the recent appeal decision for SU/14/0532 (land south of Kings Road and Rose Meadow), the current housing delivery rate, and earlier permission SU/15/0884, the site should be released for housing. No objections are raised to the current proposal.

2.0 SITE DESCRIPTION

- 2.1 The housing part of the site relates to former nursery land to the north of Beldam Bridge Road on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. Part of the land that is to be provided as open space, and also the eastern access visibility splay, would fall within the Green Belt. The land falls gently from north to south and the majority of the significant trees are located to site boundaries of this site. This site has previously been used as a production tree nursery but is now redundant stock land. The land has not been used for about 10 years and is now in a poor condition.
- 2.2 The site measures 3.2 hectares in area. Land to the south and east of the proposed housing site fall within the Green Belt. The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency).

3.0 RELEVANT HISTORY

On the application site:

- 3.1 SU/14/0594 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 considered). Non-determination appeal has been withdrawn.
- 3.2 SU/15/0884 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 considered). Approved in February 2016.

A copy of the officer report for this application is appended to this report (see Annex 1).

This decision was subject to a subsequent challenge by a local resident. This challenge was rejected by the Court for the following planning reasons:

- It was clear that the application related to an outline application and not a form of reserved matters proposal;*
- The decision on the principle of residential development is obviously debatable on its planning merits, but in the light of the Inspector's decision [for SU/14/0532 below] was obviously not irrational or unlawful in some other way; and*
- The fact that means of access was not a reserved matter does not preclude its precise form being dealt with by a condition of the sort here [Conditions 2 and 12]; there was no unlawfulness.*

Other related West End/Windlesham housing reserve site proposals:

- 3.3 SU/14/0532 Outline planning application for the erection of 84 dwellings with access from Rose Meadow (access only to be considered) on land south of 24-46 Kings Road and 6 & 9 Rose Meadow. Non-determination appeal allowed in December 2015.

A copy of the appeal decision is appended to this report (see Annex 2). The Council had taken Counsel's advice in respect of this appeal decision and had concluded that there were no grounds to challenge this decision.

- 3.4 SU/15/0455 Erection of residential development to provide 95 dwellings with vehicular/pedestrian accesses, parking, landscaping and open space on land north and east of Malthouse Farm, Benner Lane, West End. Refused in October 2015 on housing supply/spatial strategy (this objection now withdrawn on the basis of the appeal decision SU/14/0532 above), affordable housing and SAMM provision, and character grounds. Subsequent appeal hearing to be held in September 2016.

- 3.5 SU/15/0590 Outline planning application for the erection of 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 at Heathpark Woods, Heathpark Drive, Windlesham. Refused in March 2016 on loss of safeguarded land/spatial strategy, impact on protected species and the SPA, and affordable housing provision grounds.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of up to 85 dwellings with its proposed access from Beldam Bridge Road and provision of open space. The access would be provided at roughly the midpoint of the frontage onto Beldam Bridge Road, east of the road junction with Kings Road. The exact amount and mix of dwelling units has not been defined under this application; only that the scheme would provide for up to 85 units. The proposal relates to the approval of the access only.
- 4.2 The application is in an outline form with only the access to be determined at this stage. However, a schematic layout has been provided which indicates a form of development for this proposal which arranges the housing around a cul-de-sac form of development.
- 4.3 The application has been supported principally by:
- Planning and Affordable Housing Statement;
 - Design and Access Statement; and
 - Transport Statement and Framework Travel Plan.

Other provided reports include:

- Flood Risk Assessment and Preliminary Surface Water Drainage Strategy;
- Tree Report;
- Ecological Appraisal;
- Preliminary Services Appraisal;
- Cultural Heritage Assessment;
- Landscape Visual Appraisal; and
- Statement of Community Involvement.

These reports are similar to those provided for the earlier applications SU/14/0594 and SU/15/0884.

- 4.5 The assessment in Paragraph 7.0 below has taken into consideration the content of these reports provided by the applicant and seen in the light of the recent planning permission at the site at Paragraph 3.2 above and appeal decision highlighted at Paragraph 3.3 above.

5.0 CONSULTATION RESPONSES

5.1	County Highway Authority	No objections.
5.2	Environmental Services	No objections.
5.3	Surrey Police	No objections and make suggestions to make the development “secure by design” which would be dealt with at the reserved matters stage.
5.4	Surrey Wildlife Trust	No comments received but raised no objections to previous application.
5.5	Natural England	No objections.
5.6	Environment Agency	No comments received but raised no objections to previous application.
5.7	Archaeological Officer	No objections.
5.8	Arboricultural Officer	No objections (verbal).
5.9	Surrey County Council (Local Lead Flood Authority)	No objections.
5.10	Drainage Engineer	No comments received but did not raise an objection to previous application.
5.11	Surrey County Council (Education)	No objections raised, subject to the provision of a contribution towards education provision (£741,336).
5.12	West End Parish Council	An objection is raised on the grounds that the release of the reserve site should only come through following a local plan, with the presumption on favour of sustainable development (in the NPPF) does not take precedence. Further objections are raised on surface water drainage, local infrastructure and ecology grounds.

6.0 REPRESENTATION

At the time of preparation of this report, one representation in support (making no specific comments) and 65 representations, including one from the West End Action Group and one from the Heathpark Woods Action Group, raising an objection had been received which raise the following issues:

6.1 Impact of alternative SANG provision

- SANG mitigation will now be not within walking distance of the village, leading to an increase in car journeys [see Paragraph 7.5]
- The omission of the SANG needs to be assessed under the Birds Directive (Paragraph 19 of the NPPF) [see Paragraph 7.5]

- The omission of the SANG is a retrograde step for West End [See Paragraph 7.5]
- Loss of SANG makes the scheme even less desirable [See Paragraph 7.5]
- Impact on Brentmoor SSSI/SPA. [Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. Also, see Paragraph 7.5]

6.2 Principle

- No change in position since previous rejection (to SU/14/0594) by this Council [Officer comment: Each application is to be determined on their own merits and in the light of the most up-to-date position. See Paragraph 7.4 below]
- Combined impact with other proposals. Applications should be considered together [Officer comment: Each application is to be determined on their own merits]
- Other sites should be developed instead. The West End reserve sites need not be used [see Paragraph 7.4]
- Amount of houses is in excess of the core strategy requirement (20 houses), particularly in taking into account the housing that will be delivered on appeal site (SU/14/0532) [see Paragraph 7.4]
- Impact on Green Belt status of land [Officer comment: The housing site is within the Countryside (beyond the Green Belt)]
- West End does not need any more housing and has provided its fair share of housing in the past. Development is too large for the village [see Paragraph 7.4]
- Development proposal is premature and unsustainable. Proof of need for this housing has not been satisfactorily demonstrated [see Paragraph 7.4]
- Adequate provision of housing has been/will be provided elsewhere [See Paragraph 7.4]
- The slow pace of development at the Princess Royal Barracks site should not be a justification for this proposal [See Paragraph 7.4]
- Development is proposed before sites allocation document is published [see Paragraph 7.4]
- Development is proposed before a local plan review [see Paragraph 7.4]
- The Council has demonstrated that it has more than sufficient land available for housing (8.5 years-worth) to meet 5 year target (Housing Land Supply Paper 2015) [see Paragraph 7.4]
- The mis-information of the housing supply position in the HLSP 2015-2020 [Officer comment: This HLSP 2015-2020 indicated that there was an adequate supply of housing, based upon the CS policy requirements. However, the Inspector for SU/14/0532 appeal took the view that the higher OAHN housing supply requirement should take place, for which there was not an adequate level of supply. The OAHN housing supply requirement is has been reflected in the HLPS 2016-2021]
- Significant under counting of housing supply position [Officer comment: There is no evidence to suggest that this is the case]

- Non-conformity with NPPF policy on sustainable development. Brownfield sites should be released before green field sites [see Paragraph 7.4]
- Site should be returned to Green Belt [*Officer comment: This can only be undertaken through a Green Belt boundary review*]
- The flawed appeal decision (SU/14/0532), which is the subject of a legal challenge, should not be used as a justification for current proposal. Previous application SU/15/0884 was decided on the basis of an appeal (SU/14/0532) where the Inspector failed to take account of local and national policies [*Officer comment: There is no legal challenge for this appeal decision, Also, see Paragraph 7.4*]
- NPPF's presumption in favour of development does not apply in this case. It is excluded due to Paragraph 85 of the NPPF. Safeguarding is a policy indicating development should be restricted [See Paragraph 7.4]
- The principle for sustainable development in the NPPF does not apply where an appropriate assessment (under the Habitats regulations) is required [See Paragraph 7.4]
- The refusal of the Windlesham Site (Heathpark Woods – SU/15/0590) sets precedent for this proposal [See Paragraph 7.4]
- Legal challenge (for SU/15/0884) makes the current decision (outline planning permission of SU/15/0884) unsafe and Committee decision for that application unsound and should not be used as a precedent [See Paragraph 7.4]

6.3 Highway and transportation matters

- Impact on road infrastructure [see Paragraph 7.4]
- Increased traffic resulting in traffic congestion and increased risk of accident at local road junctions and wider road network [see Paragraph 7.4]
- Highway implications of dangerous access and increased traffic accessing onto a bend in a narrow, winding road [see Paragraph 7.4]
- Parking for SANG would be used as overspill housing [see Paragraph 7.4]
- Limited footpath access to site [*Officer comment: Such details would be a reserved matter*]
- Use of Kings Road as a cut through would have an impact on highway safety on this road [see Paragraph 7.4]
- Traffic statements should not be relied upon for assessing traffic impacts. It uses standardised data and will not reflect the higher car ownership levels on the area. Independent traffic surveys required [see Paragraph 7.4]
- Development would increase car-use [see Paragraph 7.4]
- Unsustainable location with a lack of local facilities [see Paragraph 7.4]

- Permission SU/15/0884 required approval of “means of access” only but these details were not approved by the Committee [*Officer comment: This related to the imposition of further details by condition. Also, see Paragraph 7.4*]

6.4 Character and Green Belt reasons

- Building on diminishing countryside [*see Paragraph 7.4*]
- Impact on the character of the village and countryside [*see Paragraph 7.4*]
- Impact on character of green space [*see Paragraph 7.4*]
- Loss of trees and woodland [*see Paragraph 7.4*]
- Destruction of rural land/countryside [*see Paragraph 7.4*]
- Too dense a form of development [*Officer comment: Layout is a reserved matter. Also, see Paragraph 7.4*]
- Overbearing impact of development and overdevelopment of site [*see Paragraph 7.4*]
- Destruction of ancient fields and woodland [*see Paragraph 7.4*]
- Being built next to Green Belt [*see Paragraph 7.4*]
- Destruction of existing conservation/area of beauty [*Officer comment: The site has no such statutory or non-statutory designation*]

6.5 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [*see Paragraph 7.4*]
- Increased light pollution [*see Paragraph 7.4*]

6.6 Other matters

- Impact on wildlife and their habitats – bats, bees, buzzards, sparrows, goldfinches, greenfinches, kingfishers, woodpeckers, cuckoos, red kites, deer, owls, ducks, foxes and frogs. Animals cannot be translocated because they are territorial [*see Paragraph 7.4*]
- Impact on drainage (including local ditches/Bourne stream, high water table) and flooding [*see Paragraph 7.4*]
- Misleading information about previous flooding events in the provided Flood Risk Assessment [*see Paragraph 7.4*]
- Impact on the floodplain (Zone 2 – medium risk) [*Officer comment: The site does not fall within the floodplain, it falls within a Zone 1 low risk area*]

- Flood zone needs to be re-classified [*Officer comment: This is a matter for the Environment Agency*]
- Impact on local infrastructure and local/public services (school places, doctors, hospitals) which is unsustainable [*see Paragraph 7.4*]
- Development is not wanted by local people. Level of local opposition (85%) from an exit poll which followed the public consultation for the proposal. Objections to the previous proposals should not be ignored [*Officer comment: This is noted but is not, in itself, a relevant planning matter*]
- Request that Members visit the site during peak period [*Officer comment: This request is noted but such a request needs to be made by a Member*]
- Request to add objections to the previous application (SU/14/0594) for identical proposal [*Officer comment: This is not legally possible. However, a summary of all previous comments (for SU/15/0884) can be seen on the attached report*]

7.0 PLANNING CONSIDERATIONS

- 7.1 The housing part of the application site is located within a site which has been part of a housing reserve site, adjoining the settlement of West End, but is defined as Countryside (beyond the Green Belt).
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies CP1, 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; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2016-2021 (2016).
- 7.3 The application is in an outline form which seeks the approval of the access only and follows the earlier planning permission for an identical proposal at this site (SU/15/0558), except for the deletion of the SANG proposal, and the appeal decision (SU/14/0532). These decisions are material considerations for this application (see Annexes 1 and 2).
- 7.4 Aside from the appeal decision (for SU/14/0532) and the implications of the change on SANG delivery, officers do not consider that there has been any significant change in circumstances since the grant of planning permission SU/15/0884, and refusal of the high court challenge. For completeness a copy of the previous report is attached (Annex 1) and for reference purposes, the main issues and conclusions in this report, which also apply to this submission, are summarised below:
- No objections are raised to the principle of the development on the basis of the housing supply position. The reasons for the refusal of the high court challenge for SU/15/0884, as set out in Paragraph 3.2 above, would apply for this proposal and the decision at Heathpark Woods, Windlesham under SU/15/0590 would not be a reason to depart from the approach taken for the planning permission SU/15/0884, which relates to the application site [*See Paragraph 7.6 of SU/15/0884*];

- No objections to the impact of the proposal upon highway safety including the level of parking and use of access to the site from Beldam Bridge Road. In addition, no objections were raised to the cumulative impact on increased traffic from this proposal (along with other developments, such as under appeals SU/14/0532 and SU/15/0445) [See Paragraph 7.4 of SU/15/0884];
- No objections to the impact of the proposal on local character grounds (and impacts on trees and hedgerows), if the site was to be released for housing at this stage, and no objections to the impact on the Green Belt [See Paragraph 7.4 of SU/15/0884];
- No objections to the impact of the proposal on residential amenity grounds, particularly in relation to any increase in noise and bearing in mind the outline nature of the proposal (only access to be agreed) [See Paragraph 7.4 of SU/15/0884];
- No objections to the impact of the proposal on ecology and archaeology [See Paragraph 7.4 of SU/15/0884];
- No objections to the impact of the proposal on drainage and flood risk, for which the Local Lead Flood Authority have raised no objections for this application. In addition, no objections to the impact on land contamination [See Paragraph 7.4 of SU/15/0884];
- No objections to the impact of the proposal on local infrastructure with the proposal being CIL liable. The contribution towards education requested by the education authority, Surrey County Council, was not justified during the consideration of the previous permission SU/15/0588 [See Paragraph 7.4 of SU/15/0884]; and
- No objections to the impact of the proposal on affordable housing provision, the housing mix, crime and open space provision. A level of affordable housing will need to be provided on site. However, whilst this matter can be dealt with at the reserved matter stage, a legal agreement to confirm an obligation to meet this requirement is well advanced and expected to be completed by the time of the Committee meeting, and no objections are raised on these grounds. [See Paragraph 7.4 of SU/15/0884].

7.5 Having regard to all of the above, it is considered that the principal considerations to be addressed in the determination of this application is:

- Impact on the Thames Basin Heaths Special Protection Area.

7.6 Impact on the Thames Basin Heaths Special Protection Area

7.6.1 The application site falls about 0.75 kilometres from the Thames Basin Heaths Special Protection Area (SPA). 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. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA or by contributing towards SANGS provision. The threshold for delivering on-site SANG is

100 dwellings. As this proposal provides less than this threshold, it can provide towards a SANG elsewhere, so long as it falls within the SANG catchment.

- 7.6.2 As indicated in Paragraph 7.7.2 of the officer report for SU/15/0884 (Annex 1), the CIL charging schedule incorporates SANG funding, except where a SANG is proposed under the same (or linked) development. The development under SU/15/0884 proposed to provide a SANG on adjoining land to the housing proposal as a part of the overall proposal. However the current proposal seeks to provide a contribution towards SANG delivery (in this case the Chobham Meadows SANG) instead. The application site falls within the catchment (5 kilometres) of this SANG. This approach is considered to be acceptable.
- 7.6.3 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution is required. This contribution has not been received to date, and cannot be calculated where the number and size of dwellings is not provided. However, whilst this matter can be dealt with at the reserved matter stage, a legal agreement to confirm an obligation to meet this requirement is well advanced and expected to be completed by the time of the Committee meeting, and no objections are raised on these grounds.
- 7.6.4 As such, the current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

8.0 CONCLUSION

- 8.1 As with the earlier planning permission SU/15/0588, no objections are raised to the principle, impact of the proposal on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, the required legal agreement is at an advanced stage and it is expected to be completed by the time of the Committee. The proposal is acceptable in terms of its impact on the Thames Basin Heaths Special Protection Area, with a contribution for SANG delivery elsewhere in the Borough provide through the CIL scheme.
- 8.2 The application is therefore recommended for approval.

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 proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

11.0 RECOMMENDATION

GRANT, subject to the following conditions:

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 the Compulsory Purchase Act 2004.

2. With the exception of the layout shown and the details required by Condition 11 below, the proposed development shall be built in accordance with the following approved plans: CSa/1586/120 Rev A and ITB9076-GA-006 Rev. D, 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 a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding
- (f) hours of construction
- (g) confirmation that there will be no on-site burning of material during any site clearance, demolition and construction works

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

Reason: The condition above is required in order that the development should not prejudice residential amenity and highway safety nor cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the

- National Planning Policy Framework.
4. 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.

5. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) 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) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

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

6. Prior to the first occupation of the development hereby approved on site details of cycle and refuse storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

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.

7. No development shall take place until details of external lighting are to be submitted to 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. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and nature conservation and to accord with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. Prior to the first occupation of the development hereby approved, a Travel Plan to promote sustainable patterns of movement shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details.

Reason: To promote sustainable modes of transport and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. Prior to the granting of the last reserved matter pursuant to the development granted under this outline permission, details of a drainage strategy is to be submitted to and approved by the Local Planning Authority. The details of this strategy should include:

1. Evidence of how infiltration is feasible (on-site geology, soils and groundwater levels) and, where this is not possible, a sustainable drainage system (SuDS) designed accordingly;
2. Calculations confirming the peak discharge rates for the site in 1 in 1, 1 in 30 and 1 in 100 (+30% climate change) storm events and details of the attenuation storage;
3. A drainage layout detailing the location of SuDS elements, pipe diameters and manhole hole locations; and their respective levels;
4. Details of where any exceedance flows (i.e. rainfall greater than design or flows following blockages) would run to avoid risks to people and property; and
5. Long and cross sections of each proposed SuDS element.

The approved development shall be implemented in accordance with the approved details.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the construction of the dwellings hereby approved (under this outline planning permission and all subsequently approved reserved matters), details of the protection during the construction process for, and future maintenance of, the sustainable drainage system shall be submitted to and approved by the Local Planning Authority. The maintenance plan should include the maintenance frequencies and ownership and responsibilities for the maintenance of the SUDS features.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, a verification report shall be submitted to and approved by the Local Planning Authority which shows that the Sustainable Urban Drainage System has been constructed in accordance with the details approved in accordance with Conditions 8 and 9 above.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. No development shall take place until details of the proposed access onto Beldam Bridge Road including any required visibility zones have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details with the visibility zones kept permanently clear of any obstruction.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and

- Development Management Policies 2012.
13. No development shall take place until a Written Scheme of Investigation with a programme of archaeological work and details of compliance with the resulting implemented programme of work has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that there is a record of any found archaeological evidence and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework

14. The approved development shall be implemented in accordance with the mitigation measures set out in Section 5.0 of the Ecological Appraisal by CSa Environmental Planning dated March 2016 unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Policies 2012 and the National Planning Policy Framework.

15. A scheme to revise the speed limit on Beldam Bridge Road is to be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the approved development.

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

Informative(s)

1. CIL Liable CIL1

2015/0884

Reg Date 06/10/2015

West End

LOCATION: LAND NORTH OF, BELDAM BRIDGE ROAD, WEST END, WOKING, GU24 9LP

PROPOSAL: 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).

TYPE: Outline

APPLICANT: Taylor Wimpey UK Ltd.

OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 The current outline application relates to the erection of up to 85 dwellings on land to the north of Beldam Bridge Road and provision of a Site of Alternative Natural Greenspace (SANG) in West End. The proposal relates to the approval of the access only. This application is identical to the proposal under earlier application SU/14/0594, which is now the subject of a non-determination appeal under the Inquiry procedure.
- 1.2 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime, and in a similar manner to previous application (now appeal) for SU/14/0594, no objections are raised. A legal agreement is required to secure the delivery/retention of the proposed SANG to serve this housing development. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage.
- 1.3 It is considered that in the light of the recent appeal decision for SU/14/0532 (land south of Kings Road and Rose Meadow) and the current housing delivery rate, the site should be released for housing. Subject to the completion of a legal agreement for the SANG delivery, no objections are raised to the current proposal.

2.0 SITE DESCRIPTION

- 2.1 The housing part of the site relates to former nursery land to the north of Beldam Bridge Road on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls gently from north to south and the majority of the significant trees are located to site boundaries of this site. This site has previously been used as a production tree nursery but is now redundant stock land. The land has not been used for about 10 years and is now in a poor condition. The SANG site lies to the north and east of the housing site within the Green Belt. This is predominantly wooded with grassland glades.
- 2.2 The housing site measures 2.4 hectares and the SANG site measures 12.2 hectares in area. Land to the south and east of the proposed housing site, including the SANG proposal, falls within the Green Belt. The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency).

3.0 RELEVANT HISTORY

On the application site:

- 3.1 SU/14/0594 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 considered). Non-determination appeal under the inquiry procedure. Public inquiry to be held in April 2016.

This scheme is identical to the current proposal. The non-determination appeal was reported to an earlier Planning Applications Committee (on 20 July 2015) with a recommendation that the Council would have refused this application on the following grounds:

"1. 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 first to 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 qualities of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CPA and CP3 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and advice in the Thames Basin Heaths Special Protection Area SPD 2012. The proposal would also fail to comply with the Habitats and Species Regulations 2010 and the National Planning Policy Framework. The proposal would not be able to adequately secure the delivery and future maintenance of the Site of Alternative Natural Green Space (SANGS) in perpetuity and as such would have an adverse impact on the integrity of the Thames Basin Heath Special Protection Area."

A copy of the officer report for this application is appended to this report (see Annex 1).

Other sites:

- 3.2 SU/14/0532 Outline planning application for the erection of 84 dwellings with access from Rose Meadow (access only to be considered) on land south of 24-46 Kings Road and 6 & 9 Rose Meadow. Non-determination appeal allowed in December 2015.

A copy of the appeal decision is appended to this report (see Annex 2). The Council has taken Counsel's advice in respect of this appeal decision and has concluded that there are no grounds to challenge this decision.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of up to 85 dwellings with its proposed access from Beldam Bridge Road. The access would be provided at roughly the midpoint of the

frontage onto Beldam Bridge Road, east of the road junction with Kings Road. The exact amount and mix of dwelling units has not been defined under this application; only that the scheme would provide for up to 85 units. The proposal relates to the approval of the access only.

4.2 The application is in an outline form with only the access to be determined at this stage. However, a schematic layout has been provided which indicates a form of development for this proposal which arranges the housing around a cul-de-sac form of development.

4.3 The application has been supported principally by:

- Planning and Affordable Housing Statement;
- Design and Access Statement;
- Transport Statement and Framework Travel Plan; and
- Housing Land Supply Report.

Other provided reports include:

- SANG Delivery Document and Management Plan;
- Flood Risk Assessment and Preliminary Surface Water Drainage Strategy;
- Noise Assessment;
- Tree Report;
- Ecological Appraisal;
- Preliminary Services Appraisal;
- Cultural Heritage Assessment and Landscape Visual Appraisal; and
- Statement of Community Involvement.

These reports were as provided for the earlier application SU/14/0594.

4.4 The Housing Land Supply Report is a response to the publication of the Council's Housing Needs Supply Paper in February 2015. The applicant has indicated that the paper is flawed and relies upon a level of housing demand (about 191 dwellings per annum) which is derived from the level set out in the South East Plan 2009 (now revoked) and as set out in the Core Strategy. The applicant also indicates that the HLSP includes development proposals which they consider are not deliverable within the five year timeframe. The applicant considers that the HLSP should reflect the level of housing demand (about 340 dwellings per annum) that is set out in the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) [SHMA], and has backed this approach with recent appeal decisions and case law relating to various sites located outside of this Borough. This, in their opinion, would indicate that a five year supply (plus buffer) for the Borough is not achievable, this buffer should amount to 20% and that the site should now be released for housing. In addition, the applicant has indicated that the adoption of the Core Strategy in February 2015 (just prior to the NPPF coming into force) and its reliance on pre-NPPF national policy makes these policies out-of-date. The applicant considers that the presumption in favour of sustainable development should be applied to this development which should be approved without delay.

4.5 The assessment in Paragraph 7.0 below has taken into consideration the content of these reports provided by the applicant and seen in the light of the recent appeal decision

highlighted at Paragraph 3.2 above.

5.0 CONSULTATION RESPONSES

5.1	County Highway Authority	No objections.
5.2	Environmental Services	No objections.
5.3	Surrey Police	No comments received but raised no objections to previous application.
5.4	Surrey Wildlife Trust	No comments received but raised no objections to previous application.
5.5	Natural England	No objections, subject to the completion of a legal agreement to secure management/ownership of SANG in perpetuity.
5.6	Environment Agency	No objections.
5.7	Archaeological Officer	No objections.
5.8	Arboricultural Officer	No objections (verbal).
5.9	Surrey County Council (Local Lead Flood Authority)	No objections.
5.10	Drainage Engineer	No comments received but did not raise an objection to previous application.
5.11	Surrey County Council (Education)	No comments received but raised no objections to previous application, subject to the provision of a contribution towards education provision.
5.12	West End Parish Council	An objection is raised on the grounds that the site falls outside of the settlement boundary, flood risk, local infrastructure, ecology, prematurity and potential loss of trees. The site exceeds the 20 units expected for West End within the Core Strategy. A potential access to a [further part of the] reserve site is proposed which is in contravention of the new development numbers for West End.

6.0 REPRESENTATION

At the time of preparation of this report, 104 representations, including one from the West End Action Group, and one petition (with 207 signatures), raising an objection had been received which raise the following issues:

6.1 Principle

- No change in position since previous rejection (to SU/14/0594) by this Council [*Officer comment: Each application is to be determined on their own merits and in the light of the most up-to-date position. See Paragraph 7.6 below*]
- Combined impact with other proposals. Applications should be considered together [*Officer comment: Each application is to be determined on their own merits*]
- Other sites should be developed instead. The West End reserve sites need not be used

[see Paragraph 7.6]

- Amount of houses is in excess of the core strategy requirement (20 houses) [see Paragraph 7.6]
- Impact on Green Belt status of land [Officer comment: The housing site is within the Countryside (beyond the Green Belt)]
- West End does not need any more housing and has provided its fair share of housing in the past [see Paragraph 7.6]
- Development proposal is premature, unsustainable, opportunistic, unnecessary and inappropriate. Proof of need for this housing has not been satisfactorily demonstrated [see Paragraph 7.6]
- Adequate provision of housing will be provided elsewhere at Princess Royal Barracks (Deepcut) [See Paragraph 7.6]
- Development is proposed before sites allocation document is published [see Paragraph 7.6]
- The Council has demonstrated that it has more than sufficient land available for housing (8.5 years-worth) to meet 5 year target (Housing Land Supply Paper 2015) [see Paragraph 7.6]
- Non-conformity with NPPF policy on sustainable development. Brownfield sites should be released before green field sites [see Paragraph 7.6]
- Site should be returned to Green Belt [Officer comment: This can only be undertaken through a Green Belt boundary review]
- Reserve site should have lost that status when the bypass proposal was deleted [see Paragraph 7.6]
- SANG development is against Green Belt policy [See Paragraph 7.6]
- The principle for sustainable development in the NPPF does not apply where an appropriate assessment (under the Habitats regulations) is required [See Paragraph 7.6]

6.2 Highway and transportation matters

- Impact on road infrastructure [see Paragraph 7.4]
- Increased traffic resulting in traffic congestion and increased risk of accident at local road junctions and wider road network [see Paragraph 7.4]
- Highway implications of dangerous access and increased traffic accessing onto a bend in a narrow, winding road [see Paragraph 7.4]
- Parking for SANG would be used as overspill housing [see Paragraph 7.4]
- No footpath access at proposed road junction and poor footpath links in the area resulting in a lack of pedestrian connectivity with the village [Officer comment: Such details would be a reserved matter]
- Increased use of rat-runs [see Paragraph 7.4]
- Use of Kings Road as a cut through would be higher than estimated [see Paragraph 7.4]
- TRICS should not be relied upon for assessing traffic impacts. It uses standardised data and will not reflect the higher car ownership levels on the area. Independent traffic surveys required [see Paragraph 7.4]

- Development would increase car-use [see Paragraph 7.4]
- Unsustainable location with a lack of shopping facilities [see Paragraph 7.4]
- Conflict of proposed access with that proposed under application SU/14/0451 (three houses at land south of Beldam Bridge Road) on the opposite side of the road) [see Paragraph 7.4]
- Impact on highway network during construction [Officer comment: If minded to approve, details of a method of construction would consider this issue]

6.3 Character and Green Belt reasons

- Appeal decisions elsewhere in the country supporting a refusal on countryside grounds [see Paragraph 7.4]
- Impact on the character of the village and countryside [see Paragraph 7.4]
- Impact on character of green space around Beldam Bridge Road and Benner Lane [see Paragraph 7.4]
- Loss of gap between, or merging of, settlements [see Paragraph 7.4]
- Loss of trees, woodland and hedges [see Paragraph 7.4]
- Impact on view/outlook [Officer comment: The loss of a view/outlook is not a material planning matter]
- Destruction of rural land [see Paragraph 7.4]
- Density/cramped nature of development would be out of keeping [Officer comment: Layout is a reserved matter. Also, see Paragraph 7.4]
- Overbearing impact of development and overdevelopment of site [see Paragraph 7.4]
- Destruction of ancient fields and woodland [see Paragraph 7.4]
- The SANG will not be open countryside, being more akin to a local park which would be more in keeping with suburbia than a village [see Paragraph 7.4]
- Impact on local character/streetscene [see Paragraph 7.4]
- Impact of SANG on the Green Belt. SANG would be more akin to a park more in keeping with suburban location [see Paragraph 7.4]

6.4 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [see Paragraph 7.4]
- Increased air pollution [see Paragraph 7.4]
- Increased light pollution [see Paragraph 7.4]
- Impact on Human Rights [Officer comment: See Page 2 of the Committee Agenda. There is considered to be no potential conflict with the Human Rights Act]
- Overbearing impact on, and loss of privacy to, adjoining residential properties [Officer comment: Layout, appearance and scale are reserved matters]

6.5 Other matters

- Impact on the SPA [see Paragraph 7.7]

- Impact on wildlife and their habitats – bats, buzzards, sparrows, goldfinches, greenfinches, kingfishers, hedgehogs, red kites, deer, owls and frogs. Animals cannot be translocated because they are territorial [see Paragraph 7.4]
- Impact of SANG development on local ecology [see Paragraph 7.4]
- Impact on drainage (including local ditches/Bourne stream, dirty water/run-off) and flooding [see Paragraph 7.4]
- Impact on the floodplain (Zone 2 – medium risk) [Officer comment: The site does not fall within the floodplain, it falls within a Zone 1 low risk area]
- Loss of trees will have an adverse effect on drainage/flood risk [see Paragraph 7.4]
- Impact on local infrastructure (school places, doctors) which is unsustainable [see Paragraph 7.4]
- Impact on archaeology [see Paragraph 7.4]
- Impact on Brentmoor SSSI/SPA [Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. Also, see Paragraph 7.7]
- Impact on local services (water) [Officer comment: This is not a material planning matter]
- Greed of developer [Officer comment: This is not a relevant planning matter]
- Development is not wanted by local people. Level of opposition (85%) from an exit poll which followed the public consultation for the proposal [Officer comment: This is noted but is not, in itself, a relevant planning matter]
- Request that Members visit the site during peak period [Officer comment: This request is noted but such a request needs to be made by a Member]
- Level of opposition to the previous proposal (SU/14/0594) from Council/Parish Council/residents/etc. [Officer comment: This is noted and can be seen on attached report for this application (now appeal)]
- Request to add objections to the previous application (SU/14/0594) for identical proposal [Officer comment: This is not legally possible. However, a summary of all previous comments (for SU/14/0594) can be seen on attached report for this application (now appeal)]
- The application is subject to a non-determination appeal [Officer comment: The current proposal is not subject to a non-determination appeal]

6.6 At the time of preparation of this report, three representations in support had been received making the following comments:

- More houses are needed so that the younger generation can choose to live locally
- Development is well designed with consideration to surrounding dwellings
- Adjacent SANG would provide walks and activities
- Local parents and children would be able to walk to school
- Infrastructure should be directed towards schools and surgeries.

7.0 PLANNING CONSIDERATIONS

- 7.1 The housing part of the application site is located within a site which has been a housing reserve site, adjoining the settlement of West End, but defined as Countryside (beyond the Green Belt). The SANG part of the proposal falls within the Green Belt.
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies CPA, 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; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2015-2020 (February 2015).
- 7.3 The application is in an outline form which seeks the approval of the access only and follows the earlier non-determination appeal for an identical proposal at this site (SU/14/0594) and the appeal decision (SU/14/0532). This appeal decision is a material consideration for this application (see Annex 2).
- 7.4 Aside from the appeal decision (for SU/14/0532) and the implications of the release of land in respect of housing supply, officers do not consider that there has been any significant change in circumstances since the resolution of the Committee with regards to application/appeal SU/14/0594. For completeness a copy of the previous report is attached (Annex 1) and for reference purposes, the main issues and conclusions in this report, which also apply to this submission, are summarised below:
- No objections to the impact of the proposal upon highway safety including the level of parking and use of access to the site from Beldam Bridge Road. In addition, no objections were raised to the cumulative impact on increased traffic from this proposal (along with other developments, such as under appeal SU/14/0532 and the housing development under SU/15/0445 [land at Malthouse Farm, Benner Lane] at the time this was refused in October 2015) [See *Paragraph 7.6 of SU/14/0594*];
 - No objections to the impact of the proposal on local character grounds (and impacts on trees and hedgerows), if the site was to be released for housing at this stage, and no objections to the impact on the Green Belt [See *Paragraph 7.7 of SU/14/0594*];
 - No objections to the impact of the proposal on residential amenity grounds, particularly in relation to any increase in noise and bearing in mind the outline nature of the proposal (only access to be agreed) [See *Paragraph 7.8 of SU/14/0594*];
 - No objections to the impact of the proposal on ecology and archaeology [See *Paragraphs 7.9 and 7.10 of SU/14/0594, respectively*];
 - No objections to the impact of the proposal on drainage and flood risk, for which the Local Lead Flood Authority have raised no objections for this application. In addition, no objections to the impact on land contamination [See *Paragraph 7.11 of SU/14/0594*];
 - No objections to the impact of the proposal on local infrastructure with the proposal being CIL liable. The contribution towards education requested by the education authority, Surrey County Council, was not justified during the consideration of the previous application/appeal SU/14/0594 and their comments for this application remain awaited [See *Paragraph 7.12 of SU/14/0594*]; and
 - No objections to the impact of the proposal on affordable housing provision, the

housing mix, crime and open space provision on the basis that these details would be provided/secured at the reserved matters stage [See Paragraphs 7.13, 7.14 and 7.15 of SU/14/0594, respectively].

7.5 Having regard to all of the above, it is considered that the principal considerations to be addressed in the determination of this application is:

- Principle of development; and
- Impact on the Thames Basin Heaths Special Protection Area.

7.6 Principle of development

Spatial strategy

7.6.1 Paragraph 17 of the NPPF sets out the core land-use planning principles. This includes the need to *"recognise the intrinsic character and beauty of the countryside"* and *"encourage the effective use of land by reusing land that has been previously developed (brownfield land)"*. Policy CPA of the CSDMP sets out the spatial strategy for the Borough and acknowledges that new development in the Borough will come forward largely from the redevelopment of previously developed land in the western part of the Borough. This accords with the identification of that area as a part of the Western Corridor/Blackwater valley sub-regional growth area and identification of Camberley as a secondary town centre which is expected to accommodate major developments. Development in this part of the Borough also has the best access to local services and is most likely to make use of previously developed land.

7.6.2 Policy CP3 of the CSDMP sets out the scale and distribution of housing within the Borough up to 2028, which is to be provided within existing settlements up to 2026 and, if insufficient sites have come forward, then between 2026 and 2028, the release of sustainable sites within the Countryside (beyond the Green Belt), sites identified through a local plan review. The local and national policy seeks the development of previously developed land first, with local policy indicating that development should be focused in the settlements, with any releases that are to be made in the defined countryside from 2026, if insufficient sites have come forward for development. At this time, it is clear that the spatial strategy would not support the release of the application site for housing.

Housing supply

7.6.3 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental. The NPPF considers that where relevant policies are absent, silent or out-of-date, the policies within the NPPF would take precedent, unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*. The NPPF puts the delivery of sustainable development at the heart of the decision making process.

7.6.4 The NPPF within its series of core principles includes the proactive delivery of housing. Paragraph 47 of the NPPF indicates that *"to boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meet the full, objectively needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in [the NPPF], including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements within an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer 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;..."

The availability of a five year supply (plus buffer) of deliverable housing sites is a factor when determining applications for residential development, notwithstanding the spatial strategy set out in Paragraph 7.5.1 above.

- 7.6.5 Paragraph 49 of the NPPF indicates that: *"Housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Without the supply of deliverable housing sites, local policies on housing supply would be considered to be out-of-date and development which is considered to be sustainable (as defined in the NPPF) would be considered to be acceptable. It is considered that for the proposed development, when balancing the clear social and economic benefits with any potential environmental dis-benefits (see Paragraph 7.7 below), the proposal would be deemed to sustainable development (as defined in the NPPF). This is the same conclusion drawn by the Inspector for the appeal proposal SU/14/0532 and the Council for the identical (now appeal) proposal under SU/14/0594.

- 7.6.6 The application site falls within the defined Countryside (beyond the Green Belt) but also forms a part of a housing reserve site as previously defined in Policy H8 of the Surrey Heath Local Plan 2000 (as saved). The Inspector into the Core Strategy did not delete this housing reserve site but has indicated that they would need to be reviewed through a sites allocation (SPD) document, which is currently at an early stage.
- 7.6.7 The Council provided a Five Year Housing Land Supply Paper 2015-2020 in February 2015 (HLSP) which indicated that there is an available eight year supply of housing, based on the delivery rate of 191 dwellings per annum, as set out in the Core Strategy.
- 7.6.8 The Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA) has been provided to develop an up-to-date evidence base for the housing market area to develop the evidence of a full objectively assessed needs (FOAN) for market and affordable housing, as required by Paragraph 47 of the NPPF (see Paragraph 7.5.4 above). The SHMA requires a much higher delivery rate of 340 dwellings per annum.
- 7.6.9 The key issue is to which rate of housing delivery should be provided for this Borough. The Inspector for the appeal for SU/14/0532 (Land south of Kings Road and Rose Meadow) in allowing that proposal indicated:

"To my mind, [Paragraph 47 of the NPPF] introduces a much greater emphasis on the delivery of housing than was at the case at the time of the 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 [i.e. Core Strategy]."

As such, the Inspector determined that the starting point for determining a five year housing land supply was the higher untested (FOAN) figure of 340 dwellings per annum rather than the Core Strategy figure of 191 dwellings per annum. This represents a material and important change in circumstance since the assessment of the earlier (now appeal) proposal at this site (SU/14/0594) in July 2015. In a similar manner to the appeal proposal, the current application has to be assessed in the light of this re-balancing, between national and local policies, of the policy position on housing delivery.

- 7.6.10 Since the determination of the appeal SU/14/0532, the Council has updated its calculation on current five year housing land supply in line with the Planning Practice Guidance (PPG). This includes counting sites with permission that have not yet started and sites under construction as at January 2016 and removing completions from the supply. The Council concludes that currently it does not have a five year housing land supply (against the FOAN figure).
- 7.6.11 Whilst, the Inspector into the Examination in Public into the core strategy concluded that due to the impact of the SPA on housing delivery and the need to provide avoidance measures to mitigate the impact of (net) residential development within the Borough, the Council did not have to demonstrate a rolling five year housing land supply. The Inspector acknowledged that the Council, at that time, could not meet the required five year housing land supply (without buffer) as set out in the national policy requirements at that time, but considered that the local constraint to housing delivery could lead to an acceptable departure from national policy on housing delivery. The Inspector for SU/14/0532 indicated that the rate of delivery of housing at the Princess Royal Barracks is an important factor in the provision of a five year (plus buffer) supply of housing for the Borough. He confirmed that the rate of delivery was likely to fall between the Council and appellant's estimates and when applying the higher FOAN rate, a less than 5 year supply of housing could be provided.
- 7.6.12 Paragraph 119 of the NPPF, however, indicates that *"the presumption in favour of sustainable development (paragraph 14 [of the NPPF]) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* The Inspector for the appeal S/14/0532 indicated:

"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 provided 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."

and:

"I have established that significant effects on the SPA could be avoided in this instance and, therefore, [an Appropriate Assessment] is not required. Consequently, Paragraph 119 of the Framework does not preclude application of the presumption in favour of sustainable development."

The delivery of a SANG under this application (See Paragraph 7.7 below) and a SAMM contribution would similarly avoid a significant adverse effect on the SPA and the application would also not preclude the application of the presumption in favour of sustainable development (under Paragraph 17 of the NPPF) for the current proposal.

- 7.6.13 It is therefore considered that the proposed development, by providing residential units in a site designated as Countryside (beyond the Green Belt) on part of a housing reserve site, is acceptable.

7.7 Impact on the Thames Basin Heaths Special Protection Area

- 7.7.1 The application site falls about 0.75 kilometres from the Thames Basin Heaths Special Protection Area (SPA). 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. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of

Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA.

7.7.2 As indicated in Paragraph 7.12.2 of the officer report for SU/14/0594 [Annex 1], the CIL charging schedule incorporates SANG funding, except where a SANG is proposed under the same (or linked) development. In this case a SANG is proposed (on adjoining land to the housing proposal) as a part of the overall proposal. The main (minimum) requirements for the provision of a 12.2 hectare SANGS are:

- A parking area;
- A 2.3-2.5 kilometre circular walk;
- Paths must be easily used and well maintained but should remain unsurfaced;
- SANGS should be perceived as semi-natural spaces;
- Access should remain largely unrestricted so that dogs can be exercised off the lead; and
- The SANGS should be provided in perpetuity with management (back-up) fund provided and step-in rights provided if the SANGS management should fail.

A parking area for 12 cars is proposed and a circular walk to meet the specifications can be provided within the SANGS proposal site. The SANGS would be perceived as a semi-natural space and the existing path ways are unsurfaced. Natural England has raised no objections subject to the completion of a legal agreement to cover the management of the SANGS in perpetuity, provision of a maintenance fund and to include a step-in clause provided if the SANGS management should fail. Such a legal agreement has not been secured to date.

7.7.3 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution is required. This contribution has not been received to date, and cannot be calculated where the number and size of dwellings is not provided. However, this matter can be dealt with at the reserved matter stage and no objections are raised on these grounds.

7.7.4 Without a legal agreement (as required under the terms set out in Paragraph 7.7.2 above), the current proposal is considered to be unacceptable in terms of its impact on the SPA, complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

8.0 CONCLUSION

8.1 As with the earlier application/appeal SU/14/0594, no objections are raised to the impact of the proposal on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage. The proposal is acceptable in terms of its impact on the Thames Basin Heaths Special Protection Area, subject to the provision/retention of the proposed SANG secured through a legal agreement (not provided to date).

8.2 It is considered that the site should be released for housing at this time and subject to the provision of a legal agreement for the SANG delivery, the application is recommended for approval.

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 proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

11.0 RECOMMENDATION

GRANT, subject to the receipt of a satisfactory legal agreement to secure the delivery and retention in perpetuity of a Suitable Accessible Natural Greenspace (SANG) by 16 February 2016, and subject to the following conditions:

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 the Compulsory Purchase Act 2004.

2. With the exception of the layout shown and the details required by Condition 11 below, the proposed development shall be built in accordance with the following approved plans: CSa/1586/112, 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 a Method of Construction Statement, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors

- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding
- (f) hours of construction
- (g) confirmation that there will be no on-site burning of material during any site clearance, demolition and construction works

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

Reason: The condition above is required in order that the development should not prejudice residential amenity and highway safety nor cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

4. 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.

5. No development shall take place on site until details of the proposed finished ground floor slab levels of all building(s) 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) shall be submitted to and approved by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

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

6. Prior to the first occupation of the development hereby approved on site details of cycle and refuse storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

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.

7. No development shall take place until details of external lighting are to be submitted to 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. The details shall include full details of the lighting

supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and nature conservation and to accord with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. Prior to the first occupation of the development hereby approved, a Travel Plan to promote sustainable patterns of movement shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details.

Reason: To promote sustainable modes of transport and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. Prior to the granting of the last reserved matter pursuant to the development granted under this outline permission, details of a drainage strategy is to be submitted to and approved by the Local Planning Authority. The details of this strategy should include:
 1. Evidence of where and why infiltration is not feasible (on-site geology, soils and groundwater levels) and a sustainable drainage system (SuDS) designed accordingly;
 2. Calculations confirming the peak discharge rates for the site in 1 in 1, 1 in 30 and 1 in 100 (+30% climate change) storm events and how these are going to be limited to greenfield runoff rates;
 3. A drainage layout detailing the location of SuDS elements, pipe diameters and their respective levels; and
 4. Long and cross sections of each proposed SuDS element.

The approved development shall be implemented in accordance with the approved details.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the construction of the dwellings hereby approved (under this outline planning permission and all subsequently approved reserved matters), details of the protection during the construction process for, and future maintenance of, the sustainable drainage system shall be submitted to and approved by the Local Planning Authority. The maintenance plan should include the maintenance frequencies and ownership and responsibilities for the maintenance of the SUDS features.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, a verification report shall be submitted to and approved by the Local Planning Authority which shows that the Sustainable Urban Drainage System has been constructed in accordance with the details approved in accordance with Conditions 8 and 9 above.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. No development shall take place until details of the proposed access onto Beldam Bridge Road including any required visibility zones have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details with the visibility zones kept permanently clear of any obstruction.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. No development shall take place until a Written Scheme of Investigation with a programme of archaeological work and details of compliance with the resulting implemented programme of work has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that there is a record of any found archaeological evidence and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework

14. The approved development shall be implemented in accordance with the recommendations set out in Section 5.0 of the Ecological Appraisal by CSA Environmental Planning dated June 2014 unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Policies 2012 and the National Planning Policy Framework.

15. A scheme to revise the speed limit on Beldam Bridge Road is to be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the approved development.

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

1. Decision Notice to be kept DS1
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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. Please contact Phil Peacock, Senior Engineer (Construction and Maintenance), Local Transportation Service, Bagshot on (01483) 518281.
3. To support Condition 14, a Traffic Regulation Order (TRO) under the Highways Act 1980 (as amended) is required from the highway authority, Surrey County Council to secure an extended speed limit restriction on Beldam Bridge Road. In the event that the required TRO fails, then alternative measures aimed at reducing vehicle speeds on Beldam Bridge Road will be required.
4. HI(Inf)15 (Highway) HI15
5. CIL Liable CIL1
6. In relation to condition 12 above, it is advised that consideration ought to be given to the proposed access including a drive-in lane facility if this will improve access arrangements into the site from the West End Settlement (to the West).

In the event that a satisfactory legal agreement has not been received by the 30 September 2015 to secure SANG provision/retention the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-

- 1 The Planning Authority, in the light of available information, 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 (SSW). 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 Regulation 2010 (The Habitats Regulation) applies in this case, it must refuse permission in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EEL. For the same reasons the proposal conflicts with guidance contained in 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 Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012).

**MINUTE LIST OF COMMITTEE
10 February 2016**

APP. NO	WARD	LOCATION & PROPOSAL	TYPE	DECISION
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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

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.

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 report¹ 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 time². 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.

¹ Paragraph 26

² 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 applies³, 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 Hunston⁴ 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

³ S38(6) of the Planning and Compulsory Purchase Act 2004

⁴ 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 Regulations⁵ 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

⁵ 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 SANGS 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 law⁶.
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

⁶ 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.

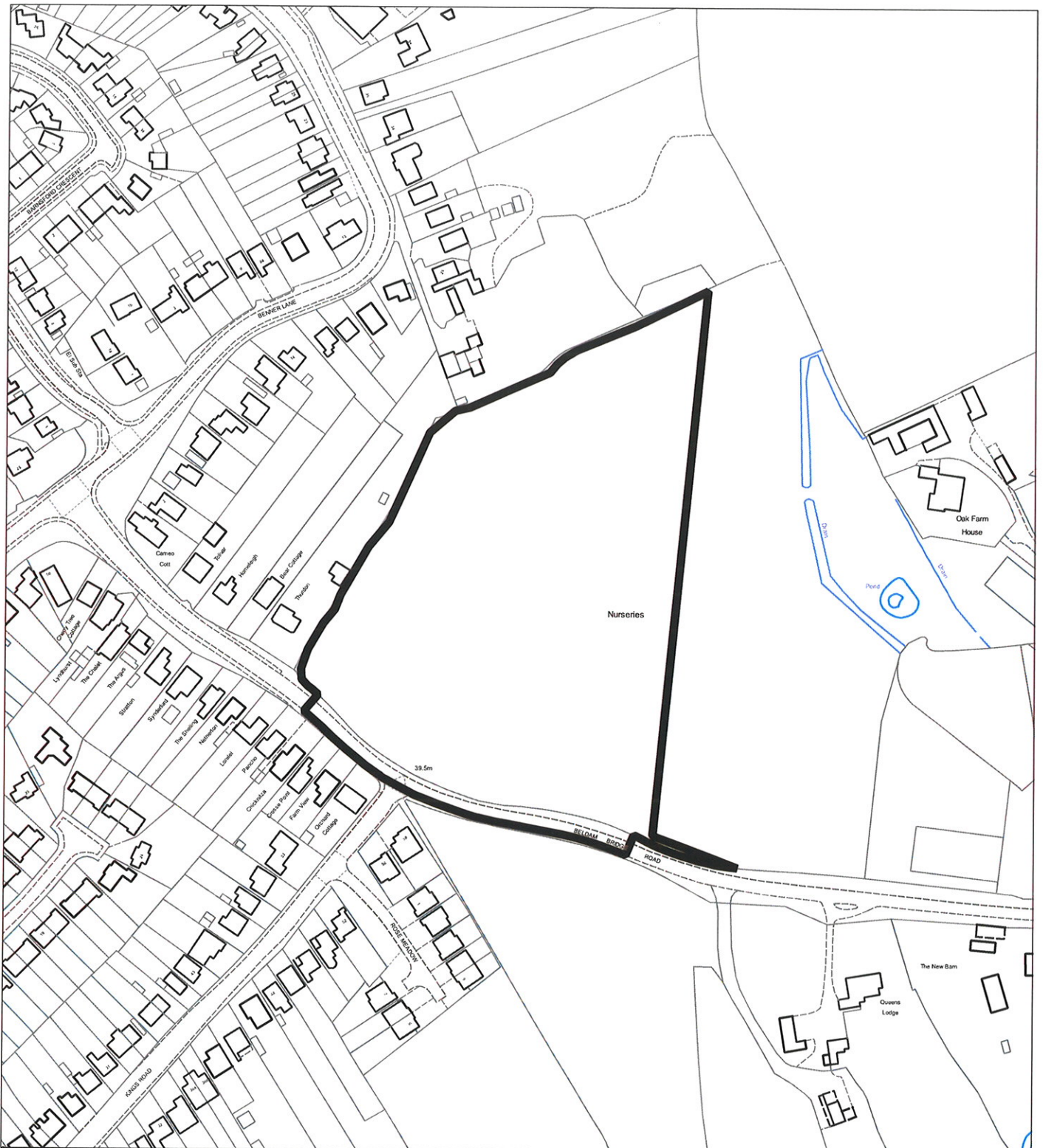
59. Details of the finished levels of the proposed buildings and roads are necessary to ensure an appropriate appearance for the development and in the interests of neighbours' living conditions. Drainage details are required to ensure an appropriate form of development. The location of refuse and cycle 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

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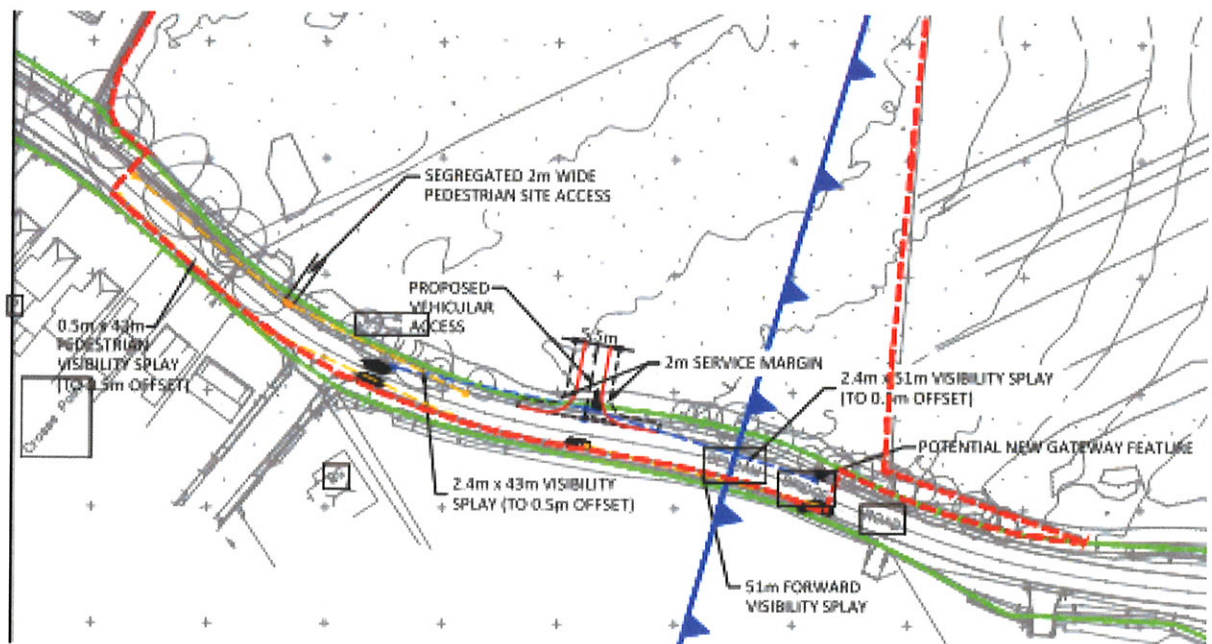


Title	Planning Applications		Page	1 of 4
Application number	16/0323		Scale @ A4	1:2,500
Address	LAND NORTH OF, BELDAM BRIDGE ROAD, WEST END, WOKING, GU24 9LP		Date	06-07-2016
Proposal	Outline planning application for the erection up to 85 dwellings with new access, landscaping and open space.			
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Indicative layout



Proposed access



Site frontage



Within site



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2016/0389

Reg Date 15/04/2016

Chobham

LOCATION: DEVELOPMENT LAND AT FORMER LITTLE HEATH NURSERY, BURR HILL LANE, CHOBHAM, WOKING, GU24 8QD

PROPOSAL: Change of use of land at Little Heath Nursery from a commercial nursery to residential, the demolition of the existing nursery buildings and the erection of 35 affordable dwellings and associated works to include parking, landscaping, raising of the ground levels, drainage and on site open space. Proposed use of 6.7 hectares of land at Little Heath Meadow and Little Heath Common as Suitable Alternative Natural Green Space and associated works to include replacement/proposed bridges, the formation of a circular walk, creation of an attenuation feature, regrading of the existing pond and the erection of an information board and markers. (Amended & Additional plans rec'd 03/06/16).

TYPE: Full Planning Application

APPLICANT: Sentinel Housing Association

OFFICER: Mr N Praine

RECOMMENDATION: **GRANT subject to conditions and completion of a legal agreement.**

1.0 SUMMARY

- 1.1 The application proposes 35 affordable housing units split between 19 social rented and 16 shared-ownership units. Members will recall that a previous application (SU/14/0925, see paragraph 3.1 below) at this site was reported before the Planning Applications Committee on the 14th September 2015. However, following a late objection from the Drainage Officer the application was refused on drainage grounds. Additionally Members considered that a local need for the proposed 16 shared ownership units had not been adequately demonstrated. Since this date, further discussions between the applicant and the Council's Drainage Officer and Lead Local Flood Authority (LLFA) have been undertaken, as has further work by the applicant and the Council's Housing Officer to establish and demonstrate the local need for shared ownership housing. Following these discussions the Drainage Officer and LLFA raise no objection to the proposal, subject to planning conditions. The Council's Housing Officer also supports the proposal.
- 1.2 Given the materiality of refusal SU/14/0925 this report focuses on whether the current application overcomes the previous reasons for refusal (see paragraph 3.1 below). In the officer's opinion, on the basis of the revisions to the proposal (see paragraph 4.5 below) and no objection from the Council's Drainage Officer, LLFA or the Council's Housing Officer, the development is now acceptable and the application is therefore recommended for approval; subject to conditions and the completion of a legal agreement to secure SAMP and the delivery of a bespoke SANGS solution so the proposal would not impact on the integrity of the SPA.

2.0 SITE DESCRIPTION

- 2.1 The 3.47ha site lies approximately 1.1km north east of Chobham village centre with an existing access off Burr Hill Lane. The site abuts the defined settlement policy boundary.
- 2.2 The site is divided into two parts by an existing ditch. The 1.28ha area to the south of the ditch is where the now demolished buildings associated with the former plant nursery are located (these are to the western tip of this area). This southern part of the wider red line site is where the proposed residential development will take place.
- 2.3 Levels across the site fall in a north west to south west direction. The remainder of the site is open pasture land bounded by trees, ditches and secondary woodland.
- 2.4 The application site is bounded on three sides by mixed character residential development and by open countryside on the northern boundary.
- 2.5 The groundwater table is high and the land has a waterlogged appearance and is heavy underfoot.

3.0 RELEVANT HISTORY

- 3.1 SU/14/0925 - Redevelopment of a commercial nursery for residential use - 35 affordable dwellings with associated works with access from Burr Hill Lane; and provision of suitable alternative natural green space (SANGS) with associated works. Officers originally recommended approval but following an objection from Surrey Heath Drainage Officer the application was reported to the Committee on 14/09/2015 with an officer recommendation for refusal and was subsequently refused for the following reason:

1. *In the absence of accurate and robust Flood Risk Assessment and Sustainable Drainage Strategy the Applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not result in an increased risk of either ground or surface water flooding; or that a conflict will not arise between these two water sources. The local planning authority cannot therefore reasonably conclude that the proposal would not result in harm or injury to either future (occupiers of the proposed development), or neighbouring occupiers or their property*

The assessment of whether there was a local need for this scale of affordable housing development was finely balanced and officers recommended approval. However, Members considered that a local need for the proposed 16 shared ownership units had not been adequately demonstrated and so the following second reason for refusal was added:

2. *It has not been demonstrated to the Local Planning Authority's satisfaction that the proposed 16 shared ownership units would meet a local need as defined by paragraph's 5.11 and 6.32 of the Core Strategy and Development Management Policies 2012. The Local Planning Authority cannot therefore conclude that the proposed development meets the aims and objectives of Policies CP3 and DM5 of the aforementioned local plan document. In addition in the absence of compliance with these policies the development proposal cannot be considered to comply with paragraph 89 (5th bullet point) of the NPPF and is therefore inappropriate development in the Green Belt. The proposed development would also result in conflict with the purposes of including land in the Green Belt in that it would result in urban sprawl and countryside encroachment. There are no known very special circumstances present which clearly outweigh the harm to the Green Belt which would arise if the development were approved.*

4.0 THE PROPOSAL

- 4.1 The proposal seeks to redevelop the existing site to provide 35 units of affordable housing. This will comprise 19 units for social rental and 16 to be made available as intermediate ownership (shared ownership). The proposed mix is set out below:
- 4 x 1 bed flats;
 - 19 x 2 bed houses;
 - 8 x 3 bed houses; and,
 - 4 x 2 bed bungalows.
- 4.2 The built form proposed is predominately two storey semi-detached with a scattering of short terraces and four bungalows (2 semi-detached pairs). In general terms the proposed dwellings would be between 8 and 8.5m high and feature decorative details such as soldier courses and canopy porches of either pitched or flat roof design. While materials would be controlled by condition the submitted information shows a mix of render and brick / render finishes. The proposed bungalows would feature rear and front gable projections and would be 5.5m to the main ridge and 4m to the ridge of the gable projections.
- 4.3 The proposed development would use the existing access off Burr Hill Lane with an average of 2 off road parking spaces for each of the dwellings (a total of 68 parking spaces, in addition to cycle parking). The proposed layout indicates an area of community land to be retained as a 'community orchard' and the supporting information details a play area is to be provided, although no formal children's play area equipment is proposed.
- 4.4 The application also seeks to avoid harm to the Thames Basin Heaths SPA by providing SANGS of 6.7ha. This is located to the north of the application site and comprises 2.2ha of land at Little Heath Meadows and 4.51ha of land at Little Heath Common. The following works are to be undertaken to the proposed SANGS land in order that it is of suitable standard:
- Replacement and provision of pedestrian bridges;
 - The creation of an attenuation feature;
 - Re-grading of an existing pond;
 - The creation of a circular walk measuring 2.37km; and,
 - The erection of visitor information board and directional signs.
- 4.5 This submission is similar to application SU/14/0925 which was refused last year (See paragraph 3.1 above). The main changes to the current proposal are summarised below:
- The site layout has now been amended to provide a 5m buffer on each side of the watercourse to allow for maintenance. As a result of this one of the proposed social rented houses (plot 11) has been slightly reduced in size and is now shown as a 2 bed dwelling (previously 3 bed).
 - Levels work have been undertaken to demonstrate that any exceedance flows produced by the development can be safely dealt with and routed so as not to increase flood risk to third parties and to direct such flows away from the proposed properties.

- In addition, further information in regard to the level of unmet need for intermediate housing (shared ownership) in Chobham has been submitted.

5.0 CONSULTATION RESPONSES

5.1	Surrey County Council Highway Authority	No objection.
5.2	Natural England	No formal comments made, no objection to previous scheme
5.3	Environment Agency	No formal comments made, no objection to previous scheme.
5.4	Chobham Parish Council	Objection on grounds of limited access, too close to SSSI, too dense, no proven need in Chobham for the number of affordable homes proposed, increased flood risk, adverse impact on wildlife.
5.5	Surrey Wildlife Trust	No objection
5.6	SHBC Drainage Officer	No objection
5.7	SHBC Tree Officer	No objection
5.8	SHBC Housing Officer	Supports proposal.
5.9	Crime Prevention Officer	No objection
5.10	Surrey County Council Lead Local Flood Authority	No objection
5.11	Thames Water	No objection
5.12	Surrey County Council Archaeological Officer	No objection
5.13	Surrey Heath Senior Environmental Health Officer	No objection

6.0 REPRESENTATION

- 6.1 At the time of writing 107 letters of objection have been received. In summary these raise the following concerns:

Impact on amenity of adjoining residential properties

- Loss of light
- Loss of privacy
- Overlooking
- Development would be visually overbearing

- Light pollution
- Increase in noise / The proposal will be contrary to HRA, para 123 NPPF
- Loss of a view [*Officer comment: in planning terms there is no right to a view per se*]
- The proposal does not provide a play area for children

Principle of the proposal

- There are better sites
- The proposal does not comply with Policy DM5 and is not a rural exception / inappropriate development in the Green Belt
- The proposed development would not meet a local need / the proposal should not be used to meet a wider borough need
- The application site should be retained in agricultural use
- Inappropriate development in the Green Belt
- Chobham has already met its local housing need
- There is no need for the development, however there is a need for housing for older persons
- There is insufficient infrastructure / local services in the borough to meet the needs of future residents of the development
- Proposal fails to have regard to cumulative impact of developments in the area

Highways and parking

- Parking provision is insufficient
- Roads and highway capacity is insufficient
- Emergency vehicles will not be able to access the proposed development
- Proposed access is insufficient /unsuitable / unsafe
- Traffic impact assessment is inadequate as it fails to consider the proposal's impact on other roads/junctions – i.e. where Delta Road meets Burr Hill and Windsor Court
- Inadequate sight lines/ poor visibility / on road parking/ school children make navigation of local road network and site access dangerous
- Local roads being used as a rat run have been underestimated
- Public transport links are poor
- Baseline and proposed TRICS data are questionable
- Lack of any detailed risk assessment in the traffic report

- Consideration should be given to making Burr Hill Lane/ Windsor Court / Delta Road one-way

Character and appearance

- The proposed development is of too high density / overdevelopment
- Impact on trees / trees have already been felled
- Site badly laid out

SANGS and ecological matters

- The proposal should not rely on land which is already in public use for SPA avoidance measures
- SANG land is too close to SPA
- Site supports a number of moth species many of which are Red Data Book and priority BAP species
- Impact on SSSI /NNNR
- Owl activity on site & bats should be looked at again
- Horse riders have a right to access the common – the submitted information does not make this clear

Drainage and flooding

- Objections to the principle of developing the site given highground water table
- Objections to the adequacy of the submitted surface water drainage strategy
- Area has the highest risk of flooding from surface water flooding (rating G)
- It will be difficult for occupiers / owners to obtain insurance
- Levels should not be raised
- Development's solution to on-site flooding will increase flood risk elsewhere
- Council will be liable to being sued for passing these plans
- The proposed built form will prevent the stream from being dredged

6.2 While a significant number of representations have been received in respect of this application it should also be noted that the number of representations, either in support or against the proposal, is not a reason in itself to grant or withhold planning permission.

7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework; Policies CP1, CP2, CP3, CP5, CP6, CP8, CP11, CP12, CP14, DM5, DM9, DM10, DM11, of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and, Policy NRM6 of the South East Plan are material considerations in this case. In addition, the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012) is relevant.
- 7.2 The application is similar in many respects to application SU/2014/0925 with modest changes to the site layout and levels to address the previous reasons for refusal. Given the limited period of time since the determination of that application, this previous decision is a material consideration. This application was refused for two reasons as set out in paragraph 3.1 above. There were no other reasons for refusal and there have been no material change in circumstances, such as a significant change in planning policy or significant change in the site or its surroundings, since this decision. Having regard to the nature of the changes to the scheme, and in the officers' opinion, it would therefore be unreasonable to revisit the other issues. For completeness, however, a copy of the previous report is attached (Annex 1). The conclusions in this previous report relating to the impact on residential amenity, highways, infrastructure and the TBHSPA equally apply to this submission.
- 7.3 It is therefore considered that the principal considerations to be addressed in the determination of this application are:
- Shared ownership and local need;
 - Whether the proposed housing mix is acceptable; and
 - Flooding and drainage.

7.4 Shared ownership and local need

- 7.4.1 The application site lies in the Green Belt and abuts the settlement boundary of Chobham. The site's former use as an agricultural nursery means the land is not considered to be previously developed land as defined by the NPPF. The application site abuts the settlement boundary but is outside of it. The site is therefore considered to be within the countryside (in addition to being in the Green Belt). Paragraph 54 of the NPPF advises LPA's to consider whether allowing some element of private or market housing would facilitate the delivery of significant affordable housing. While it is noted that term 'significant' is not quantified; this statement does provide a strong indication that market housing, in this case shared ownership properties, can provide an important tool in 'enabling' the delivery of affordable housing on rural exception sites.
- 7.4.3 The site is located on Green Belt land outside of the defined settlement. Paragraph 89 of the NPPF states that new buildings in the Green Belt is inappropriate development but lists exceptions including, '...limited affordable housing for local community needs under policies set out in the Local Plan.' As the proposal seeks to deliver 100% affordable housing (as defined by Annex 2 of the NPPF) its in principle acceptability is therefore dependent on whether it complies with the rural exception policy (Policy DM5) of the CSDMP. The previous submission failed to meet this test.

7.4.4 Policy DM5 states:

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

- (i) There is a proven local need for affordable housing for people with a local connection to the area; and
- (ii) The need cannot be met within the settlement boundary; and
- (iii) The development will provide affordable housing for local people in perpetuity; and
- (iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents.

7.4.5 The subtext to this policy (para 6.32) advises that the intention of the policy is to help provide accommodation for local people, who often have a local connection through employment or from growing up in the area and still have family who reside in the locality. Para 6.33 adds that the Council recognises there are limited opportunities to provide housing within these settlements at a scale which will deliver significant levels of affordable housing. Support for the provision of rural exception sites is also enshrined in Policy CP3 (iv), where it advises that small scale affordable housing schemes as rural exception sites outside of village settlement boundaries will be acceptable. Para 5.11 explains that the purpose of this element of the policy is to allow villages to continue to develop as mixed and inclusive communities by providing accommodation for households who are either current residents or have an existing family or employment connection.

7.4.6 Local objection to the proposal refers to a lack of need for affordable housing in Chobham and in doing so reference is made to the recent High Court challenge (*Old Huntston Parish Council v Secretary for the Communities and Local Government and others*) wherein the Secretary of State's decision to grant planning permission for a development of 15 homes as a rural exception site was quashed. The crux of the decision appears to centre on the definition of what is a 'local need'. In quashing the decision it was held that a wider need for affordable housing in an area could not be considered as a local need, in short that a rural exception policy did not permit towns to push their affordable housing to rural sites.

7.4.7 Following the previous planning decision the applicant, a not-for-profit housing association, has provided the following justification:

'There are only 4 homes classed as shared ownership within Chobham. Home ownership in Chobham is unaffordable to the majority of those with a local connection. First time buyers need an income of £55-£60,000 to purchase a flat on the open market in Chobham Ward and First time buyers need an income of £100k+ to purchase a semi detached property on the open market in Chobham Ward.'

The Council's Housing Officer has considered this submission and raises no objection to the submitted information.

- 7.4.8 Additionally, the Council's Housing Officer advises that the Council's own Housing Service supports this proposal for the delivery of these shared ownership homes in Chobham. He considers that the scheme is coming forward to meet local need in the village. He accepts that there has been concern about the need for the shared ownership homes and he draws on the submitted figures from Sentinel Housing Association (the applicant) which show that the private market, both for renting and buying a home in the village, is beyond many and therefore local people cannot meet their housing needs, or aspirations, locally. The Council's Housing Officer considers that as the homes are for local people the Council's Housing Service will work proactively with Sentinel Housing Association and local agencies to ensure those who aspire to remain in the village can register their need and have an opportunity to access a home through the scheme. The Council's Housing Officer has also reviewed the data from the Council's Strategic Housing Market Assessment (SHMA) and considers there is a demonstrable market for the shared housing which in essence assists local people on to the housing ladder. Finally the Council's Housing Officer states that these homes will remain available for village residents in perpetuity and therefore will serve as a local resource for future families as well as meet a current need.
- 7.4.9 The local plan policies and sub text cited above provide a clear indication of how 'local' is to be defined. In light of the above considerations it is considered that there is identified need for limited affordable housing in Chobham and that the proposal will meet this need.
- 7.4.10 A review of the Council's Annual Monitoring Report and the Council's most recent Five Year Housing Land Supply Paper does not indicate that there any other sites which are available and or deliverable to meet this need. The other policies requirements can be met by a s106 agreement retaining the affordable housing in perpetuity, the social rented properties only be made available to persons with a connection to Chobham (to be secured via a Local Lettings Agreement) and a cap of 80% being the maximum amount any owner can purchase of any shared ownership property.
- 7.4.11 The proposal is therefore considered not to be inappropriate development in the Green Belt, and acceptable in terms of para 89 of the NPPF and Policies CP3 and DM5 of the Core Strategy and Development Management Policies 2015. However, due to the Green Belt location and the fact the proposal is only acceptable in Green Belt terms because it is considered to be a rural exception site, it is considered further development should be strictly controlled, as such any approval would be subject to a condition removing permitted development rights.

7.5 Whether the proposed housing mix is acceptable

- 7.5.1 Policy CP5 of the CSDMP 2012 seeks to ensure that 35% of all dwellings delivered in the Borough over the plan period (to 2028) comprise affordable housing. The proposal will deliver 100% affordable housing therefore compliant with the terms of this Policy.
- 7.5.2 The proposed mix is very similar to the previous proposal with one change to one of the proposed social rented houses (plot 11). This plot has been slightly reduced in size and is now shown as a 2 bed dwelling (previously a 3 bed). Again it is considered that the provision of a mix of bungalows, flats and smaller dwelling houses meets the objective of providing a range of housing needs.

7.6 Flooding and drainage

- 7.6.1 Policy DM10 requires developments to reduce the volume and rate of surface water run-off through the use of SuDs. A flood risk assessment (FRA) has been submitted and the FRA agrees with local accounts of a high water table and notes that depressions in some areas of the site can experience a pooling of water during periods of long rainfall.

Ground Water

- 7.6.2 To address the groundwater flood risk identified and also offer some protection against any residual flood risks from other potential sources, finished floor levels of the proposed development will be set above the calculated maximum groundwater level. As with the previous proposal, this will result in the rising of the site. Again the FRA acknowledges this and confirms that any ground raising could impact upon adjoining land off site. To address this, the FRA states that any fill material will be of a permeable nature to still permit groundwater flows. As an additional measure ground levels are proposed to be lowered within the lower lying south eastern corner of the 'SANG area' to create a seasonally wet pond area which will offer additional groundwater storage. The FRA confirms the proposed pond offers excess groundwater storage than existing, which will thereby ensure that groundwater flood risk will not be increased once the development is completed.
- 7.6.3 The FRA concludes that the combined use of permeable fill material; the pond area; and, the drainage system (see paragraph 7.6.4 below) which will service the site will ensure that hydrogeological conditions will not be adversely affected within the area (i.e. groundwater table levels increased elsewhere) and therefore the risk of groundwater flooding is not increased either on or off-site. The proposed scheme layout also ensures that the existing stream and all ditches are retained and maintained.

Surface Water Drainage

- 7.6.4 Rainfall currently falling onto the site infiltrates into the ground, where geological and hydrogeological conditions allow, and then surface water runs-off, once the infiltration capacity of the ground has been exceeded, into the existing stream and ditches. With regard to the area which is to be developed and taking into account the existing groundwater levels, as with the previous proposal, the FRA proposes to discharge surface water from the 'developable area' to the existing adjacent stream, at a restricted rate. The installation of new drainage trenches and swales will also create new flow routes to connect the groundwater back to the ditches. This ensures that surface water flows and hence flood risk is not increased on or off-site.
- 7.6.5 The FRA concludes that the proposal would not give rise to an increased risk of flooding to persons or property and will not result in the loss of floodplain storage. The LLFA and Council's Drainage Officer have assessed the submitted FRA and raise no objections to its findings (subject to conditions). As such there would be no conflict between either ground or surface water flooding and no adverse harm to neighbouring occupiers or properties.

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

8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

9.1 The proposal is presented as a rural exception site and on the basis of the further evidence provided by the applicant and support from the Council's Housing Officer it is considered that there is an identified local need for affordable housing. For this reason, the proposal does not represent inappropriate development in the Green Belt. Additionally, with no objection from the Council's Drainage Officer and LLFA it has now been adequately demonstrated that the proposed development would not result in increased risk of ground or surface water flooding, nor result in a conflict between the two. As such it is considered that the previous reasons for refusing this development have been overcome. In respect of all other matters including impacts on amenity and highway the proposal is acceptable, as explained in Annex 1. The application is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure SAMM and the delivery of a bespoke SANGS solution so the proposal would not impact on the integrity of the SPA.

10.0 RECOMMENDATION

The Executive Head of Regulatory to be authorised to GRANT permission subject a legal agreement to secure the following:

- The retention of the following split in tenure and mix of affordable units as set in the site layout plan;
- All social rented units to be retained as such in perpetuity;
- All social rented units only to be let in accordance with a Local Lettings Policy to ensure the units are let to persons with a local connection to Chobham;
- A cap of 80% of the market value being the maximum any person can own or mortgage of any shared ownership property; and,

- Provision of a bespoke Suitable Alternative Natural Greenspace (SANG) as detailed in the SANG Management Plan dated June 2015 (GPM Ecology, Haslemere, Surrey).

and 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. 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.

3. A minimum of 7 working days before any development, including any works of demolition or site clearance, a pre-commencement meeting must be arranged with the Arboricultural Officer. The purpose of this meeting is to agree the extent of any facilitation or management tree works, tree and ground protection, demolition, storage of materials and the extent and frequency of Arboricultural site supervision. In all other regards the development shall proceed in accordance with the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** compliant report prepared by MJC Tree Services and dated 14 July 2015.

In addition all facilitation pruning works must be carried out by a specialist and qualified contractor in accordance with BS3998:2010 and under the strict supervision of the retained Arboriculturist.

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

4. 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the

new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**. In addition the details to be submitted shall make provision for the four oak trees proposed for amenity spaces to be supplied and planted as semi-mature specimens [girth at 1m 35-40cm, nominal diameter 11.9cm/4.7” with an overall planted height of 6-8m]. Minimum planted sizes of all other individual trees should be girth at 1m 18-20cm, nominal diameter 6.cm/2.4” with an overall planted height of 5m+. Please note that *Betula pubescens* and *Prunus avium* “Plena” are not considered acceptable species within this development.
3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 10 years.

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

5. No development shall take place until 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 period.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans 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 / turning areas shall be retained and maintained for their designated purposes.

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

7. The development hereby approved shall not be occupied until raised access platforms are constructed at:

- (a) the existing bus stop outside numbers 18-22 Delta Road Chobham, and
- (b) the existing bus stop outside 20-34 Windsor Court Road Chobham

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

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

8. The development hereby approved shall not be occupied until a continuous footway is provided between the existing footway on Burr Hill Lane and the proposed footways within the application site, in accordance with details to be submitted to an approved in writing by the Local Planning Authority.

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

9. Prior to the commencement of any works (including demolition, site clearance or site preparation), full ecological and biodiversity surveys, together with proposed mitigation and enhancements shall be submitted to the Local Planning Authority in response to the consultation letter received by the Local Planning Authority from Surrey Wildlife Trust dated 26th May 2016. Once approved in writing, the details shall be implemented in full and retained in accordance with the approved details.

Reason: to comply with the aims and objectives of Policy CP14 of the Core Strategy and Development Management Policies 2012, the NPPF, NERC Act 2006, the Wildlife and Countryside Act 1981 and The Conservation of Habitat and Species Regulations 2010.

10. Prior to the commencement details of the future maintenance and management of all areas of amenity land (not contained within the private garden areas or to be handed over to Surrey County Council as part of the adopted highway) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained in perpetuity unless otherwise agreed in writing.

Reason: To ensure a satisfactory form of development in accordance with the NPPF and Policy DM9 of the Core Strategy and Development Management Policies 2012.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, garages, buildings or roof alterations (as defined by Schedule 2, Part 1, Classes A, B, D and E of that order) shall be erected / implemented without the prior approval in writing of the Local Planning Authority.

Reason: To proposal is only acceptable as a rural exception site as it lies in the Green Belt wherein development must be tightly controlled in the interest of preserving Green Belt openness, the unfettered extension or alteration of properties could undermine the openness of the Green Belt and accordingly the condition is required to ensure ongoing compliance with Policies DM9 and DM4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

12. Notwithstanding the detail shown on the submitted plans no fence or other means of enclosure shall be erected or installed to demark the front boundaries of the dwellings hereby approved which otherwise might be permissible pursuant to the provisions Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), as defined by Schedule 2, Part 2, Class A.

Reason: To ensure a satisfactory form of development in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

13. Before first occupation of the development hereby approved the first floor side window(s) in plot 35 facing the garden of 26 Burr Hill Lane shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times in accordance with details to be submitted to and approved by the Local Planning Authority in writing. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

14. No works (demolition; site preparation; investigation, building; construction, fitting out snagging) shall be carried out on Sundays, Public Holidays, or except between the hours of 8am and 6pm on weekdays and 9am and 1pm on Saturdays. For the avoidance of doubt 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with the National Planning Policy Framework.

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

- P105 Rev C Site layout
- P300 (plots 1,2,3,4,28,29 30 and 31)
- P301 (plots 5,6,34 and 35)
- P302 (plots 7,8)
- P303 (plots 9,10)
- P304 (plots 11 – 16)
- P305 (plots 17,18,19)
- P306 (plots 20, 21)
- P307 (plots 22,23,24,25)
- P308 (plots 26,27, 23, 33)

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.

16. 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 by the applicant and approved by the Local Planning Authority. The programme will also make provision for an archaeological walkover survey of the proposed SANG in order to identify any extant heritage features which may exist.

Reason: To afford the Local Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains, in accordance with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.

17. No development shall take place until full details of:

- how attenuation SuDS features will be lined to prevent interaction with ground water,
- an impervious area plan, and
- long or cross sections of each SuDS Element including the hydrobrake that includes details of how the total runoff from the site will not exceed 2.6 l/s

are submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be carried out prior to first occupation in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

18. No development shall take place until full details of how surface water and any associated pollution risk will be dealt with during the construction of the development and how any Sustainable Drainage System will be protected and maintained is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with those approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the construction works do not compromise the functioning of the agreed Sustainable Drainage System and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

19. No development shall take place until full details of an agreement of who will own and maintain the SUDS features and their associated maintenance regimes, are submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented prior to first occupation in accordance with the approved details and retained as such unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt the details must as a minimum include all surface water systems, overland flow routes and attenuation systems.

Reason: To ensure the drainage system is maintained throughout its lifetime to an acceptable standard and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

20. Prior to occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

21. In the event of any conflict of foul and surface water drainage systems, such details must be reported to the LPA with appropriate revised details for approval in writing by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved details and retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the drainage system is constructed to an acceptable standard and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

22. No heavy goods vehicle involved in the construction of the development hereby (hereinafter referred to as 'the Site') approved shall enter the Site by turning left in from Delta Road, nor exit the Site by turning right out onto Delta Road.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

23. On school days, no heavy goods vehicle involved in the construction of the development hereby approved (hereinafter referred to as 'the Site') shall enter or leave the Site between the hours of 8.30 a.m. and 9.15 a.m. nor enter or leave the Site between the hours of 3 p.m. and 3.45 p.m.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

1. 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).
2. When access is required to be 'completed' before any other operations, the Highway Authority will normally agree that wearing course material and in some cases edge restraint may be deferred until construction of the development is virtually complete, provided all reasonable care is taken to protect public safety.
3. There would be no objection in principle, from the highway point of view, to the proposed development if the applicant were to gain control of sufficient land to enable the necessary access to be constructed and provided with visibility splays all to the Highway Authority's minimum standard.
4. The applicant is advised that an area of land within the curtilage of the application site may be required for future highway purposes, details of which may be obtained from the Transportation Development Control Division of Surrey County Council.
5. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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. In this instance the Highway Authority is Surrey Heath Borough Council and an application to modify the existing vehicular accesses shall be made to the Highway Division.

6. Before works are undertaken to any watercourse which may alter the cross sectional area (excluding basic maintenance) ordinary watercourse consent may be required. Forms are available on request from SUDS@surreycc.gov.uk
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
8. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), 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
9. 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
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 roadworks 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.

In the event that a satisfactory legal agreement has not been completed by the 29th July 2016, the Executive Head of Regulatory is authorised to REFUSE for the following reasons:

1. The proposal fails to provide a satisfactory legal agreement to secure the dwellinghouses as affordable housing (19 social rented and 16 shared ownership units). The proposal would therefore constitute inappropriate development in the Green Belt which would undermine the purposes of including land in and would result in countryside encroachment, and would significantly harm its openness and otherwise undeveloped and rural character. The proposal does not satisfactorily address the requirements of Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and cannot be considered to be a rural exception site or as an exception to para 89 of the NPPF.
2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the Applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in addition failing to provide a bespoke SANGS (Suitable Alternative Natural Green Space) solution, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).

Annex 1 Previous committee report from 14th September 2015

2014/0925

Reg Date 23/10/2014

Chobham

LOCATION: LITTLE HEATH NURSERY, LITTLE HEATH ROAD,
CHOBHAM, WOKING, GU24 8RJ

PROPOSAL: Redevelopment of a commercial nursery for residential use - 35 affordable dwellings with associated works with access from Burr Hill Lane; and provision of suitable alternative natural green space (SANGS) with associated works. (Amended plans & info rec'd 23/03/15), (Additional info rec'd 27/05/15), (Amended/additional info rec'd 28/07/15), (Amended plan rec'd 20/08/15).

TYPE: Full Planning Application

APPLICANT: Sentinel Housing Association

OFFICER: Michelle Fielder

RECOMMENDATION: **GRANT subject to conditions and completion of a legal agreement.**

1.0 SUMMARY

- 1.1 The application proposes 35 affordable housing units split between 19 social rented and 16 shared-ownership units. The application site lies outside of the settlement boundary of Chobham and is presented as a rural exception site within the Green Belt. The assessment of whether there is a local need for this scale of development under the criteria of Policy DM5 of the Core Strategy and Development Management Policies 2012 is finely balanced; however, in the officer's opinion it is considered the balance is tipped in favour of a grant of planning permission.
- 1.2 No objection is raised on highway or character grounds and it is considered the proposal would not be harmful to residential amenity. Subject to the completion of a legal agreement to secure SAMM and the delivery of a bespoke SANGS solution the proposal would not impact on the integrity of the SPA. In respect of the latter point, the application includes the creation of 6.7ha of SANGS to the north of the application site and comprises 2.2ha of land at Little Heath Meadows and 4.51ha of land at Little Heath Common.
- 1.3 The application site lies in Flood Zone 1 and predates the requirement (in place from April 2015) for proposals to demonstrate that a sustainable drainage scheme can be developed for the proposal prior to planning permission being granted. The Environment Agency (EA) has not raised objection to the proposal on flooding grounds; however, it is noted that the site has a high water table and that there is strong local objection to the proposal on the basis of groundwater flooding. For this reason in addition to the Drainage Officer's comments being awaited, officers have also consulted with Surrey County Council as the Lead Local Flood Authority (LLFA). Comments from both technical experts are awaited and will be provided as an update to the Committee. In the event that either the Drainage Officer or the LLFA raise concern with the technical details of the drainage strategy the recommendation is likely to change to refuse.

2.0 SITE DESCRIPTION

- 2.1 The 3.47ha site lies approximately 1.1km north east of Chobham village centre with an existing access off Burr Hill Lane. The site abuts the defined settlement policy boundary.
- 2.2 The site is divided into two parts by an existing ditch. The 1.28ha area to the south of the ditch is where the disused buildings associated with the former plant nursery are located (these are to the western tip of this area). This southern part of the wider red line site is where the proposed residential development will take place.
- 2.3 Levels across the site fall in a north west to south west direction. The remainder of the site is open pasture land bounded by trees, ditches and secondary woodland.
- 2.4 The application site is bounded on three sides by mixed character residential development and by open countryside on the northern boundary.
- 2.5 The groundwater table is high and the land has a waterlogged appearance and is heavy underfoot.

3.0 RELEVANT HISTORY

- 3.1 None relevant to this application. It is noted that objectors make reference to the planning history of the site and to a need to continue to refuse development proposals for the land. However, a planning history search reveals that there have been no recent planning applications to develop the land for residential purposes.

4.0 THE PROPOSAL

- 4.1 The proposal seeks to redevelop the existing site to provide 35 units of affordable housing. This will comprise 19 units for social rental and 16 to be made available as intermediate ownership (shared ownership). The proposed mix is set out below:
 - 4 x 1 bed flats
 - 18 x 2 bed houses
 - 9 x 3 bed houses
 - 4 x 2 bed bungalows
- 4.2 The built form proposed is predominately two storey semi-detached with a scattering of short terraces and four bungalows (2 semi-detached pairs). In general terms the proposed dwellings stand at between 8 and 8.5m high and feature decorative details such as soldier courses and canopy porches of either pitched or flat roof design. While materials would be controlled by condition the submitted information shows a mix of render and brick / render finishes. The proposed bungalows would feature rear and front gable projections and will stand 5.5m to the main ridge and 4m to the ridge of the gable projections.
- 4.3 The proposed works would require the demolition of all existing nursery buildings and an existing access off Burr Hill Lane is to be utilised. An average of 2 off road parking spaces are to be provided for each of the dwellings (less to the flats) proposed, accordingly a total of 68 parking spaces are to be provided, in addition to cycle parking.
- 4.4 The proposed layout indicates an area of community land to be retained as a 'community orchard' and the supporting information details a play area is to be provided, although no formal children's play area equipment is proposed.
- 4.5 The application also seeks to avoid harm to the Thames Basin Heaths SPA by providing SANGS of 6.7ha. This is located to the north of the application site and comprises 2.2ha of

land at Little Heath Meadows and 4.51ha of land at Little Heath Common. The following works are to be undertaken to the proposed SANGS land in order that it is of suitable standard:

- Replacement and provision of pedestrian bridges;
- The creation of an attenuation feature;
- Re-grading of an existing pond;
- The creation of a circular walk measuring 2.37km; and,
- The erection of visitor information board and directional signs.

4.6 The application is supported by the following documents and regard will be had to these as appropriate in the assessments made in this report.

- Planning statement incorporating a statement of community engagement
- Management Plan
- Design and Access Statement
- Archaeological Desktop Assessment
- Phase II Ecological Surveys
- Bat Survey
- Transport Statement
- Site investigation report and Phase 2 letter
- Utilities statement
- Additional background biodiversity data
- Flood Risk Assessment
- Tree Survey (BS compliant)
- Daylight and Sunlight study.

5.0 CONSULTATION RESPONSES

5.1	Surrey County Council Highway Authority	No objection.
5.2	Natural England	No objection (previous objection withdrawn).
5.3	Environment Agency	No objection subject to condition.
5.4	Chobham Parish Council	Objection on grounds of limited access, too close to SSSI, too dense, no proven need in Chobham for the number of affordable homes proposed.
5.5	Surrey Wildlife Trust	No objection.
5.6	SHBC Drainage Engineer	Comments awaited.

5.7	SHBC Tree Officer	No objection subject to conditions.
5.8	SHBC Housing	Supports proposal.
5.9	Crime Prevention Officer	No objection.
5.10	SCC LLFA	Comments awaited (please note - it is not a statutory requirement to have consulted with this body on this application).

6.0 REPRESENTATION

6.1 At the time of writing 77 letters of objection and 3 letters of support have been received. In summary these raise the following concerns:

Impact on amenity of adjoining residential properties [see para section 7.5]

- Loss of light
- Loss of privacy
- Overlooking
- Development would be visually overbearing
- Light pollution
- Increase in noise / The proposal will be contrary to HRA, para 123 NPPF
- Loss of a view [officer comment: in planning terms there is no right to a view *per se*]
- The proposal does not provide a play area for children

Principle of the proposal [see section 7.3]

- There are better sites
- The proposal does not comply with Policy DM5 and is not a rural exception / inappropriate development in the Green Belt
- The proposed development would not meet a local need / the proposal should not be used to meet a wider borough need
- The application site should be retained in agricultural use
- Inappropriate development in the Green Belt
- Chobham has already met its local housing need
- There is no need for the development, however there is a need for housing for older persons
- There is insufficient infrastructure / local services in the borough to meet the needs of future residents of the development
- Proposal fails to have regard to cumulative impact of developments in the area

Highways and parking [see section 7.6]

- Parking provision is insufficient
- Roads and highway capacity is insufficient
- Emergency vehicles will not be able to access the proposed development
- Proposed access is insufficient /unsuitable / unsafe
- Traffic impact assessment is inadequate as it fails to consider the proposal's impact on other roads/junctions – i.e. where Delta Road meets Burr Hill and Windsor Court
- Inadequate sight lines/ poor visibility / on road parking/ school children make navigation of local road network and site access dangerous
- Local roads being used as a rat run have been underestimated
- Public transport links are poor
- Baseline and proposed TRICS data are questionable
- Lack of any detailed risk assessment in the traffic report
- Consideration should be given to making Burr Hill Lane/ Windsor Court / Delta Road one-way

Character and appearance [see section 7.4]

- The proposed development is of too high density / overdevelopment
- Impact on trees / trees have already been felled
- Site badly laid out

SANGS and ecological matters [see section 7.7]

- The proposal should not rely on land which is already in public use for SPA avoidance measures
- SANG land is too close to SPA
- Site supports a number of moth species many of which are Red Data Book and priority BAP species
- Impact on SSSI /NNNR
- Owl activity on site & bats should be looked at again
- Horse riders have a right to access the common – the submitted information does not make this clear

Drainage and flooding [see section 7.10]

- Objections to the principle of developing the site given highground water table
- Objections to the adequacy of the submitted surface water drainage strategy

- Area has the highest risk of flooding from surface water flooding (rating G)
- It will be difficult for occupiers / owners to obtain insurance_
- Levels should not be raised
- Development's solution to on-site flooding will increase flood risk elsewhere
- Council will be liable to being sued for passing these plans
- The proposed built form will prevent the stream from being dredged

Other matters

- Planning history of the site needs to be taken into account / previous schemes have been refused [*Officer comment: the current application must be determined on its own merits – also see 3.1*]
- The pre-application consultation undertaken by the applicant was inaccurate / insufficient [*Officer comment: this is not a material consideration in the determination of this application*]
- Consultation periods given by Council are too short [*Officer comment: the consultation periods meet the statutory requirements*]
- Insufficient infrastructure to support the proposal [*see section 7.8*]
- Agricultural tie should not have been lifted [*Officer comment: this is not material to the consideration of this application*]
- Site allocations work must be completed [*Officer comment: this is not material to the consideration of this application*].

In support:

- Affordable housing is desperately needed
- Site is suitable.

7.0 PLANNING CONSIDERATION

7.1 The National Planning Policy Framework; Policies CP1, CP2, CP3, CP5, CP6, CP8, CP11, CP12, CP14, DM5, DM9, DM10, DM11, of the Surrey Heath Core Strategy and Development Management Policies 2012; and, Policy NRM6 of the South East Plan are material considerations in this case. In addition, the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012) is relevant.

7.2 The main considerations in the determination of this application are therefore:

- The principle of the development (Policy DM5, Green Belt and loss of employment);
- The proposal's impact on local character (including its scale and design response);
- The proposal's impact on amenity (including the level of amenity to be afforded to future residents);
- Highways and parking considerations;

- The proposal's impact on the Thames Basin Heaths SPA and other ecological matters;
- The proposal's impact on the Borough's infrastructure;
- Whether the proposed housing mix is acceptable; and,
- Flooding and drainage

7.3. The principle of the development

7.3.1 The application site lies in the Green Belt and abuts the settlement boundary of Chobham. There is a small amount of built form on the land, however, given the site's former use as an agricultural nursery the land is not considered to be previously developed land as defined by the NPPF.

7.3.2 The application site abuts the settlement boundary but is outside of it. The site is therefore considered to be within the countryside (in addition to being in the Green Belt – see below). Paragraph 54 of the NPPF advises LPA's to consider whether allowing some element of private or market housing would facilitate the delivery of significant affordable housing. While it is noted that term 'significant' is not quantified; this statement does provide a strong indication that market housing can provide an important tool in 'enabling' the delivery of affordable housing on rural exception sites.

7.3.3 The site is located on Green Belt land outside of the defined settlement, however, the provision of limited affordable housing for local community needs under policies of a local plan is cited at para 89 of the NPPF as an exception to development in the Green Belt being resisted because it is inappropriate. As the proposal seeks to deliver 100% affordable housing (as defined by Annex 2 of the NPPF) its in principle acceptability is dependent on whether it complies with the rural exception policy (Policy DM5) of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.3.4 Policy DM5 states:

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

- (i) There is a proven local need for affordable housing for people with a local connection to the area; and
- (ii) The need cannot be met within the settlement boundary; and
- (iii) The development will provide affordable housing for local people in perpetuity; and
- (iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents

7.3.5 The subtext to this policy (para 6.32) advises that the intention of the policy is to help provide accommodation for local people, who often have a local connection through employment or from growing up in the area and still have family who reside in the locality. Para 6.33 adds that the Council recognises there is limited opportunities to provide housing within these settlements at a scale which will deliver significant levels of affordable

housing. Support for the provision of rural exception sites is also enshrined in Policy CP3 at point iv, where it advises that small scale affordable housing schemes as rural exceptions sites outside of village settlement boundaries will be acceptable. Para 5.11 explains that the purpose of this element of the policy is to allow villages to continue to develop as mixed and inclusive communities by providing accommodation for households who are either current residents or have an existing family or employment connection.

7.3.6 Local objection to the proposal cites a lack of need for affordable housing in Chobham and in doing so reference is made to the a recent High Court challenge (*Old Huntstaton Parish Council v Secretary for the Communities and Local Government and others*) wherein the Secretary of State’s decision to grant planning permission for a development of 15 homes as a rural exception site was quashed. The crux of the decision appears to centre on the definition of what is a ‘local need’. In quashing the decision it was held that a wider need for affordable housing in an area could not be considered as a local need, in short that a rural exception policy did not permit towns to push their affordable housing to rural sites.

7.3.7 The local plan policies and sub text cited above provide a clear indication of how ‘local’ is to be defined. In assessing whether the proposal would meet a truly local need the Council’s Housing Manager provides the following comments (a full copy of the detailed comments provided are held as Annex 1 to this report):

- The Council has a responsibility to have systems in place to prioritise households seeking a social housing tenancy
- The Council operates a housing register which is register of everyone who qualifies to be considered for social housing
- There are always more applicants than available properties
- Applicants are prioritised in accordance with the Council’s allocation policy
- There are 179 social homes in Chobham (5.4% of the total stock in the Borough)

The demand for properties, by bedroom number is listed below:

Bed No	Chobham as a preference	Total applicants	Camberley as a preference
1 bed	117	261	212
2 bed	78	236	196
3 bed	32	113	86
4 bed	9	23	19
5 bed	2	2	2
Total	238	635	515

- The Housing Manager accepts that while there will be people who will choose all

areas as they do not mind where they are housed and others who simply like the idea of moving to Chobham; there is also within these figures people who currently live in Chobham and others with an association to the village. Moreover, that association may well match the 'local connection' criteria set out in the subtext to the local plan policies already mentioned. It is also noted that the housing register currently contains 13 applicants who already reside in Chobham.

- During April 2010 and Jan 2015 there were 696 social housing homes let in Surrey Heath and a further 148 sheltered housing vacancies. Of these 23 (3%) vacancies were in Chobham.
- During the same period 16 households moved out of the village to meet their housing need (it is accepted that there is no guarantee that at least some of these may simply have chosen to move away from the village)
- Considering the price of properties in the village it is likely that low cost home ownership will attract local need.

7.3.8 In light of the above considerations it is considered that there is a small, but persistent need, for affordable housing in Chobham and that the proposal will go some way to meeting this need.

7.3.9 A review of the Council's Annual Monitoring Report and the Council's most recent Five Year Housing Land Supply Paper does not indicate that there any other sites which are available and or deliverable to meet this need. The other policies requirements can be met by a s106 agreement retaining the affordable housing in perpetuity, the social rented properties only be made available to persons with a connection to Chobham (to be secured via a Local Lettings Agreement), and a cap of 80% being the maximum amount any owner can purchase of any shared ownership property.

7.3.10 The proposal is therefore considered not be inappropriate development in the Green Belt, and acceptable in terms of para 89 of the NPPF and Policies CP3 and DM5 of the Core Strategy and Development Management Polices 2015. However, due to the Green Belt location and the fact the proposal is only acceptable in Green Belt terms because it is considered to be a rural exception site, it is considered further development should be strictly controlled, as such any approval would be subject to a condition removing permitted development rights.

7.3.11 The proposal would result in the loss of a site previously used for commercial purposes. However, it is noted that site was not used for employment, i.e. not in B class use. The site is also vacant and the buildings that were on site did not readily lend themselves to being converted to an alternative use. No objection is therefore raised to the loss of the commercial use.

7.3.12 The principle of the development proposal is therefore acceptable subject to the considerations in the remainder of this report.

7.4 The proposal's impact on local character

7.4.1 The NPPF has a presumption in favour of sustainable development and to secure high quality design, as well as taking account of the character of different areas. However, the NPPF rejects poor design that fails to take the opportunity to improve the character and quality of an area. Paragraph 59 of 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

- generally.
- 7.4.2 Policy CP2 (Sustainable Development and Design) of CSDMP 2012 is reflective of the NPPF as it requires development to ensure that all land is used effectively within the context of its surroundings and to respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 (Design Principles) of CSDMP 2012 also promotes high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.3 The application site itself has a mixed character with the existing development appearing in poor condition and, this being set against the backdrop of the remainder of the wider open site. The southern boundary of the site is formed by Burr Hill Lane and this is predominately a mix of housing built during the 1950's to 1970's. The built form comprises bungalows, chalet bungalows and short terraces with the south side of this road comprising a number of detached bungalows. The eastern boundary of the site is formed by dwellings in Medhurst Close. This development is a higher density, two storey terraced development. To the west, the boundary is formed by the shared private drive (Little Heath Road) and this serves a mix of house types.
- 7.4.4 Taken as a whole the mixed built form of the area is readily evident, however this does not result in a disjointed or inharmonious character. Indeed the area is unified by the setback of the existing properties from the road frontage and the spacing between them. Those areas where the form of adjoining properties are different to one another have a more organic feel and the age of the properties gives rise to an established and mature character. Higher density developments, such as Medhurst are relatively self-contained and do not, significantly, undermine the spacious, open and established urban grain of the wider area.
- 7.4.5 The development proposal responds to this by seeking to deliver a 35 unit scheme off a cul de sac. The scheme is relatively low density at 28dph (although it is noted that a dph assessment is a blunt tool for assessing how a proposal will integrate with its surroundings) and this takes account of the site's constraints. Dwellings are to be setback from the new road frontage and the presence of most will be softened (from the front) by small front gardens enclosed by low level planting. Properties form semi-detached pairs or short runs of terraces (plots 11-16 and 17-19 (15 and 17 being 2no. 1 flats) and as a consequence the footprint of the proposed built form does not appear to be at odds with that of the surrounding area.
- 7.4.6 The proposed 2 storey dwellings and buildings containing flats will stand to a height of approximately 8 and 8.5m. In addition to this height, the land levels across the site would be raised as part of the sustainable drainage strategy. The levels raises would mean the finished floor level of the dwellings would, in the main, be between 0.5 and 1.5m higher than the existing ground levels. This is considered acceptable against the backdrop of the surrounding two storey development.
- 7.4.7 All the proposed bungalows (plots 22 to 25) are of an uncomplicated design with gable fronted projections to the rear and front elevations and are to be constructed in brick. All other dwellings feature some detailing which will serve to add visual interest. Such detailing takes the form of soldier courses, the use of render, window detailing and the provision of front porches. These features appear to be integral to the design response as opposed to simply being add-on's and each of the proposed units will benefit from at least one of these features. These will serve to unify the proposed development and

create a sense of place, while the scale, massing and spacing of the properties, along with the simple palette of materials will serve to integrate the proposal in the wider setting.

- 7.4.8 The applicant has submitted hard and soft landscaping plans for consideration at this stage. The Arboricultural Officer has considered these, along with details of the proposals impact on trees, and no objection is raised. The landscaping information submitted is relatively detailed and some concern is raised in respect of the species selection. A revised landscaping plan would therefore be required and this could be secured by condition.
- 7.4.9 The submitted hard landscaping plan is generally considered to be acceptable; however, the front boundary of a large number of properties is shown to be demarked by a 1m high picket fence. Such a boundary treatment is not readily apparent in the wider area and it is considered this would give rise to a 'twee' and cluttered appearance. This detail is not considered acceptable and in a similar way to the soft landscaping would need to be revisited if planning permission were granted.
- 7.4.10 The proposed layout is considered to legible with clear demarcations between public and private areas. Footpath links to the community amenity area (the orchard) and the SANGS land will be provided in convenient locations. Car parking is, in the main, provided on plot, where it is not the communal areas are small and broken up by low level planting. Soft landscaping and areas of greenery are to be retained within the body of the site and to the northern boundary. This will prevent the site from appearing overdeveloped and also provide a soft edge between the development and the proposed SANGS / open countryside to the North.
- 7.4.11 In light of the assessment above the application is considered acceptable in context of the NPPF and Policy DM9.

7.5 The proposal's impact on amenity

- 7.5.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.
- 7.5.2 This section seeks to consider the impact of the proposal on those properties sharing a boundary with the proposed dwellings. This is because those properties, being closest to the proposed development are likely to be the most affected by it. It stands to reason therefore that if the development is acceptable (or can be made acceptable by the imposition of conditions) to these properties it will be acceptable to those properties set a greater distance away.
- 7.5.3 Proposed plots 24 and 25 would share a rear boundary with no's 29 and 37 Medhurst. At its closest a distance of 35m would be retained between proposed plot 25 and No36. Plots 24 and 25 are single storey bungalows with an eaves height of 2.4m. With no roof level accommodation proposed, the development is relatively low key and it is considered the distance and boundary treatments between the proposed and existing will be sufficient to prevent any loss of amenity arising.
- 7.5.4 Plot 25 will also share a side boundary with Brook House to the south. The proposed plot will be set 3.5m off this boundary and a distance of 20m is to be retained between the built form of the two properties. The proposed dwelling would have windows in the side elevation facing this boundary, however given their ground floor location any views would be restricted by the site boundary treatment.

- 7.5.5 Plots 26 and 35 (all 2 storey dwellings) would share a boundary with no's 26 to 32 Burr Hill Lane. The side elevation of plot 35 would face the rear boundary of no 26 Burr Hill Lane at a separation distance of 6m. The proposed dwelling (2 storey 3 bed house) would however be set forward of the existing neighbouring dwelling and a separation distance of 15m (approx) is to be retained between the built form. A first floor bedroom window is proposed in the side elevation of this property and this could provide views of the side amenity area of No.26. Given this window is a secondary window, a condition requiring it to be obscured glazed could be imposed. Subject to this condition (in addition to no other openings being formed), the limited eaves height of the proposed unit (at 4.7m) together with the orientation of the plot and separation distances are considered sufficient to prevent any material harm to residential amenity arising.
- 7.5.6 With the exception of plot 26, all other proposed plots backing onto 26-32 Burr Hill Lane have a rear garden depth of 10m+. Plot 26 has a minimum depth of 7m but this is mitigated (in terms of the provision of amenity space to the proposed plot) by its width of between 10 and 16m. In addition the distance between the elevations of the aforementioned proposed and existing properties exceeds 40m.
- 7.5.7 Proposed plots 1 to 4 are 2 storey houses and these would share a boundary with No.27 Burr Hill Lane. The rear elevation of plot 1 would be set approx 15m off the shared boundary, however the orientation of No.25 is such that an oblique relationship would result and there would be very limited, if any, direct overlooking of primary living space. There would be a degree of overlooking of the primary amenity area of No.25 from the two first floor bedroom windows of the proposed dwelling, however, this is not considered so harmful as to warrant the refusal of the scheme. It is also noted that first floor rear facing window of plots 2 and 3 will overlook the length of No's.25 garden, however the separation distance in excess of 15m is considered sufficient to prevent any significant harm arising.
- 7.5.8 Plot 4 (a 2 bed 2 storey dwelling) and plots 5 and 6 (3 bed 2 storey dwellings) would share a boundary with Burr Hill Cottage and Little Heath House. The proposed dwellings would not directly face these neighbours and plot 6 would be set 18m approximately from the closest point of Little Heath House and in excess of 25m from Burr Hill Cottage. In light of the oblique relationship which would result and the level of separation it is considered the proposal would not be unduly harmful to the occupiers of these neighbouring properties.
- 7.5.9 Plot 6 would site side elevation on to Burwood, however a distance of approx 40m would be retained between the respective properties and this is considered to be acceptable to prevent any overlooking or other amenity harm. The level of separation between this neighbour and proposed plots 7 and 8 (2 x 1 bed flats) increases to 45m+ which is also considered to be acceptable.
- 7.5.10 Letters of objection have been received from properties in Delta Road (and other nearby neighbours) who share a boundary with the application site. While these properties will experience a change in outlook (which is not a material a planning consideration) it is not considered they will experience a material loss of privacy or other amenity harm from the proposal.
- 7.5.11 Objections on the basis of noise generation from the proposed development have been raised (in context of para 123 of The NPPF and the Human Rights Act). In this regard it is accepted that the development will change the noise profile of the area by introducing human activity where they is currently none, however, residential development is generally not considered to be harmful. Moreover development of this nature is prevalent in towns,

villages and hamlets where dwellings are surrounded by other dwellings. Against this backdrop it is not considered that the provision of 35 residential units would give rise to significant noise impacts to the detriment of the health and quality of life of residents. Indeed in the absence of evidence to the contrary such an assertion cannot be sustained. Please see page 2 of the agenda papers for further information on Human Rights.

7.5.12 Concerns had been raised by the Arboricultural Officer regarding the amount of shading the proposed dwellinghouse would experience given the retained boundary trees. A daylight report has been submitted and the proposal revised in light of these comments with a reduction in the proposed dwelling numbers proposed. The additional information submitted and the revisions made to the scheme are considered acceptable and this concern has therefore been resolved.

7.5.13 All of the proposed dwellings and flats have access to private amenity space and their respective siting within the proposed site does not give rise to any material concerns. In light of the above it is considered the proposal complies with the aims and objectives of Policy DM9 of the Core Strategy and Development Management Policies 2012.

7.6 Highways and parking considerations

7.6.1 Policies DM11 and CP11 require developments to provide a safe means of access and not to prejudice the safe or free flow of traffic.

7.6.2 The application is supported by a Transport Statement which, amongst other things, explains how the site will be serviced by local shops and facilities and its connectivity to public transport. In this regard it is noted that the site access lies approximately 3 to 4 minutes (160 to 300m) walk from bus stops on Burr Hill Lane and that these provide services between Chobham and Woking, Chobham and Kingfield Green and Chobham and Farnborough College (para 3.6 of the transport statement). The statement adds that the site is well served by pedestrian routes and is sustainable.

7.6.3 The site is to be accessed via the existing access off Burr Hill Lane. Visibility splays at this junction of 2.4m by 43m are to be provided in both directions in accordance with the Manual for Streets Guidance. The access road is to be provided with a bellmouth radii of 5.5m and the inner road width will permit two vehicles to pass one another. In addition, refuse vehicles can enter and leave the site in forward gear using the turning heads to manoeuvre.

7.6.4 The maximum parking requirement for a village or rural location for the mix of units proposed is 57 spaces, as the proposal makes provision for 68 spaces, this is acceptable and an objection on under provision could not be substantiated. Covered and secured cycle parking will be provided to each of the units in accordance with SCC Highway standards and this is considered acceptable.

7.6.5 The existing site is not in use and as such an examination of the proposed and existing traffic flow is perhaps moot. What is important, however, is whether the proposed development of 35 dwellings, would overburden the existing local highway network or whether the predicted traffic movements can be absorbed without material detriment to local highway network. The predicted traffic flows during peak hours are cited as being 10 two way trips between 0800 and 0900hrs and 14 two way trips between 1700 and

1800hrs. It is considered that this level of movement will be indiscernible in context of the local or wider road network.

7.6.6 Surrey County Council Highways has reviewed the information submitted and do not raise objection to the proposal, subject to various conditions being imposed. The conditions imposed would require the submission and implementation of, a construction transport management plan and the provision and the parking of turning areas on site in addition to connectivity improvements in the form of a public footpath to link the proposed footpaths in the body of the site to the footpath on Burr Hill Lane and raised access platforms to be constructed at the existing 2 bus stops on Delta Road (adjacent to the junction with Beta Road) and one on Windsor Court Road.

7.6.7 In light of this assessment and information and in the absence of any robust evidence to the contrary, the application is considered to comply with the aims and objectives of Policies CP11 and DM11 of the CSDMP 2012 and no highways related objection is raised.

7.7 **The proposal's impact on the Thames Basin Heaths SPA and other ecological matters**

7.7.1 The fact the whole of the Borough falls within the 5km zone of influence of the Thames Basin Heaths SPA is well rehearsed, as it the fact that new residential development within 400m of the boundary of the SPA is prohibited. The Council's Avoidance Strategy encapsulates these principles and requires development falling within the 400m to 5km range to mitigate its impact on the SPA by making a contribution to SANGS provision through the Councils CIL regime. However, subject to the applicant providing the necessary CIL forms, the proposal would be exempt from the CIL regime because it would deliver 100% affordable housing. In such instances the planning authority is still required to allocate SANGS capacity, however due to the site's location only 9 dwellings can be allocated capacity. For this reason, and to accord with Policy CP14 of the CSDMP 2012, the adopted SPD and Policy NRM6 of the South East Plan 2009, the proposal includes the creation of its own SANG.

7.7.2 The SANG land is to be formed from approximately 4ha of Little Heath Common. Little Heath Common is a designated Site of Nature Conservation Importance (SNCI) and is already used for informal recreational purposes, however visitor surveys demonstrate that this is underutilised. In addition, 2ha of land at Little Heath Meadows is also to be made available for inclusion into the proposed SANG. The proposed 6ha provision exceeds the 0.57ha actually required by the population increase v the 8ha standard per 1000 people's standard used. Objections to the use of land already available for public use have been received, however this is not prohibited by the adopted SPD and it is noted that section 6 of this document expressly states that such areas can be used in the formation of new SANGS. Concern has also been raised that the land to be used in the creation of the SANG is within the SPA, however, this is not the case. A carpark is not provided for the SANGS area, however as this is intended to serve the development proposed, which lies adjacent to it, this is in accordance with the adopted guidelines of this Council.

7.7.3 Details submitted in support of the SANG management plan indicate that Little Heath Common is already owned by SCC and that Little Heath Meadows will be transferred to that authorities ownership and that the combined area will be retained in perpetuity as

SANG land under the responsibility of SCC. The SANG land will, however, be managed by SWT under contract to SCC. The applicant will also pay the required SAMM contribution.

- 7.7.4 Natural England advise that subject to conditions to ensure the delivery of the SANGS land prior to the first occupation of any residential unit the proposal would not give rise to harm to the integrity of the SPA or have a detrimental impact on the SNCI and therefore subject to a suitably worded legal agreement, no objection is raised on this ground.
- 7.7.5 The application is supported by a Phase II Ecological Survey and bat survey. The documents have been considered by Surrey Wildlife Trust and it is considered that subject to suitably worded conditions the proposal would not result in harm to ecological or biodiversity features of merit. Such condition(s) would need to protect existing ditches, hedges, mature trees and create new water features, provide mitigation measures to avoid harm to reptiles, schedule works outside of the bird nesting season, ensure any mature trees are soft felled, and provide follow up surveys for bats and badgers (prior to commencement of works). However, due to the length of time the application has been held in abeyance the report is now over one year old and as such rather than simply taking forward the recommendations outlined (and which were considered acceptable) it is considered that the survey work must be redone and all recommendations reviewed and updated prior to any works commencing on site.
- 7.7.6 A detailed objection has been received in respect of the proposal's impact on moths. In this regard it is noted that the proposed development in itself would not result in the loss of priority BAP habitats which are commonly associated with moths. Surrey Wildlife Trust have been asked to comment specifically on this matter and any comments provided will be reported by way of update.
- 7.7.7 Subject to these matters being taken forward in either conditions or as requirements within a legal agreement, it is considered the proposal is acceptable and would not conflict with Policy CP14 of the CSDMP 2012, the NPPF or saved Policy NRM6 of the SPA Avoidance Strategy. Such compliance would also ensure that the development did not conflict with the Natural Environment and Rural Communities Act 2006, the Wildlife and Countryside Act 1981 or The Conservation of Habitats and Species Regulations 2010.

7.8 The proposal's impact on the Borough's infrastructure

- 7.8.1 Since 1 December 2015 development proposals are required to mitigate their impact on the infrastructure of the Borough by complying the Council's adopted Community Infrastructure Levy (CIL).
- 7.8.2 CIL is a non-negotiable charge on development and is calculated as pounds per square metre based on the net level of development proposed. In order to charge CIL the Borough Council was required to set CIL rates based on evidence of viability and produce a CIL charging schedule. This was subject to an independent examination and found to be sound by a Planning Inspector. The Council formally adopted the CIL Charging Schedule on 16 July 2014.
- 7.8.3 The CIL regulations state that the levy is only payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres. While the proposed development is for C3 residential development it is exempt from CIL as it would deliver (100%) affordable housing which is not CIL liable (subject to

the completion of the necessary CIL forms).

7.9 Whether the proposed housing mix is acceptable

7.9.1 Policy CP5 of the CSDMP 2012 seeks to ensure that 35% of all dwellings delivered in the borough over the plan period (to 2028) comprise affordable housing. The proposal will deliver 100% affordable housing therefore compliant with the terms of this Policy.

7.9.2 Policy CP6 takes this further by requiring a particular mix of unit sizes. The proposal's performance against this policy is set out in the table below (and indicated in brackets) :

	1 bed	2 bed	3 bed	4+ bed
Intermediate (shared ownership)	20 %	40% (11 or 69%)	40 % (5 or 31%)	-
Social rented	35 % (4 or 21%)	30 % (11 or 58%)	20% (4 or 21%)	15% (0%)

7.9.3 The proposed mix across the two tenures does not therefore comply in absolute terms with the policy. However, the provision of a mix of bungalows, flats and smaller dwellinghouses meets to the objective of meeting a range of housing needs and because of this, it is not considered necessary to raise objection to the proposed development.

7.10 Flooding and drainage

7.10.1 Policy DM10 requires developments to reduce the volume and rate of surface water run off through the use of SuDs. The application pre-dates the requirement for major developments to demonstrate, prior to a grant of planning permission that a sustainable drainage scheme could be implemented. However, due to the size of the site (exceeding 1ha) a flood risk assessment has been submitted and given the number and detailed nature of the concerns raised officers have requested that the information submitted be as detailed as possible.

7.10.2 The submitted FRA agrees with local accounts of a high water table and notes that depressions in some areas of the site can experience a pooling of water during periods of long rainfall. The FRA concludes, however, that the proposal would not give rise to a increased risk of flooding to persons or property and will not result in the loss of floodplain storage.

7.10.3 The Environment Agency has assessed the submitted FRA and raises no objection to its findings. The Drainage Officer raised objection to the initial drainage strategy submitted and this (along with a number of other concerns) has been the reason for the determination period for the application being extended on four occasions. A revised drainage strategy has been submitted and the Drainage Officer comments, in addition to the LLFA, are awaited. In the event an objection is raised it is not considered appropriate to invite the applicant to again submit further revised details to address this matter and instead officers will seek to revise the recommendation to refusal.

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

8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF.

This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The proposal is presented as a rural exception site and it's considered there is, on balance, local need for affordable housing to justify the grant of planning permission for 35 dwellings. The proposal will deliver a bespoke SANGS solution and subject to conditions and the payment of SAMM there would be no impact on ecological features or the SPA.
- 9.2 The design response, layout, highway and parking arrangements are considered satisfactory as are the amenity relationships which would result.
- 9.3 However, the site is subject to a high groundwater table and detailed comments on the acceptability of the proposal on groundwater and surface water drainage are awaited. In the event that an objection is raised by either the Council's Drainage Officer or the LLFA it is highly likely that the recommendation would change from approval to refuse.

10.0 RECOMMENDATION

The Executive Head of Regulatory to be authorised to GRANT permission subject a legal agreement to secure the following:

- The retention of the following split in tenure and mix of affordable units as set in the site layout plan;
- All social rented units to be retained as such in perpetuity;
- All social rented units only to be let in accordance with a Local Lettings Policy to ensure the units are let to persons with a local connection to Chobham;
- A cap of 80% of the market value being the maximum any person can own or mortgage of any shared ownership property; and,
- Provision of a bespoke Suitable Alternative Natural Greenspace (SANG) as detailed in the SANG Management Plan dated June 2015 (GPM Ecology, Haslemere, Surrey).

and 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. 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.

3. A minimum of 7 working days before any development, including any works of demolition or site clearance, a pre-commencement meeting must be arranged with the Arboricultural Officer. The purpose of this meeting is to agree the extent of any facilitation or management tree works, tree and ground protection, demolition, storage of materials and the extent and frequency of Arboricultural site supervision. In all other regards the development shall proceed in accordance with the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** compliant report prepared by MJC Tree Services and dated 14 July 2015.

In addition all facilitation pruning works must be carried out by a specialist and qualified contractor in accordance with BS3998:2010 and under the strict supervision of the retained Arboriculturist.

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

4.
 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling,

planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**. In addition the details to be submitted shall make provision for the four oaks trees proposed for amenity spaces to be supplied and planted as semi-mature specimens [girth at 1m 35-40cm, nominal diameter 11.9cm/4.7" with an overall planted height of 6-8m]. Minimum planted sizes of all other individual trees should be girth at 1m 18-20cm, nominal diameter 6.cm/2.4" with an overall planted height of 5m+. Please note that *Betula pubescens* and *Prunus avium* "Plena" are not considered acceptable species within this development.

3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 10 years.

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

5. No development shall take place until 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) No HGV movement to or from the site shall take place between the hours of 8.30 and 9.15 and 3.00 and 3.45pm nor shall the contractor permit any HGV's associated with the development at the site to be laid up, waiting, in Burr Hill Lane or Delta Road during these times

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

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. The development hereby approve shall not be first occupied unless and until space has been laid out within the site 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. There after the parking / turning areas shall be retained and maintained for their designated purposes.

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

7. The development hereby approved shall not be occupied until raised access platforms are constructed at the existing bus stops on Delta Road (two adjacent to junction with Beta Road), Windsor Court Road (one adjacent to junction with road also named Windsor Court Road) and Bowling Green Road (one at junction with Windsor Road), Chobham, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

8. The development hereby approved shall not be occupied until a continuous footway is provided between the existing footway on Burr Hill Lane and the proposed footways within the application site, in accordance with details to be submitted to an approved in writing by the Local Planning Authority.

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF

9. Prior to the commencement of any works (including demolition, site clearance or site preparation) full ecological and biodiversity surveys, together with proposed mitigation and enhancements (updating and building upon the findings and recommendations of the submitted Summary of Phase 11 Ecological Survey's, the Bat Survey (both dated August 2014) and the MC Moth information (May 2015)) shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be implemented in full and retained in accordance with the approved details.

Reason: to comply with the aims and objectives of Policy CP14 of the Core Strategy and Development Management Policies 2012, the NPPF, NERC Act 2006, the Wildlife and Countryside Act 1981 and The Conservation of Habitat and Species Regulations 2010.

10. Prior to the commencement details of the future maintenance and management of

all areas of amenity land (not contained within the private garden areas or to be handed over to Surrey County Council as part of the adopted highway) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained in perpetuity unless otherwise agreed in writing.

Reason: To ensure a satisfactory form of development in accordance with the NPPF and Policy DM9 of the Core Strategy and Development Management Policies 2012.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, garages, buildings or roof alterations (as defined by Schedule 2, Part 1, Classes A, B, D and E of that order) shall be erected / implemented without the prior approval in writing of the Local Planning Authority.

Reason: To proposal is only acceptable as a rural exception site as it lies in the Green Belt wherein development must be tightly controlled in the interest of preserving Green Belt openness, the unfettered extension or alteration of properties could undermine the openness of the Green Belt and accordingly the condition is required to ensure ongoing compliance with Policies DM9 and DM4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

12. Notwithstanding the detail shown on the submitted plans no fence or other means of enclosure shall be erected or installed to demark the front boundaries of the dwellings hereby approved which otherwise might be permissible pursuant to the provisions Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), as defined by Schedule 2, Part 2, Class A.

Reason: To ensure a satisfactory form of development in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

13. Before first occupation of the development hereby approved the first floor side window(s) in plot 35 facing the garden of 26 Burr Hill Lane shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times in accordance with details to be submitted to and approved by the Local Planning Authority in writing. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to

accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

14. No works (demolition; site preparation; investigation, building; construction, fitting out snagging) shall be carried out on Sundays, Public Holidays, or except between the hours of 8am and 6pm on weekdays and 9am and 1pm on Saturdays. For the avoidance of doubt 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with the National Planning Policy Framework.

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

- P105 Rev B Site layout
- P226 Rev A (plots 1,2,3,4,28,29 30 and 31)
- P227 Rev A (plots 5,6,34 and 35)
- P228 (plots 7,8)
- P229 Rev A (plots 9,10)
- P230 Rev A (plots 11 – 16)
- P231 Rev A (plots 17,18,19)
- P232 Rev A (plots 20, 21)
- P23 Rev A (plots 22,23,24,25)
- P234 Rev A (plots 26,27, 23, 33)

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

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

Informative(s)

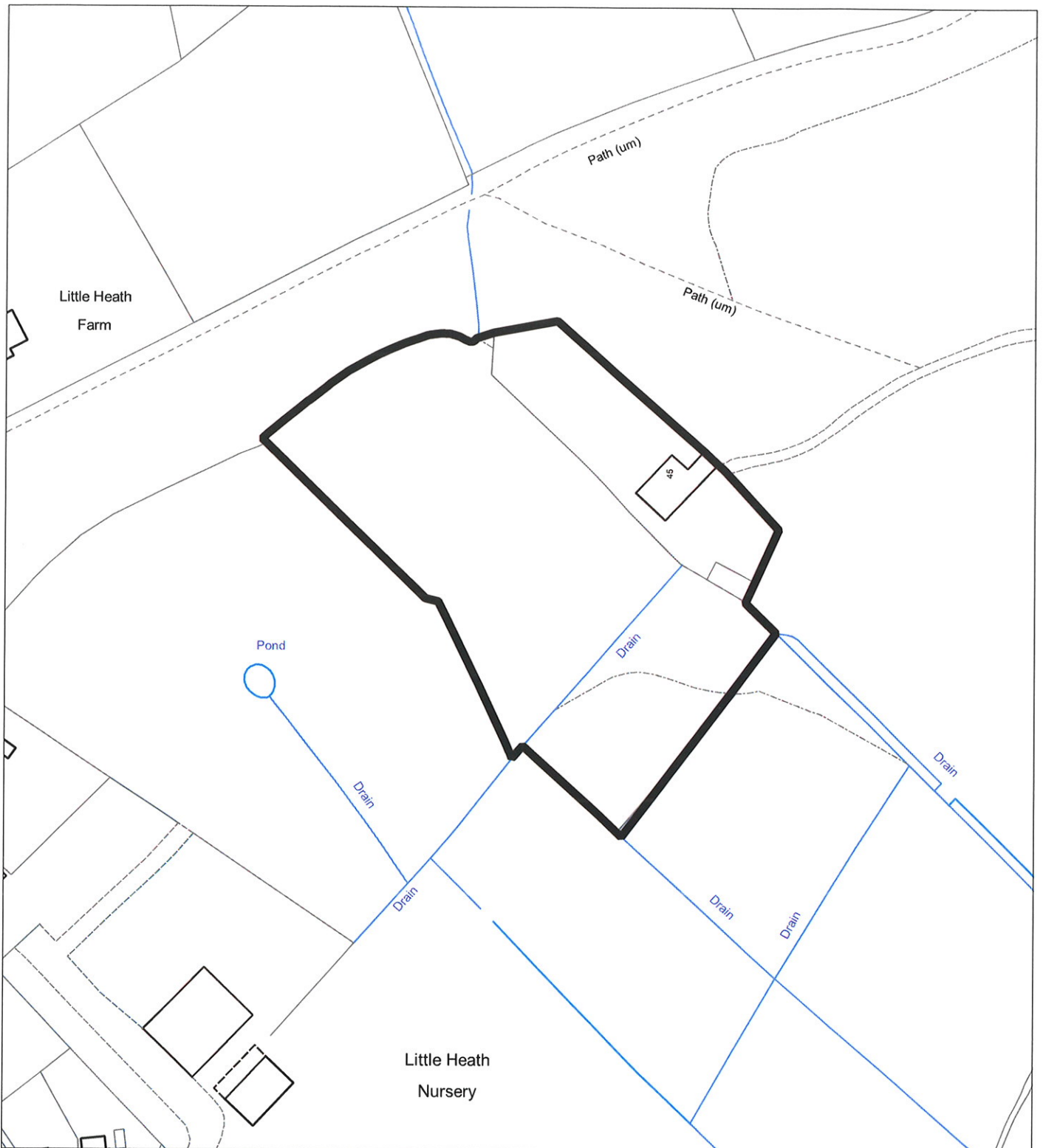
1. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing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

2. When access is required to be 'completed' before any other operations, the Highway Authority will normally agree that wearing course material and in some cases edge restraint may be deferred until construction of the development is virtually complete, provided all reasonable care is taken to protect public safety.
3. There would be no objection in principle, from the highway point of view, to the proposed development if the applicant were to gain control of sufficient land to enable the necessary access to be constructed and provided with visibility splays all to the Highway Authority's minimum standard.
4. The applicant is advised that an area of land within the curtilage of the application site may be required for future highway purposes, details of which may be obtained from the Transportation Development Control Division of Surrey County Council.
5. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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. In this instance the Highway Authority is Surrey Heath Borough Council and an application to modify the existing vehicular accesses shall be made to the Highway Division.

In the event that a satisfactory legal agreement has not been completed by 29 September 2015, the Executive Head of Regulatory be authorised to REFUSE for the following reasons:

1. The proposal fails to provide a satisfactory legal agreement to secure the dwellinghouses as affordable housing (19 social rented and 16 shared ownership units). The proposal would therefore constitute inappropriate development in the Green Belt which would undermine the purposes of including land in and would result in countryside encroachment, and would significantly harm its openness and otherwise undeveloped and rural character. The proposal does not satisfactorily address the requirements of Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and cannot be considered to be a rural exception site or as an exception to para 89 of the NPPF.
 2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in addition failing to provide a bespoke SANGS (Suitable Alternative Natural Green Space) solution, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
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Title	Planning Applications		Page	2 of 4
Application number	16/0389		Scale @ A4	1:1,250
Address	DEVELOPMENT LAND AT FORMER LITTLE HEATH NURSERY, BURR HILL LANE, CHOBHAM, WOKING, GU24 8QD		Date	06-07-2016
Proposal	<p>Change of use of land at Little Heath Nursery from a commercial nursery to residential, the demolition of the existing nursery buildings and the erection of 35 affordable dwellings and associated works to include parking, landscaping, raising of the ground levels, drainage and on site open space. Proposed use of 6.7 hectares of land at Little Heath Meadow and Little Heath Common as Suitable Alternative Natural Green Space and associated works to include replacement/proposed bridges, the formation of a circular walk, creation of an</p>			
<p><small>© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2016</small></p>				

16/0389 – DEVELOPMENT LAND AT FORMER LITTLE HEATH NURSERY, BURR HILL LANE, CHOBHAM, WOKING, GU24 8QD

From junction of access with Burr Hill Lane looking west



From junction of access with Burr Hill Lane looking east



16/0389 – DEVELOPMENT LAND AT FORMER LITTLE HEATH NURSERY, BURR HILL LANE, CHOBHAM, WOKING, GU24 8QD

Within body of the site looking towards south east corner



LOCATION: PRINCESS ROYAL BARRACKS, BRUNSWICK ROAD,
DEEPCUT, CAMBERLEY, GU16 6RN

PROPOSAL: Application for the approval of Design Codes pursuant to
planning condition

TYPE: Details to Comply

APPLICANT: Skanska UK plc

OFFICER: Michelle Fielder

This matter would normally be delegated to officers, however given the importance of the redevelopment of the former PRB site and the aspirations to deliver a high quality, sustainable development, Member approval is sought for the approach being taken.

RECOMMENDATION: APPROVE

1.0 SUMMARY

- 1.1 This report relates to details submitted pursuant to conditions 1 (2) and 2 of non-material amendment planning permission 15/0035/2 regarding the submission of design codes for the PRB site. The relevant conditions were originally one condition (no.3) on the hybrid approval for the comprehensive redevelopment of the site as granted planning permission under 12/0546.
- 1.2 The details submitted pursuant to the planning condition has been subject to design review by Design South East. This report concludes that the approach taken to the design code formation is acceptable and is in large part driven by the phased approach to a development of this scale but, also in part, by the decant arrangements of the site by the MOD. The report advises that subject to on-going compliance the design code framework will build upon the principles of the Adopted SPD and the approved Design and Access Statement and will provide a robust framework against which reserved matters applications for the site can be assessed.

2.0 SITE DESCRIPTION

- 2.1 The application site (the PRB Site) is located within the village of Deepcut; it extends to approximately 114ha and currently comprises the Princess Royal Barracks (PRB) and associated lands which is currently the headquarters of the Royal Logistic Corps of the British Army and the Defence School of Logistics. The application site is split into three linked areas, The Main Barracks Area, The Northern Area and the Western Area.

3.0 RELEVANT HISTORY

- 3.1 Planning permission for the comprehensive redevelopment of the site under the reference 12/0546 was subject to Full Council Approval in July 2013. This hybrid permission granted outline consent for the wider development of the site for 1119 new build dwellings and a raft of ancillary and associated development comprising large areas of open space, community facilities and infrastructure. Detailed planning permission was also granted under that hybrid application for 81 flats or apartments to come forward from the conversion of the Sergeants and Officers Mess and of the HQ building. The general access arrangements comprising the northern access roundabout, the Brunswick Road access and the alignment of the secondary road were also fixed as part of the hybrid application and the subject to a minor amendment approved under NMA application 12/0546/1.
- 3.2 Application 15/1062 is also relevant as this is the first reserved matters application for the redevelopment of the site. This application appears elsewhere on this agenda and seeks approval of the finer detail of the access arrangements, the secondary road, the village green and the central SANGS.

4.0 THE PROPOSAL

- 4.1 This submission pertains to the requirement that Design Codes be submitted to guide the redevelopment of the PRB site. This requirement was originally cited in condition 3 of decision notice 12/0546; however this was amended under NMA approval 15/0035/2 and effectively split into separate conditions as detailed below:

Prior to the submission of any reserved matter application which includes residential units, Design Codes which are in substantial compliance with the approved parameter plans and the submitted Design and Access Statement shall be submitted for each of the Character Areas. The Design Code shall include the following:

- built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings and landmarks and vistas;
- design strategies for principal buildings or land uses within the character area, including where appropriate the primary school, and the sports hub sites;
- a strategy for a hierarchy of streets and spaces;
- principles for the alignment, width, lighting and surface materials proposed for all footways, cycleways, roads and vehicular accesses to and within the site;
- design of the public realm, including layout and design of squares, areas of public open space, areas for play, street furniture and sustainable urban drainage;
- principles for determining quality, colour and texture of external materials and facing materials for roofing and walls of buildings and structures including a consideration of opportunities for using locally sourced and/or recycled construction materials;
- principles for hard and soft landscaping including the inclusion of important trees and hedgerows;
- on-street and off-street residential and commercial vehicular parking, off-street turning (where required) and/or loading areas; and,
- cycle parking and storage

The development shall thereafter be carried out in accordance with the approved Design Code for that reserved matter.

And

Prior to the submission of any reserved matter application which does not include any residential unit(s), but includes any non-residential building, land and infrastructure (with the exception of the spine road) a Design Code for that reserved matter, which is in substantial compliance with the approved parameter plans and the submitted Design and Access Statement shall be submitted. The Design Code shall include the following (as relevant to that reserved matter application):

- built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings and landmarks and vistas
- design strategies for principal buildings or land uses within the character area, including where appropriate the primary school, and the sports hub sites
- a strategy for a hierarchy of streets and spaces
- principles for the alignment, width, lighting and surface materials proposed for all footways, cycleways, roads and vehicular accesses to and within the site
- design of the public realm, including layout and design of squares, areas of public open space, areas for play, street furniture and sustainable urban drainage
- principles for determining quality, colour and texture of external materials and facing materials for roofing and walls of buildings and structures including a consideration of opportunities for using locally sourced and/or recycled construction materials
- principles for hard and soft landscaping including the inclusion of important trees and hedgerows
- on-street and off-street residential and commercial vehicular parking, off-street turning (where required) and/or loading areas
- cycle parking and storage

The development shall thereafter be carried out in accordance with the approved Design Code for that reserved matter.

5.0 PLANNING CONSIDERATION

5.1 Background

5.1.1 The Adopted Deepcut SPD sets out the vision for the area as the creation of a sustainable expanded settlement. This expanded settlement is to be separate from the urban areas to the west and north, but linked to them in a sustainable manner. The heathland landscape is to define the development with open space threading through the built areas. The Basingstoke Canal is to frame the southern boundary and play a significant role in visual and recreational terms and also, in providing sustainable transport walking and cycling links. The vision explains that the quality of design and general environment will be high and will reflect a contemporary interpretation of Surrey village pattern.

5.1.2 The SPD breaks down the vision into component parts and provides a number of objectives wherein compliance is sought. In terms of built form, the SPD details a number of character areas and seeks to guide developers by setting out guiding principles for development in that particular area. A further layer of detail to the SPD was approved

by the approval of the Design and Access Statement as part of the hybrid submission under 12/0546 and it is noted that this document is expressly cited in the text of the relevant conditions.

- 5.1.3 The requirement to submit design codes is very much a belt and braces approach, particularly given the detail provided in the Adopted SPD; however para 9.6.3 of the Committee Report (for 12/0546) to Full Council advised that this was appropriate in order to ensure that the development complied with the SPD and the aspirations of that document did not get lost over time. Such an approach also necessitates early involvement with the Council as, if done correctly, residential developers should not press ahead developing layouts for submission without the corresponding design code for that character area having been agreed.
- 5.1.4 The Design Code for consideration has been the subject of extensive discussions and has been comprehensively reviewed and reworked following previous submission not being found to be acceptable. In this regard the matter was initially submitted for consideration in November 2015 and then resubmitted in December 2015. Since that date officers have sought advice from Design South East and a full day was spent with the Design Panel and the applicant's team discussing how the submission could be amended. This included a site visit and round table discussion. A further full day workshop has also been held and the documents currently under consideration refined and reworked until officers were satisfied they would deliver the aspirations for the site as set out in both the SPD and the approved Design and Access Statement.

5.2 The Design Code Suite

- 5.2.1 The condition wording for the submission of the design codes indicates that there would be multiple design codes, each dealing with a character area or areas pursuant to a reserved matters application. The submitted document follows this format but provides an additional strategic level of design guidance bridging the gap between adopted SPD and the approved design and access statement for the site and the individual character area design codes which will be produced to support each reserved matters application.
- 5.2.2 The details subject to this report therefore include a 'Site Wide Design Code' and 'Regulatory Plan' in addition to the design code required to support application 15/1062 as the first reserved matters application. This approach will result in a suite of documents to guide development proposals and ultimately ensure that each reserved matters application delivers the design aspirations set out in the SPD and as taken forward in the design and access statement and plans approved under 12/0546.
- 5.2.3 The approach being taken is set out on page VI of the Site Wide Code and this shows that the Code will provide an overarching document setting out a mandatory framework for all future design code and reserved matter submissions. Compliance with the Site Wide Code is to be secured by requiring the submission of a 'Code Compliance Checklist' with all future reserved matters applications. This will enable the site wide strategies identified in the SPD and refined in the hybrid approval to cascade consistently through all phases of design and development. The Regulatory Plan sits alongside the Site Wide Code. This plan of the site shows the main land use components to be delivered, and by using of the 'key' directs the reader to the relevant page or section within the site wide design code wherein both strategic and detailed advice can be located. This detail would then be used to inform the specific design code production required to support a particular reserved

matter application. Appendix 1 to this report is an extract of the submitted Site Wide Design Code and this further explains the approach taken.

5.2.4 The practicalities of such an approach can be tested by consideration of the detail code produced to support application 15/1062 as the first phase of infrastructure to come forward to enable the delivery of the first phase of residential development. This will be considered below; however it is considered the general approach that is the production of a suite of documents is acceptable. Moreover, officers consider the Site Wide Code and Regulatory Plan to comply with the aims and objectives set out in the SPD and the approved Design and Access Statement and recommend that this be approved.

5.3 The design code to support application 15/1062 pertaining to the first reserved matters application providing detail of the spine road, the main access points, the central SANGS and the village green.

The Village Green

5.3.1 The approved documents (the design and access statement and the SPD) require the village green to function as a community hub and be highly visible. It is required to provide a children's play area and be the focus of sustainable transport connections and the SUDS network. The new public house is to be sited close by and a water feature is expected. The size of the village green is set at 2ha and, in addition to the requirements above, this area is supposed to be open enough to accommodate informal play, community events and maintain views of the Minden Ridge.

5.3.2 By reference to the Regulatory Plan as part of the Site Wide Code section 8.1 of the Site Wide Code sets the code requirements above and in doing so adds detail to the framework already set by the approved documents. The reader should also refer to more detailed parts of the code, for instance section 13, where in guidance on the required landscaping of this area can be found, or section 9, where details on edge treatments is located. This information should then be used to drive the production a site specific design code for the village green itself.

5.3.3 This site or application specific design code is called the 'Phase 1 Infrastructure' code and it addresses those matters detailed under the reserved matters application. Each element of the application is addressed and as such there are three sections each with a strategic and more detailed overview. The strategic level expands upon the principles set out in the site wide code and enables a comparison between the further developing principles with the aspirations for the area as originally envisaged in the SPD. Taking a small part of the village green proposal, like for instance, the desire for this to deliver a water feature and be the focus of the SUDS solution; the detail provided gives an overview of the pond design, how it will look, how it will be experienced by users of the green in addition to how that design accommodates and respond to the need to provide wildlife habitat. Detail is also provided on how the pond is to be fed (by the ditch network to the north, with an outflow on its southern side, where eventually the ditch network feeds into the Basingstoke Canal), although the detailed design of the SUDS network and wetland features is subject to consideration under additional conditions the code provides sufficient detail to inform the reserved matters application and demonstrates compliance with the wider framework in place.

The access points and the spine road

- 5.3.4 The southern access along with the northern access roundabout and spine road were fixed at the hybrid approval stage and were subject to a minor amendment under NMA application 12/0546/1. The functionality and safety of these features is obviously a significant consideration however the SPD sought a green verdant character with amenity space threading through with footpaths following a meandering route as opposed to following the spine road rigidly. The Design and Access Statement provided further details and added that the road would be a bus route designed to a 30mph speed.
- 5.3.5 The Site Wide Code further refines this and explains that the new primary road is to be called Mindenhurst Road and this will have secondary roads coming off of it to service the later land parcels coming forward for development. The existing road to Frimley Lock is to be retained.
- 5.3.6 The Site Wide Code further explains that the road is actually being designed as a 20mph speed limit and will be of varying width of between 6.5m and 7.5m. The street is designed to allow it to respond to the changing character areas which will abut its length and the main access to it, from the existing highway network, are to be screened by retained trees. Dedicated footways and cycleways are to be provided adjacent or close to it. The reader is then directed to the Infrastructure Design Code.
- 5.3.7 On referring to this finer detailed layer it is clear that consideration has been given to achieving a balance between a technical highway design and the aspiration for a green, surrey village environment. In this context the detail sets out the requirement for the reserved matter application to, for example, provide for two buses to pass each other, to deliver a dedicated cycle path but also to retain mature scots pine and for vegetation to be used to convey a sense of drama and enable housing to be set within a heathland /woodland setting as opposed to the character of the area being defined by the road itself. It is considered this is acceptable and meets the stated aspirations for the development of the site.

The central SANG

- 5.3.8 The SPD advises that the SANG is to be an important component of a wider open space network and is to be provided in two large linked blocks. The areas are to be both focal points, yet be unobtrusive and composed of natural elements and serve as destinations for cyclists and walkers. The SPD sets out some general design guidance and makes reference to the need for these areas to also meet with Natural England approval.
- 5.3.9 The approved Design and Access Statement adds that areas of natural regeneration in the Central SANG will be retained and enhanced. The Site Wide Design Code and Regulatory Plan repeat the aforementioned requirements along with pulling forward requirements imposed by planning conditions (like for instance compliance with particular drawings in the environmental statement submitted pursuant to 12/0546).
- 5.3.10 The Infrastructure Code then adds to this detail by further explaining that areas will be subject to selective thinning to allow for the format of more diverse ground flora and the regeneration of heath and acid grass land habitats. The SANGS formation is also the

subject of a number of specific planning conditions on the hybrid approval and against this backdrop it is considered that sufficient detail is provided to enable the LPA to be content that the reserved matters application will comply with the outline approval and SPD.

- 5.3.11 The SPD requires developers to accommodate firebreaks in the development and recognises the risk this could have. The submitted Site Wide Design Code addresses this in Section 13.6 and details a requirement for areas of open space, such as SANGS to incorporate firebreaks. The Infrastructure Design Code provides a further layer of detail to inform the detailed reserved matters application and future planning condition requirements.

6.0 CONCLUSION

- 6.1 This report seeks to explain the approach being taken by the developer team to the requirement, imposed by planning condition, that design codes be produced to guide the submission of all reserved matters applications. The report explains that this requirement is very much a 'belts and braces' approach to the development of the site as whilst large parts of the approval referenced as 12/0546 were in outline form, the detail provided in the adopted SPD and the approved Design and Access Statement along with the approved parameter plans means that the outline approval is far more prescriptive than one might ordinarily expect. However, the LPA's requirement for the codes reflects the importance of the development to the borough and recognises that it is of such a scale and will be delivered over a time period wherein there would otherwise be the fear that the aspirations for the site could get lost. The Site Wide Code addresses this and provides opportunities for flexibility and review where appropriate while reinforcing the principles of the SPD. It also allows for the development of site specific codes to come forward to deal with reserved matters applications and in doing so requires any developer to actively engage with the LPA.
- 6.2 By necessity this report has only been able to touch upon a small fraction of the content of either of the submitted codes; but nevertheless has attempted to show how they are to be used by the Council as a tool to resist poor design. In this regard it is considered the codes build upon the long established principles for the site, are easy to use and apply. It is therefore recommended that, subject to the amendments set out at section 6 of this report the 'Site Wide Design Code', 'The Regulatory Plan' and the 'Phase 1 Infrastructure Design Code' be approved in partial consideration of the relevant planning conditions.

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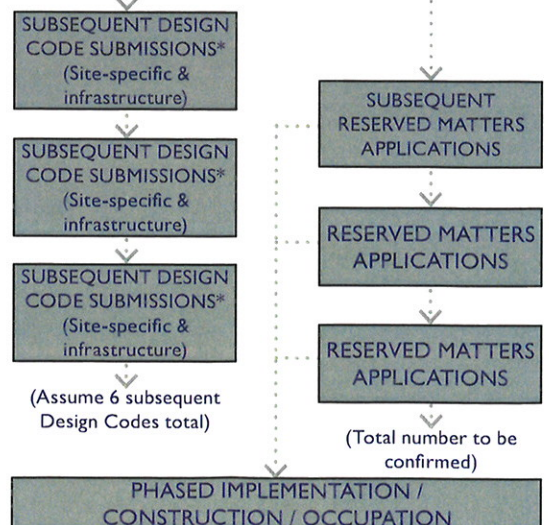
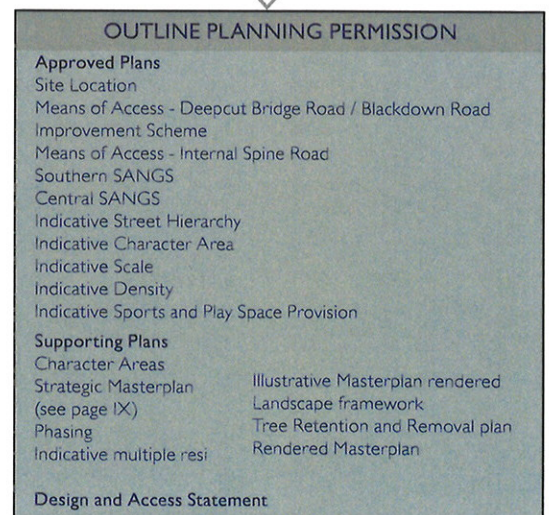
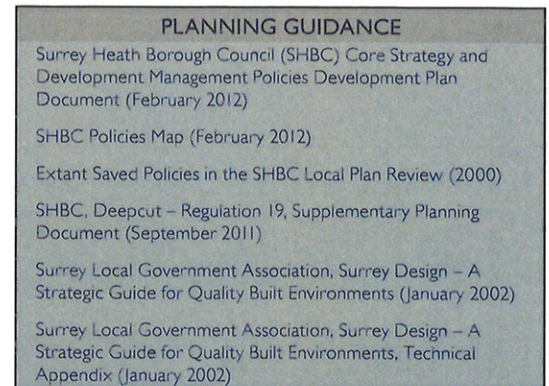
DESIGN CODING

Condition 3 of the 2014 planning permission requires the submission and approval of a Design Code. The condition requires that prior to the submission of any residential Reserved Matters Applications, Design Codes that are in substantial compliance with the approved parameter plans (labelled indicative plans) and the consented Design and Access Statement, shall be submitted for each of the development character areas.

Owing to the need to deliver enabling infrastructure works on site prior to the delivery of any residential reserved matters, a Non-Material Amendment to vary conditions 2 and 3 was submitted and subsequently approved in November 2015 (reference number 12/0546/2). This amendment split condition 3 into two parts (3(1) and 3(2)) to facilitate the submission of a Design Code for non-residential elements where they do not include any residential units.

On this basis, a clear structure for a suite of Design Codes covering the full Mindenhurst development has now been established, whereby an overall Site-wide Code will be supported by a series of area-specific, detailed Codes. These supplementary Codes will cover Infrastructure (in a broad sense that includes non-residential development) and distinct phases of residential development – all under the guiding principles of the Site-wide Design Code and an accompanying Regulatory Plan. Further detail of this suite of Code documentation is provided on pages VI-VII.

Note that in any instance where material or detail within the SPD is perceived to contradict (or be inconsistent with) material or detail subsequently approved as part of the Outline Planning Application then the material referenced in the planning permission 12/0546 (as amended) will be deemed to take precedence and should be used to inform subsequent Design Codes and Reserved Matters Applications.



*To include code compliance checklists for submission as part of Reserved Matters Applications

PREFACE

DESIGN CODING



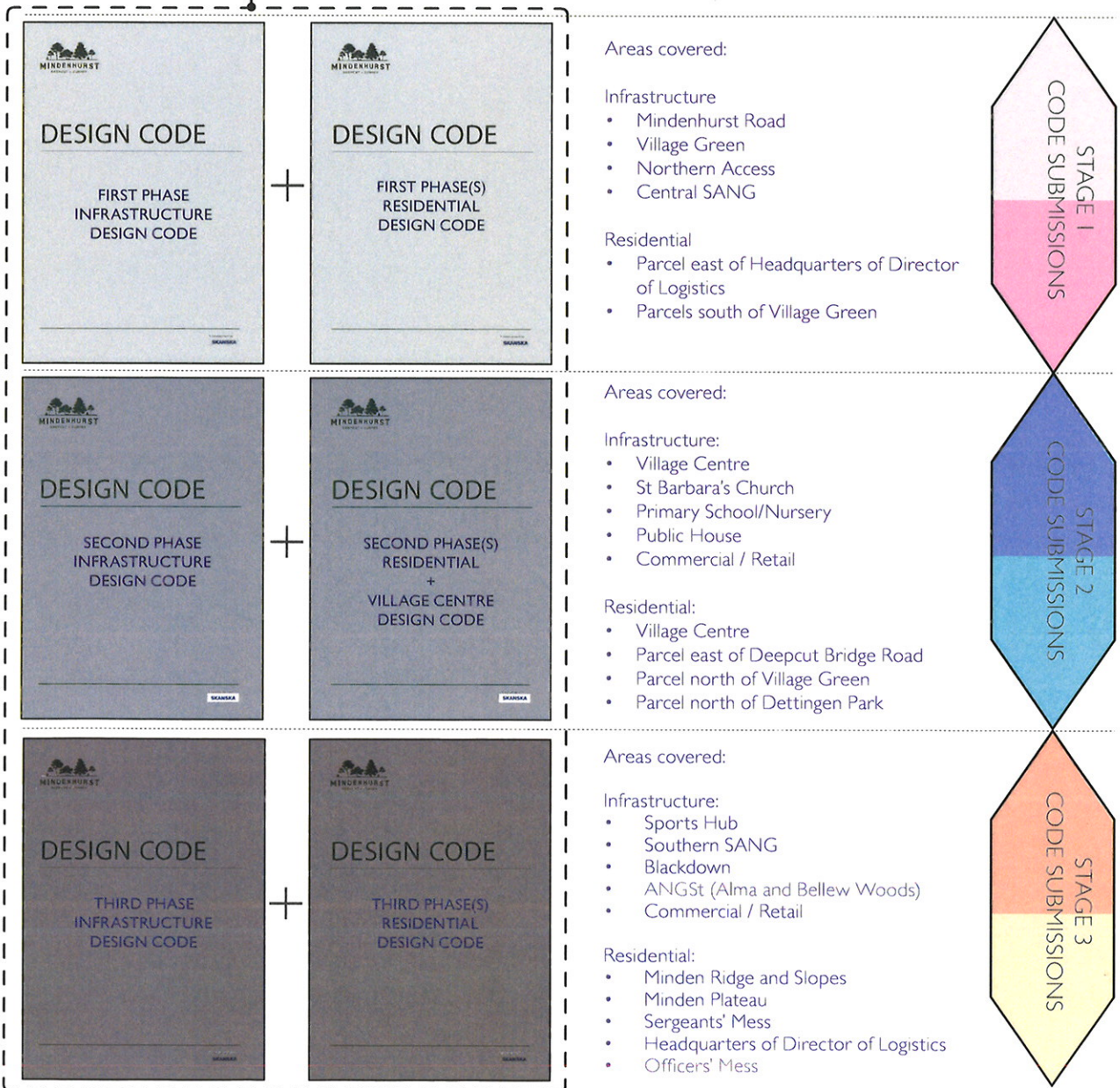
DESIGN CODE SCHEDULE

This Design Code forms part of a staged series of submissions in response to Condition 3 of the 12/0546 (as amended), Hybrid Planning Permission for the redevelopment of Deepcut.

Together this suite of Design Codes will form a comprehensive set of design and technical guidance covering the entire approved development. This phased process allows areas of the site to be developed around the continuing MoD operations, rather than delaying development entirely until the MoD has departed the site, whilst still according with 12/0546 (as amended) and the Deepcut SPD.

The proposed structure of Codes, with the Site-wide Design Code as the overarching document, is illustrated below, with an indication of how these will relate to the envisaged phasing of development at Mindenhurst.

DETAILED DESIGN CODES



2015/1062

Reg Date 07/12/2015

Mytchett/Deepcut

LOCATION: PRINCESS ROYAL BARRACKS, BRUNSWICK ROAD, DEEPCUT, CAMBERLEY, GU16 6RN

PROPOSAL: Application for the Approval of Reserved Matters for Infrastructure (Spine Road), Central SANGS, and Village Green submitted pursuant to Condition 4 (Reserved Matters: internal access arrangements, layout, scale, appearance, landscaping), and the partial submission of details pursuant to Conditions 16 (Detailed Ecological Management Strategy & Management Plan), 29 (Tree Retention and Protection Plans), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) of planning permission ref: 12/0546 dated 04 April 2014 (as amended).
(Amended information recv'd 9/12/15). (Amended information rec'd 11/12/15). (Amended plans and information recv'd 18/12/15 & 22/12/15). (Amended and Additional plans and information recv'd 25/5/16).

TYPE: Reserved Matters

APPLICANT: Skanska UK plc

OFFICER: Michelle Fielder

Member consideration of this application is dependent upon approval of the Site Wide Design Code, the Regulatory Plan and Infrastructure Design Code. In the event Members do not approve the design codes officers will seek deferral of this application from the agenda such that any design code concerns can be addressed and the applicant be given the opportunity to amend this application to ensure it complies with the design code(s).

RECOMMENDATION: GRANT subject to conditions

- 1.1 The application site is located within the village of Deepcut; it extends to approximately 114ha and currently comprises the Princess Royal Barracks. This application is the first reserved matters application (RMA) to be submitted for the site following the approval of 12/0546 (as amended by 12/0546/1, 12/0546/2 and 15/0676) which granted planning permission for the comprehensive redevelopment of the site for up to 1,200 dwellings and associated infrastructure. This application also seeks to part discharge a number of planning conditions.
- 1.2 The consideration therefore before the Council is therefore whether the reserved matters details provided for:
 - The spine road and main access points;
 - Central SANGS; and,
 - Village Green

comply with the parameters set out in the hybrid approval (as amended) and the aims and objectives of the Deepcut SPD and the Core Strategy and Development Management Policies 2012. Consideration should be given to compliance with the Design Codes which were the subject of Member consideration in an earlier agenda item.

This report will also consider whether the details provided in relation to the conditions detailed below (in so far as the RMA being considered requires) are acceptable:

- 16 (detailed ecological management strategy and management plan)
- 29 (tree retention and protection)
- 32 (hard and soft landscaping)
- 33 (landscape management plan)

- 1.3 This application has been subject to design review by Design South East and this report therefore concludes that the development proposed closely accords with the requirements of the Deepcut SPD, the relevant policies of the CSDMP, the extant hybrid planning permission and the Design Codes.

2.0 SITE DESCRIPTION

- 2.1 The application site (the PRB Site) is located within the village of Deepcut; it extends to approximately 114ha and currently comprises the Princess Royal Barracks and associated lands which is currently the headquarters of the Royal Logistic Corps of the British Army and the Defence School of Logistics. The application site is split into three linked areas, The Main Barracks Area, The Northern Area and the Western Area.

3.0 RELEVANT PLANNING HISTORY

- 3.1 12/0546 - Hybrid planning application for a major residential-led development totalling 1,200 new dwellings. Approved.
- 3.2 12/0546/1 - NMA application to allow for the approved roundabout access at Deepcut bridge Road; Blackdown Road and Newfoundland Road and the spine road to be re-aligned. Approved.
- 3.3 12/0546/2 - NMA application to allow for the approved roundabout access at Deepcut bridge Road; Blackdown Road and Newfoundland Road and the spine road to be re-aligned. Approved.
- 3.4 15/0676 – Variation of condition 35 to allow for a change to the code for sustainable homes the development is to achieve. Resolution to approve – this application was however withdrawn in favour of NMA 12/546/3 which is pending.
- 3.5 The Council has, and is in the process of, considering various submissions for details to comply with conditions imposed on 12/0546 and 12/0546/2; of these the design codes pursuant to condition 12/00546 1(2) and 2, are to be considered elsewhere on this agenda.

4.0 THE PROPOSAL

- 4.1 This reserved matters application seeks detailed planning permission for the northern access roundabout and internal spine road (these elements are however largely fixed by the details agreed under 12/0546 and 12/0546/1), the finer detail of the central SANG and the Village Green. Paragraphs 9.3.2 - 9.8.9 of this report explain the detail of this submission.
- 4.2 Details pertaining to conditions have also been submitted. In so far as conditions 16 and 29 are concerned there is an explicit requirement for this information to be provided as detailed in the wording of the conditions themselves (detailed below):

16. The first reserved matters application for each phase shall be supported by a detailed Mitigation Strategy and Management Plan for protected species which shall be in general accordance with the Ecological Management Strategy and should be based on up to date species surveys undertaken in accordance with good practice guidelines which are current at the time of the survey. Where habitats are created as mitigation for development, management plans for the habitat shall also be provided detailing how the areas are to be managed in the longer term. Once approved the mitigation and management plans shall be undertaken in accordance with the approved details.

29. The first reserved matters applications for each phase of development, shall include a Tree Retention and Protection Plan which shall include:

a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree

b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree

c) details of any proposed remedial or management surgery works of any retained tree

d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread or root protection area [RPA], (whichever is the greater), of any retained tree

e) details of the specification and position of fencing, ground protection and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

These details will be considered within the sections of this report which considered the proposals impact on character and appearance and ecological impacts.

- 4.3 In addition to the details required by conditions 16 and 29, the applicant has also submitted information for conditions 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan), and the description of development given to the application reflects this. These elements would ordinarily be delegated to officers and the consideration of the information submitted being heavily reliant on the technical advice of consultees.

- 4.4 This application was submitted to the LPA in December 2015, however it has been held in abeyance pending resolution of a number of concerns regarding the Design Codes. As detailed in the report regarding that matter this has now been resolved and subject to review of the additional information set out in section 6 of the report for the approval of the design codes it is considered these provide a robust framework against which this application should be assessed. The additional work on the design codes has driven a fundamental review of this application and approximately 90% of the material submitted with the application in December 2015 has been revised and resubmitted in late May 2016 and a full re-consultation under taken.
- 4.5 The hybrid application referenced 12/0546 was an EIA development and was supported by an Environmental Statement. The detail of this reserved matters application was screened in December 2015 to assess whether it was necessary for it to be supported by a further Environmental Statement. The Council concluded that this application would not give rise to any effects not already considered and concluded that this reserved matters application was not, itself, and EIA development.

5.0 CONSULTATION RESPONSES

- | | | |
|------|--|--|
| 5.1 | SCC Transportation Development Control | Detailed comments provide 2nd March 2016; no objection. |
| 5.2 | SCC Countryside | No objection subject to conditions (18/1/2016) |
| 5.3 | SCC Archaeological Officer | Maintain comments made in relation to 12/0546 and need to compliance with relevant condition, otherwise no objection (17/12/15 and again on 17/6/2016). |
| 5.4 | SHBC Drainage Engineer | Holding comment provided on 20/1/2016 – notes details to be forthcoming by planning condition. |
| 5.5 | SHBC Environmental Health Officer | No objection (11/12/15, 12/01/2016 and 15/6/2016). |
| 5.6 | SHBC Arboricultural Officer | In general terms the tree removal and protection plans are acceptable, however a pre-commencement condition is required. The proposed landscaping submission lacks the required detail and this must be addressed by planning condition. |
| 5.7 | Environment Agency | No comment to make (22/12/15) and no objection raised (28/1/16) and again on 9/6/2016. |
| 5.8 | Thames Water | No comments to make on application (24/12/15) |
| 5.9 | Highways England | No objection (14/12/15) – revised comment on 10/6/2016 of no objection received. |
| 5.10 | Sport England | No comment received. |

5.11	Basingstoke Canal Society	Objection (30/12/15) – this objection related in large part to the information originally submitted pursuant to condition 41 which the application wished included in the scope of this reserved matters application. This is however now being pursued separately.
5.12	Surrey and Hampshire Canal Society LLFA	No comment received. Generally satisfied with principles proposed but raised objection to the detail provided in respect of condition 41. As detailed above this is being dealt with separately and no longer forms part of the considerations for this RMA.
5.13	Surrey Wildlife Trust	No objection (4/2/16) but references concerns raised by Surrey Badger Group. A concern has been raised by Surrey Badger Group regarding the presence of a previously unidentified active badger sett. Revised details have been submitted and are being reviewed by West Surrey Badger Group.
5.14	Natural England	No objection (16/12/15)
5.15	Network Rail	No comment (21/12/15)
5.16	Guildford Borough Council	No comment received.
5.17	Woking Borough Council	No comments 14/6/2016
5.18	Rushmoor Borough Council	No objection (22/12/15)
5.19	West End Parish Council	No comment received.
5.20	Windlesham Borough Council	No comment received.
5.21	Deepcut Liaison Group	No comment received.
5.22	Mytchett, Frimley Green and Society	Deepcut No comment received.
5.23	The Church of England	Detailed comments made in relation to landscaping proposal and accessibility for cyclists and disabled users. Comments on lighting and signposting and links to wider pedestrian and cycle networks. A significant portion of the comments made relate to issues outside of the redline of the application site and will need to be addressed by later phases of the development. (21/12/15)

8.0 REPRESENTATION

8.1 At the time of preparation of this report a total of 18 representations had been received; of these 14 raise objections to the development while 4 are in support of the application. The main issues raised can be summarised as follows:

8.2 Reasons given for objection:

- Infrastructure (proposed and existing) is inadequate *[officer comment: this is not material to this reserved matters application]*
- Time of application submission (in holiday period) is underhand *[officer comment : the council has no control over when the application was submitted]*
- Traffic chaos will ensue *[officer comment: the traffic impacts of the development were considered under the hybrid application and fall outside of the scope of this application]*
- Concerned regarding traffic mitigation including 4way lights at Frimley Green *[officer comment: this falls outside of the scope of this application]*
- Concerned about plans showing additional housing in non-approved areas – how will these be accessed? / Landscape loses *[officer comment: there is no new housing proposed in this infrastructure reserved matters application]*
- Woodland play area is inappropriately sited – too close to new gateway into the development *[officer comment: the play areas have been relocated and are considered appropriate]*
- Timber shelter would lead to a antisocial behaviour *[officer comment: the facilities to be provided in the play areas are subject to detailed consideration by way of planning condition]*
- Tree losses / destruction of Brunswick Woods and its wildlife *[officer comment: the impact of developing Brunswick Woods was fully considered at hybrid permission stage]*
- Concerned regarding location of school *[officer note [officer comment: this has not changed since hybrid permission being granted, and falls outside of the scope of this application]*
- Impact on local highway network *[officer comment: please see section 9.4]*
- Sustainability credentials of development has been reduced *[officer comment: this is not relevant to this application]*
- Concern regarding lack of updated tree survey supporting application 12/0546 and the fact Brunswick Woods is to be built upon, concerns regarding the decisions to allow this area to be included in the developable area of the site *[officer comment: the impact of developing Brunswick Woods was fully considered at hybrid permission stage]*

- Submitted plans show a highway running through Brunswick Woods *[officer comment: this is outside of the area the RMA application, however it has been removed for clarity]*
- It is against European law to build within 5km of designated heathland *[officer comment: the wider development proposal mitigates its impact on the TBH SPA]*

Reasons given for support:

- None given

9.0 PLANNING CONSIDERATION

9.1 This application seeks planning permission for the northern access roundabout, the spine road, village green and central SANGS all of which were detailed in the hybrid planning permission 12/0546 (as amended). The location and alignment of spine and roundabout have been fixed, or rather approved, as part of the earlier hybrid permission and so this application simply repeats much of what has already been agreed. It does however provide some further detailing in relation to hard and soft landscaping and the interface of these elements in so far the proposal allows at this early stage of seeking reserved matters approval in respect of 12/0546. The location of the central SANGS was also fixed at outline stage due to the need to the SANGS mitigation to be largely agreed before planning permission could be granted. Similarly the status of 'indicative plans' as approved plans and the wording of imposed conditions on 12/0546 means that hybrid approval, while outline in large part is more prescriptive in fixing the locations of key elements of the development that might ordinarily arise. With this in mind the location and size of the village green accords with approved hybrid plans and the condition and s106 requirements.

9.2 The planning policy considerations have not materially changed since the determination of the hybrid approval in 2013 and there has been no change, as is relevant to the determination of this application, in the National Planning Policy Framework (NPPF) or the suite of documents forming the Councils Development Plan. In light of this the principal consideration in the determination of this application is conformity with the hybrid permission and the specific requirements of Policy CP4 of the Core Strategy and Development Management Policies 2012, the Deepcut SPD and approved design codes with regards to the following main topic headings:

- Impact on the character and appearance of the area;
- Highways and traffic;
- Ecological considerations;
- Amenity considerations; and,
- Flooding and drainage

9.3 Impact on the character of the area

9.3.1 The Deepcut SPD advises that the development should deliver clear character areas and should include a consistent system of streets with a clear hierarchy. The Design and Access Statement and illustrative masterplan submitted with the outline application indicated compliance with this objective and this was to be taken forward in the Design Coding for the site. The approach to be taken to design coding has been considered by the Committee and found to be sound. In order to ensure subsequent RM applications delivered this objective a condition was imposed on 12/0546 (and later amended by NMA 12/0546/2) which required the applicant to submit a design code to the LPA for approval prior to the relevant RM being submitted. The Site Wide Design Code, a Regulatory Plan and Infrastructure Design Code to support this application have been submitted and are being considered elsewhere on this agenda.

The Spine Road

9.3.2 The path, alignment and nature of the spine road was largely fixed and agreed by 12/0546 and subsequently amended (along with the alignment of the northern roundabout) by NMA 12/0456/1 and the detail submitted with this RM complies with the previous approvals. In this regard the spine road is retained to the west of the wider PRB site and the baseline levels changes across its length of approximately 20m (from 110m a.o.d at the northern point to 89 a.o.d to the south). The nature of this element of the proposal and the need for it to serve as a principal means of access to the new dwellings and facilities in many way dictates its form; however, notwithstanding this it is clear that the Council's aspiration is that the spine road, as a major piece of built infrastructure which travels through a number of character areas, needs to balance the need for functionality with the aspiration of the development to have a green, organic and village character. The detailed guidance in the SPD advises that this green character is to be achieved by the provision of green amenity space along this road boundary; the provision of varied verges width and public footpaths taking a non-linear meandering route has been taken forward in the approved Design and Access Statement and the Design Code.

9.3.3 The submitted plans show the alignment of the road and roundabout accords with the approved plans. The roundabout is to be flanked by new and retained trees and planting and softened by areas of open space and green infrastructure. The required cycleway and proposed footpath runs, in part closer to the highway and in a more linear manner than was originally hoped, however it is considered on balance that the set back and alignment achieved will facilitate a soft green character as encapsulated in the Deepcut Vision. However the detail of the landscaping treatment will need to be secured by condition on any approval.

The Village Green

9.3.4 The established criteria for the village green is that it is around 2ha in size and is able to function as heart of the village and from where community activity will spread throughout the village. The area is required to be loosely enclosed and is noted as being the largest and most publically visible area within the PRB site. The area is intended to be maintained, predominately, as open grass land interspaced with areas of mature trees. Pathways, seating and children's' play areas are, however, required and the area is expected to be able to function both in an informal manner; say for picnics as well as being able to hold planned community events, such as fetes. As the heart of the village the green must be accessible to walkers and cyclists. The interplay between the spine road and the village green needs to be sensitively treated with the overspill of green pockets, rather than the engineered spine road being the visually dominant feature.

9.3.5 The details submitted accord with the size requirements for the green and the area is shown flanked by new and retained planting. A village pond is proposed and this will deliver both the required water feature and part of the wider drainage solution for the site. This feature has been amended and in the revised plans for consideration has a more informal, natural appearance and is proposed to the south west corner of the site. The village is also to accommodate the combined neighbour equipped area for play and local equipped area for play (NEAP/LEAP) which is traversed by a footpath. A series of informal gravel paths are shown to traverse the green and when reference is made back to the design code and regulatory plan it becomes clear that these provide a number of routes across the green and will link into the wider sustainable travel network. The landscaping proposed seeks to retain boundary trees where possible and provides for a mix of grassland comprising acid grassland, damp meadow grassland and heather heathland. This mix is in response to officer advice and the aspiration for the development to respond to its heathland setting. While the principle of the proposed landscaping is acceptable the submission in this RMA is not sufficiently detailed and accordingly this will need to be addressed by condition.

The central SANGS

- 9.3.6** The requirement to deliver an acceptable SANGS solution is, in general terms, an ecological one and its delivery, functionality and appearance is governed and controlled by a number of planning conditions and s106 requirements. The timing of the SANG delivery is set out in the s106 agreement and the delivery of the central SANG as part of a first phase infrastructure delivery programme has been agreed as a deed of variation to that agreement in consultation with Natural England. A small portion of the central SANG is behind the MOD wire and this will come forward in later phases of development; however the area to be delivered in the first phase will provide ample mitigation to ensure the delivery of the first phase of residential development does not impact on the integrity and again this has been agreed with Natural England.
- 9.3.7** The central SANG is approximately 13ha and will be a mosaic of habitats created by the sensitive thinning of the coniferous woodland to allow for the natural regeneration of heathland. The area will include a 2.3km circular walkway. A site hut for staff will be provided and 10 parking spaces are also proposed. The detail of the SANG hut has not been provided, however, this can be secured by condition as its general specification is set by the s106 agreement. There is also a need, as set out in the design codes and SPD for 'wildfire proofing', of the development and particularly large areas of open space. The information provided in support of the SANGS element of this RMA does not provide this finer detail, however it is considered that this information can be secured by condition.
- 9.3.8** Discussions between Natural England and the developer teams have identified an opportunity for a stand alone building (approximately 4m high by 4m by 5m) to provide bat roosting opportunities and again this could be secured by planning condition.
- 9.3.9** The development as a whole will obviously impact on the landscape profile and character of the area and there are tree losses associated the provision of large scale infrastructure. However, the losses associated are considered the minimum necessary to comply with the outline planning permission and to deliver the s106 and condition requirements. The development of the site also has the potential to impact on designated heritage assets such as the Grade II listed St Barbara's Church and the Basingstoke Canal Conservation Area and these designations along with the desire to retain key views have been considered at hybrid permission stage. The reserved matters application now being considered would not undermine any of the former considerations. Moreover, the design principles employed are considered to respond to the sensitivity of the receiving landscape and officers recommend that no objection to the detail provided be raised on character grounds.

9.4 Highways and Traffic

- 9.4.1** The implementation of this reserved matters application will have an impact on the local road network however this has already been addressed by the LPA imposing condition 61 on the decision for the hybrid application. Similarly the Council cannot look behind the hybrid approval and re-open matters pertaining to highways improvements and mitigation already secured by the s106.
- 9.4.2** Comments from the Highways Authority on the revised submission are awaited, however, it is not anticipated any objection will be raised. This is because highways has been party to application discussions held with the applicant, but more importantly the details submitted accord with the hybrid permission and s106 requirements. Any comments provided will be reported by way of an update.

9.5 Ecological considerations

- 9.5.1** The wider PRB site has ecological value and large parts of it are designated as a Site of Nature Conservation Importance (SNCI) and the Basingstoke Canal is also designated as a Site of Special Scientific Interest (SSSI). A large part of the wider site also lies within the 400m exclusion zone to the Thames Basin Heaths SPA.
- 9.5.2** The hybrid application submission considered the development proposals impact upon the above designations. Documents underpinning the application submission also noted the site was home to bats, common lizards, slow worms, grass snakes and badgers.
- 9.5.3** At the time of writing final comments are awaited from West Surrey Badger Group and these will be reported by way of update.

9.6 Amenity considerations

- 9.6.1** Any development has the potential to give rise to temporary effects which can cause inconvenience and disruption to residents and businesses. The hybrid permission sought to address this by imposing planning conditions to control amongst other things, delivery routes, piling techniques, dust suppression techniques and hours of working. Subject to compliance with the planning conditions already imposed it is not considered the development proposed would give rise to conditions not considered at hybrid application stage.

9.7 Drainage

- 9.7.1** The hybrid application noted that the site is not located in an area which is at high risk of flooding, however, additional surface water run-off would arise and this would need to be managed. The submitted and approved Flood Risk Assessment indicated a Sustainable Urban Drainage Strategy (SUDS) indicated how the surface water could be managed; this utilises a mixture of new and existing drainage channels which generally flow in the direction of the Basingstoke Canal. The submitted details in this reserved matters application follow this principle and the detailed design of SUDS system is subject of planning conditions to be reviewed by relevant consultees. On this basis of the information forming this reserved matters application it is not considered any conflict with the already approved details will arise.

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

10.1 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 National Planning Policy Framework; this included;

- a) Providing pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Providing 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) Suggested and negotiating amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Proactively communicating with the applicant through the process to advise of progress, timescales and recommendation.

11.0 CONCLUSION

11.1 This development in accordance with the aims and objectives of the permission referenced 12/0546. The proposed development in this reserved matters application will deliver the first phase of infrastructure and itself enable the delivery of the first phase of housing. This will be the subject of pre-application discussions in coming months with the wider site design code (considered by Members earlier on this agenda) providing a further robust layer of guidance and ensuring that the delivery of a high quality and sustainable development is delivered in accordance with the Council vision as set out in the Deepcut SPD. Officers recommend that this application be approved.

RECOMMENDATION

GRANT subject to the following conditions:-

1. The development hereby approved shall commence within two years of the date of this decision as required by condition 5 of planning permission 12/0546.

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 the Compulsory Purchase Act 2004.

2. The development hereby approved, in addition to the remaining elements of planning approvals 12/0546, 12/0546/1 and 12/0546/2 shall deliver the SANGS mitigation comprising the southern SANG, central SANG and SANGs link in accordance with Figure 3.7a, 3.7b and 3.8 of Section 3, Volume 2 of the submitted Environment Statement and shall be delivered in accordance with the Phasing Scheme required by Condition 2 of 12/0546 (as amended by 12/0546/2).

Reason: To secure mitigation for the potential impact on the TBH SPA the development accords with Policy NRM6 of the South East Plan 2009 and Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

3. The development hereby approved shall be undertaken, and retained, in strict accordance with the details to be agreed pursuant to condition 13 of permission 12/0546 – as set out below:

- Prior to the submission of the first reserved matters applications, a detailed SANG Management Plan covering both the Southern and Central SANGs shall be submitted and agreed by the Local Planning Authority in consultation with Natural England. The SANG Management Plan shall be in accordance with the principles set out in Appendix 12C – SANGs Allocation and Implementation Strategy and Figures 3.7 (Southern SANGS) and 3.8 (Central SANGS) of the Environment Statement. Once agreed the SANG Management Plan shall be implemented in accordance with the approved details and there shall be no variation from the approved Plan without the prior written approval of the Local Planning Authority.

Reason: To secure mitigation for the potential impact on the TBH SPA the development accords with Policy NRM6 of the South East Plan 2009 and Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

4. The development hereby approved shall be undertaken in accordance with the details approved pursuant to condition 15 of 12/0546 (Ecological Management Strategy) and the Ecology Technical Note prepared by NPA and submitted to the LPA pursuant to application 15/1062 on 28 June 2016 at 2043hrs.

Reason: In the interests of biodiversity and to ensure the development accords with Policy CP4 and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

5. Notwithstanding the details shown on the approved plans; prior to the commencement of any development associated with the permission for the Village Green hereby given, details of the play equipment to be provided to the combined NEAP/LEAP shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development accords with Policy CP4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

6. The development hereby approved shall be undertaken in strict accordance with the details to be agreed pursuant to condition 61 (Construction Management) and 62 (hours of working) of planning permission 12/0546.

Reason: In the interest of residential amenities and highway safety to accord with Policy CP4, Policy DM9 and Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

7. Prior to any commencement of works associated with the central SANGS hereby approved a fully detailed hard and soft landscaping scheme shall be submitted to and approved by the LPA in writing. The details to be submitted shall detail all surfacing materials to the car parking areas (and soft landscaping to the same) and all measures and means to be employed to ensure that the development is wildfire proof and shall build upon the principles of the relevant Design Code. This submission will also need to address the requirements of condition 13 of 12/0546 and condition 4, above and build upon the principles of the Central SANGS landscaping scheme submitted to the LPA on 28 June 2016 at 1536hrs.

Reason: To secure mitigation for the potential impact on the TBH SPA and to ensure a satisfactory and safe form of development in accordance with Policy NRM6 of the South East Plan 2009, Policy CP4 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

8. Prior to any commencement of works associated with the central SANGS hereby approved details of the proposed bat roost, including its proposed location, shall be submitted to and approved by the LPA in writing.

Reason: To secure mitigation for the potential impact on the TBH SPA and to ensure a satisfactory and safe form of development in accordance with Policy NRM6 of the South East Plan 2009, Policy CP4 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

9. Prior to any commencement of works associated with the central SANGS hereby approved details of the proposed SANGS Hut shall be submitted to and approved by the LPA in writing.

Reason: To secure mitigation for the potential impact on the TBH SPA and to ensure a satisfactory and safe form of development in accordance with Policy NRM6 of the South East Plan 2009, Policy CP4 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the objectives of the Deepcut SPD.

10. Notwithstanding any detail in / on any approved plan or document, this planning permission does NOT grant permission for any works or development to, or in the southern SUDS area.

Reason: to ensure that approval of this application does not stymie any consideration of the detailed design of drainage, SUDS, or wetland features under the relevant conditions imposed on 12/0546 and to comply the NPPF and the Core Strategy and Development Management Policies 2012.

11. Within three months of the date of this decision notice details showing the location and treatment of any parking along Midenhurst Road (the spine road), together with a indicative plan showing the proposed layout and access arrangements for the Village Green car park and cycle parking shall be submitted and approved in writing by the LPA. The details to be submitted will include an indicative date for the delivery of the submitted detail.

Reason: To ensure a satisfactory form of development and in the interest of highways safety and ensuring adequate parking provision, and to accord with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the Approved Design Codes.

12. Notwithstanding the detail shown on the approved plans, details of the proposed bollards or other means of preventing any authorised incursion onto the Village Green shall be submitted to and approved in writing by the Local Planning Authority prior to any development associated with this area commencing. Once approved the bollards shall be installed and retained in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to accord with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the Approved Design Codes.

13. Notwithstanding the detail shown on the approved plans, details of all street furniture (seating, bins, cycle stands, signage and lighting) proposed to the Village Green and Midenhurst Road (the spine road) shall be submitted to and approved in writing by the Local Planning Authority prior to any development on this area commencing.

Reason: To ensure a satisfactory form of development and to accord with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the Approved Design Codes.

14. Notwithstanding any details shown on the approved plans / documents details of all hard surfacing materials to be used in any part of the development hereby approved shall be submitted to and approved by the Local Planning Authority in writing prior to their first use on the application site. Details to be submitted shall include a physical sample of the material along with a full description of its make and specification and a plan showing where and how it is proposed to be used.

Reason: To ensure a satisfactory form of development and to accord with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the approved Design Codes.

15. Notwithstanding any details shown on the approved plans / documents all cycleways and footways shall be designed to be 3m wide unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to promote sustainable transport methods in accordance with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the approved Design Codes.

16. Notwithstanding details shown on the approved plans the detailed design of the proposed footway linking the formal park (around St Barbara's Church) and the Village Green shall be submitted to and approved in writing by the Local Planning Authority prior to any works or development on the Village Green commencing.

Reason: To ensure a satisfactory form of development and to promote sustainable transport methods in accordance with the NPPF 2012, the Core Strategy and Development Management Policies 2012, the Deepcut SPD and the approved Design Codes.

17. Unless otherwise stated in this decision notice the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site location plan DC1-NPA-LX-000-00-DR-04-300 R2
- Phase 1 Infrastructure Strategy diagram DC1-NPA-LX-000-00-DR-04-101 R4
- Central SANGS General Arrangement DC1-NPA-LX-104-00-DR-04-301 R0
- Central SANGS General Arrangement DC1-NPA-LX-104-00-DR-04-302 R0
- Mindenhurst Road General Arrangement 1/12 DC1-NPA-LX-102-00-DR-04-301 R1
- Mindenhurst Road General Arrangement 02/12 DC1-NPA-LX-102-00-DR-04-302 R1
- Mindenhurst Road General Arrangement 03/12 DC1-NPA-LX-102-00-DR-04-303 R1
- Mindenhurst Road General Arrangement 04/12 DC1-NPA-LX-102-00-DR-04-304 R2
- Mindenhurst Road General Arrangement 05/12 DC1-NPA-LX-102-00-DR-04-305 R2
- Mindenhurst Road General Arrangement 06/12 DC1-NPA-LX-102-00-DR-04-306 R3
- Mindenhurst Road General Arrangement 07/12 DC1-NPA-LX-102-00-DR-04-307 R2
- Mindenhurst Road General Arrangement 08/12 DC1-NPA-LX-102-00-DR-04-308 R2
- Mindenhurst Road General Arrangement 09/12 DC1-NPA-LX-102-00-DR-04-309 R1
- Mindenhurst Road General Arrangement 10/12 DC1-NPA-LX-102-00-DR-04-310 R2

- Mindenhurst Road General Arrangement 11/12 DC1-NPA-LX-102-00-DR-04-311 R1
- Mindenhurst Road General Arrangement Key Plan 12/12 DC1-NPA-LX-102-00-DR-04-312 R1 Mindenhurst Road & Village Green Plant Schedule DC1-NPA-LX-102-00-DR-04-501 R1
- Primary Street Landscape Management Plan DC1-NPA-LX-102-00-RP-04-801 R1
- Northern Access Roundabout Planting Plan DC1-NPA-LX-101-00-DR-04-501 R2
- Typical Hard Landscape Details DC1-NPA-LX-000-00-DR-04-701 R0
- Typical Tree Pit Details DC1-NPA-LX-000-00-DR-04-710 R0
- Village Green Landscape Masterplan DC1-NPA-LX-103-00-DR-04-301 25.05.16
- Village Green General Arrangement DC1-NPA-LX-103-00-DR-04-302 R1
- Village Green Landscape Management Plan DC1-NPA-LX-103-00-DR-04-302 R1
- Village Green Landscape Management Plan DC1-NPA-LX-103-00-RP-04-801
- Village Green Contours and Cross Sections DC1-NPA-LX-103-00-DR-04-401 R1
- Village Green Pond Sections 01/03 DC1-NPA-LX-103-00-DR-04-402 R1
- Village Green Pond Sections 02/03 DC1-NPA-LX-103-00-DR-04-403 R1
- Mindenhurst Road Soft Landscape Management and Maintenance Schedule DC1-NPA-LX-102-00-SH-04-802 R1
- Mindenhurst Road Hard Landscape Management and Maintenance Schedule DC1-NPA-LX-102-00-SH-04-803 R1
- Village Green Soft Landscape Management and Maintenance Schedule DC1-NPA-LX-103-00-SH-04-802 R1
- Village Green Hard Landscape Management and Maintenance Schedule DC1-NPA-LX-103-00-SH-04-803
- And is so far as the alignment of Mindenhurst Road together with the siting and alignment of all cycleways and footpaths are concerned:
- Spine Road General Arrangement DC1-ODM-CH-102-XX-DR-03-0001 T0
- S38 Coloured Plan Sheet 1 of 3 DC1-ODM-CH-102-XX-DR-03-0002 T03

- S38 Coloured Plan Sheet 2 of 3 DC1-ODM-CH-102-XX-DR-03-0003 T03
- S38 Coloured Plan Sheet 3 of 3 DC1-ODM-CH-102-XX-DR-03-0004 T03
- Spine Road Removal Plans and Schedule V2 combined Dec 2015
- Spine Road Retention and Protection Plans and Schedule V2 combined 2015
- Village Green Removal Plans and Schedule V1 combined Dec 2015
- Village Green Retention and Protection Plans and Schedule V1 combined Dec 2015
- Ecological Mitigation and Management Plan April 2016
- Ecology Technical Note (30 June 2016)

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 NPPG.

18. A minimum of 14 working days before any development, including any works of demolition or site clearance, a pre-commencement meeting must be arranged with the Arboricultural Officer. The purpose of this meeting is to agree the extent of any facilitation or management tree works, tree and ground protection, demolition, storage of materials and the extent and frequency of Arboricultural site supervision.

Prior to this meeting being undertaken all trees identified for removal to enable the development hereby approved to be implemented, together with all trees and understory to be removed as part of the works to eradicate Japanese Knotweed, will have been physically marked such that these can be checked and agreed by the Arboricultural Officer at the meeting detailed above.

In all other regards the development shall proceed in accordance with the supplied documents.

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

19. No development shall take place to any part of Mindenhurst Road (the Spine Road) until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved.

All plant material shall conform to BS3936:1992 Parts 1 – 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape

The details to be submitted shall include an updated landscape management plan which shall include maintenance schedules for all landscape area / areas of open space abutting or associated with Mindenhurst Road and which do not form part of the central SANGS or Village Green.

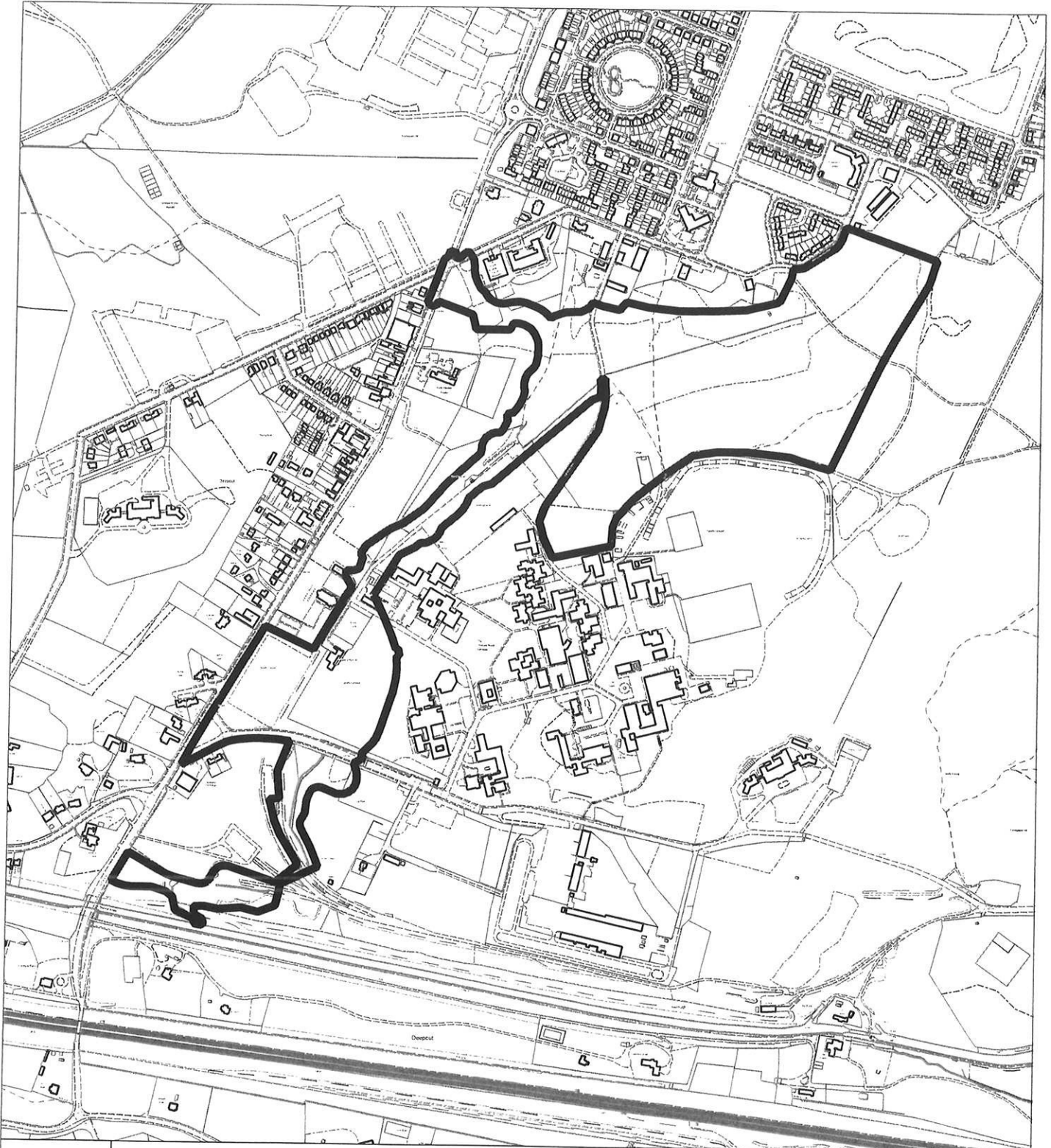
Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

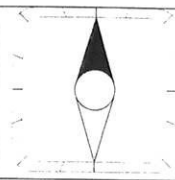

20. No development shall take place to any part of the Village Green until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved.

All plant material shall conform to BS3936:1992 Parts 1 – 5: Specification for Nursery Stock. Handling, planting and establishment of trees shall be in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape

The details to be submitted shall include an updated landscape management plan which shall include maintenance schedules for the Village Green.

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



Title	Planning Applications		Page	4 of 4
Application number	15/1062		Scale @ A4	1:7,500
Address	PRINCESS ROYAL BARRACKS, BRUNSWICK ROAD, DEEPCUT, CAMBERLEY, GU16 6RN		Date	11-07-2016
Proposal	Application for the Approval of Reserved Matters for Infrastructure (Spine Road), Central SANGS, and Village Green submitted pursuant to Condition 4 (Reserved Matters: internal access arrangements, layout, scale, appearance, landscaping), and the partial submission of details pursuant to Conditions 16 (Detailed Ecological Management Strategy & Management Plan), 29 (Tree Retention and Protection Plans), 32 (Hard and Soft Landscaping) and 33 (Landscape Management Plan) of planning permission ref: 12/0546 dated 04 April 2014 (as			
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15/1062 AND DESIGN CODE (DETAILS TO COMPLY WITH PLANNING CONDITION) – PRB, DEEPCUT

15/1062 - Village Green plan



12/0546 – Masteplan



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2015/0701

Reg Date 18/08/2015

St. Michaels

LOCATION: VERNON HOUSE, 16 SOUTHWELL PARK ROAD,
CAMBERLEY, GU15 3PY

PROPOSAL: Erection of a two storey building with accommodation in the roof to provide 1no three bedroom, 3no two bedroom and 1no one bedroom flats with parking and access onto Southern Road. (Additional plans rec'd 29/10/15), (Additional plan recv'd 30/10/15), (Amended plans rec'd 02/11/15). (Additional plan recv'd 11/12/15).

TYPE: Full Planning Application

APPLICANT: Mr W Dunphy

OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 This planning application relates to the redevelopment to provide a two storey building to with accommodation in the roof to provide 1 no three bedroom, 3 no. two bedroom and 1 no one bedroom flats. The site currently contains a two storey building with accommodation in the roof, providing an existing house in multiple occupation (with 8 bedrooms). The application site lies within the settlement of Camberley. It is located in a corner location, with a principal frontage onto Southwell Park Road and a return frontage onto Southern Road.
- 1.2 The current proposal would not have an adverse impact on local character, residential amenity, SPA, affordable housing provision and highway safety. The application is recommended for approval, subject to the completion of a legal agreement.

2.0 SITE DESCRIPTION

- 2.1 This planning application relates to a property currently being used as an 8 no. bedroomed house in multiple occupation (HMO). The application site is in a corner location, with a principal frontage onto Southwell Park Road and a return frontage onto Southern Road, within the settlement of Camberley. Detached residential properties 18 Southwell Park Road and 52 Southern Road lie to the west flank and rear, respectively. The Atrium development lies to the east side of the application site and Firwood Court to the south east with 5, 7 and 9 Southwell Park Road on the south side of the application site, lying on the opposite side of the road to the application site.
- 2.2 The existing two storey building with accommodation in the roof is centrally located on the plot, with parking provided to the rear. An access and detached garage are provided to the west flank with landscaping to the site frontage (onto Southwell Park Road). The principal building on the site is a 1930's brick building which is in a relatively poor condition.
- 2.3 The application site falls within an area as having an "Edwardian Mosaic" character as defined within the Western Urban Area Character Supplementary Planning Document 2012. The Western Urban Area Character Supplementary Planning Document 2012 indicates that this area *"was an affluent urban area and contained a mixture of medium and large plots, a range of community facilities and imposing houses in formal settings.*

Many houses were built in the Edwardian period but building out of the estate also continued through the interwar period. Post WWII a number of the large plots were re-developed with small housing estates but many of the late Victorian/Edwardian properties still remain, retaining the Edwardian flavour of the area. The area retains an attractive, genteel urban character, with a mix of building ages and a good number of community uses. Low brick front walls, iron railings, high levels of vegetation and the high concentrations of late Victorian/Edwardian/interwar housing distinguish the character from others."

3.0 RELEVANT HISTORY

There is extensive planning history associated with the application site, the most relevant of which is as follows:

- 3.1 SU/88/1102 Erection of three storey side extension. Approved in June 1989.
- 3.2 SU/12/0449 Change of use of building into an 8 bedroom house in multiple occupation (HMO) (retrospective). Approved in March 2013.
- 3.3 SU/13/0601 Erection of part four storey, part three storey building to provide 8 no. two bed flats with car parking (partly undercroft) and access following the demolition of existing building. Refused in October 2013.

The reasons for refusal related to the impact on local character, residential amenity, SPA, local infrastructure and a lack of affordable housing provision.

The subsequent appeal was dismissed.

- 3.4 SU/14/0360 Erection of a three storey building to provide 5 no. two bedroom flats following the demolition of existing 8 bedroom house in multiple occupation (HMO). Refused in October 2014.

The reason for refusal related to the impact on local character.

4.0 THE PROPOSAL

- 4.1 The current proposal is to erect a two storey building with accommodation in the roof to provide 1 no. three bedroom, 3 no two bedroom and 1 no. one bedroom flats. The units would be accessed through a hall accessed to the Southern Road frontage and rear. Five parking spaces would be provided to the rear with an access onto Southern Road. A private rear amenity area would also be provided.
- 4.2 The proposed building would have a hipped roof to a maximum height of about 7.7 metres in height reducing to 4.8 metres at the eaves. The proposed building would measure a maximum 13.7 metres in width by 18.9 metres in depth. The proposed building would be predominantly finished in brick, with some render.
- 4.3 The current proposal is a reduction over the previous schemes SU/13/0601 and SU/14/0360. The applicant has sought to overcome the reasons by reducing the amount/scale of development resulting in a reduction in the maximum height of the scheme, removing balconies and principal windows from the elevations facing the rear gardens of adjoining properties (north and west elevations). The variations to the previous schemes are as follows:

	SU/13/0601	SU/14/0360	Current scheme
Maximum/Predominant ridge height	12.4/9.4m.	9.7/8.8 m.	7.7 m.
Maximum/Predominant eaves height	11.2/8.0 m.	8.6/7.7 m.	4.8 m.
Maximum depth	25.4 m.	25.4 m.	18.9 m.
Maximum width	14.8 m.	14.8 m.	13.7 m.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Tree Officer No objections (verbal).

6.0 REPRESENTATION

At the time of preparation of this report no representations of support and 21 raising an objection, including an objection from the Southwell Park Residents' Association and one petition (of 85 signatures), have been received, making the following objections:

- 6.1 Over development of the site [See Paragraph 7.3]
- 6.2 Insufficient planting/screening [See Paragraph 7.3]
- 6.3 Too large and bulky [See Paragraph 7.3]
- 6.4 Overbearing impact [See Paragraph 7.4]
- 6.5 Lack of amenity (green) space; particularly for three of the proposed flats [Officer comment: *The amenity space is proposed to be shared by all of the flats. See also Paragraph 7.5*]
- 6.6 Does not comply with Western Urban Area Character SPD 2012 [See Paragraph 7.3]
- 6.7 Out of character [see Paragraph 7.3]
- 6.8 Too high a density [Officer comment: *There is no Council standard for maximum residential density*]
- 6.9 There should be no access from this site onto Southern road [See Paragraph 7.3]
- 6.10 Impact of access from traffic onto Southern Road on highway safety, in particular any reversing movements out onto this road, which is used by pedestrians [Officer comment: *Southern Road reduces to a footpath link to the south of the proposed access point, and is a shared surface (vehicles/pedestrians). Also, see Paragraph 7.3*]
- 6.11 Loss of privacy [see Paragraph 7.4]
- 6.12 Loss of privacy from balconies [Officer comment: *The balconies have now been deleted from the proposal*]

- 6.13 Removal of landscaping (for access) provided on SCC land for the Atrium development [Officer comment: *The level of landscaping to be lost is limited (part of a laurel hedge) and its retention is not so significant to warrant the refusal of this application. It also does not appear that this landscaping formed a part of the landscaping details approved for the Atrium development (under SU/04/0540)*]
- 6.14 Collection of refuse from Southern Road and visual impact, and obstruction caused to pedestrian traffic, if bins are left out before/after collection [Officer comment: *This would not be a reason to refuse this application*]
- 6.15 Lack of parking and impact of overspill parking on local congested/busy roads [See Paragraph 7.4]

7.0 PLANNING CONSIDERATIONS

- 7.1 The application proposal is located within the settlement of Camberley. As such, Policies CP1, CP2, CP5, CP6, CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); the Developer Contributions Supplementary Planning Document 2011; the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2011; the Western Urban Area Character Supplementary Planning Document 2012; Camberley Heath Action Area Plan 2014; Interim Procedure Guidance Note for Affordable Housing 2012 (to support Policies CP5 and CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012); and the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.
- 7.2 It is considered that the main issues are:
- The impact on the character of the area;
 - The impact on residential amenity of surrounding properties;
 - The impact on residential amenity of future occupiers;
 - The impact on highway safety;
 - The impact on affordable housing provision;
 - The impact on the Thames Basin Heaths Special Protection Area; and
 - The impact on local infrastructure.

7.3 Impact on the character of the area

- 7.3.1 Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that development will be acceptable where high quality design is to be provided which respects and enhances the local character paying regard to scale, materials, massing, bulk and density. Whilst the NPPF (and Policy CP1 of the Core Strategy) supports the best use of urban land, Paragraph 56 of the NPPF indicates that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should positively to making places better for people”*.

- 7.3.2 The proposed building would provide a two storey form, with accommodation in the roof, adjoining two storey properties. Principle WUA1 of the Western Urban Character SPD 2012 indicates that:

"new development should pay regard to the locally distinctive and valued patterns of development of the Character Area that the site sits within. The local patterns involve the built, historic and natural environments and include...plot shapes and sizes, open spaces and spaces between buildings, age, type and height of buildings, scale and massing, building lines, roof design, architectural detailing, garden provision, vegetation, boundary treatments,...parking and streetscenes."

The Western Urban Character SPD 2012 indicates that the general building heights in the "Edwardian Mosaic" character area is up to two and a half storey (i.e. two storeys with roof level accommodation), such as the existing property, and the current proposal reflects this with a proposed maximum height of 7.7 metres, a much lower height than the previously refused schemes, which reflects the heights of adjoining properties and the defined character area.

- 7.3.3 The current proposal would extend, at a two storey height, closer than the existing building to both west flank and rear boundaries of the site. This spread of development across the site would be significant, but would be less, particularly in depth, than the previously refused schemes. However, noting the retained gaps to the adjoining properties, the proposal would not be detrimental to the principles set out in the Western Urban Character SPD 2012 and the wider spacious, verdant character of this defined character area and would form a reasonable relationship with the scale and size of adjoining properties.
- 7.3.4 The vast majority of the site is currently developed upon (principally hardstanding for parking and access purposes) with little soft landscaping. The current proposal would provide an opportunity for the provision of soft landscaping even with the proposed hardstanding for parking and access purposes. The reduction in scale and footprint over previous schemes, with opportunities for some soft landscaping, has provided some significant improvements, including soft landscaping to the Southwell Park Road frontage. It is considered that the proposal would be acceptable in terms of its impact on local character.
- 7.3.5 It is therefore considered that the current proposal would not have an adverse impact on local character, complying in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, the NPPF and advice in the Western Urban Character SPD 2012.

7.4 Impact on residential amenity of surrounding properties

- 7.4.1 The siting of the proposed building is closer to residential properties than the existing HMO building to the north (rear) and west (flank) of the application site, boundaries with 52 Southern Road and 18 Southwell Park Road, respectively. The nearest part of the proposed building, would be set-in 8 metres from the rear boundary of the application site which forms the flank boundary (and wall) of 52 Southern Road. However, this flank wall has no principal habitable room windows in the flank wall facing the development. This level of separation would not result in an overbearing presence on, or substantive loss of light to, this property.
- 7.4.2 With respect to 18 Southwell Park Road, the proposal would be built closer to the flank boundary of this property. A series of windows in the flank elevation of this neighbouring property face the application site but these relate to non-habitable rooms or secondary windows and, with all upper floor windows in the proposed development facing this property being high level only, an objection on the grounds of loss of privacy to this

dwelling could not be substantiated. The proposed building would be located 2.3 metres from the flank boundary with this property and extends about 5.3 metres beyond the main rear wall of this property. However, the main flank wall of this dwelling would be set 7.6 metres from the flank wall of the proposed building, with a driveway and garage within that property located at this flank boundary. As such, this level of separation would not result in an overbearing presence on, or substantive loss of light to, this property.

- 7.4.3 The proposed development would be set a minimum of about 30 metres from the Courtyard flats, which forms a part of the Atrium development, a level of separation which would result in little impact on the amenity of the occupiers of these properties. All other nearby residential properties are set some distance from the application site, sufficient to limit the impact of the current proposal on these properties. It is therefore considered that the proposed development would not have a significant impact on residential amenity for surrounding properties complying in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.5 Impact on residential amenity of future occupiers

- 7.5.1 The current proposal would provide amenity space predominantly to the rear of the Southwell Park Road. This accommodation would serve small residential units, which could be occupied by smaller families. The provision of a private rear garden area would provide an acceptable passive amenity space for future occupiers of the proposed flats. The Council has no minimum standard for private amenity space provision for residential development and each case is treated on its own merits taking into consideration the nature of the proposed development and its surrounding area. It is noted that the existing HMO does not provide any private amenity space. It is therefore considered that the proposed development would provide an acceptable level of accommodation for future occupiers complying in this respect with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.6 Impact on highway safety

- 7.6.1 The proposal would introduce a new access from Southern Road, closing the current vehicular access onto Southwell Park Road. Whilst it is noted that the closing of the existing access would provide minor highway safety benefits to Southwell Park Road, the proposed access would be formed onto the shared surface of Southern Road, which is reduced to a footpath, immediately south of the siting of the proposed access point. It is also noted that the parking layout would not allow all of the parking spaces to be accessed by vehicles which could enter and leave the site in forward gear, with some needing to reverse out of the site and onto the southern end of the vehicular highway part of Southern Road. Whilst, there would be an increase in traffic movements, including reversing manoeuvres, onto this road, the County Highway Authority has raised no objections to the proposal on highway safety grounds and consider that the limited number of traffic movements which would require reversing onto Southern Road, and with provided visibility at this access point, these access arrangements would not be detrimental to highway safety.
- 7.6.2 The current proposal would provide five parking spaces to serve this development. Noting its highly sustainable location, very close to the Camberley Town Centre, the level of proposed parking meets parking standards. No objections are therefore raised on these grounds.
- 7.6.3 It is considered that the proposed development is acceptable on highway safety and parking grounds complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.7 Impact on affordable housing provision

- 7.7.1 Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires a financial contribution towards the provision of affordable housing elsewhere (in lieu of on-site provision) where there is a net increase of four dwellings (or less). The methodology for defining the required amount of affordable housing is set out in the Interim Procedure Note for Affordable Housing 2012. Whilst the proposal would result in the provision of five residential units, there would be the loss of a sizeable house in multiple occupation and it is considered that, for the purposes of this guidance, the proposal results in a net gain of four units.
- 7.7.2 In this case, a financial contribution of £61,000 would provide an acceptable contribution towards providing affordable housing elsewhere in the Borough to meet the requirements of Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012. Subject to the completion of a planning obligation to secure this mitigation, the development would provide an acceptable contribution and no objection would be raised on these grounds. However, at the time of writing of this report and whilst the applicant has indicated that they are willing to complete an agreement to provide this obligation, an agreement had not been completed.

7.8 Impact on the Thames Basin Heaths Special Protection Area

- 7.8.1 The application site is located 1.2 kilometres from the SPA and would replace an 8 bedroom HMO with 5 no. two bed flats. The proposed change of use would result in an increase in people residing at the site from 8 to 9 (as estimated by the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012). In this instance a contribution of £3,579 would therefore be required. Subject to the completion of a planning obligation to secure this mitigation, the development would not impact on the SPA and no objection would be raised on these grounds. However, at the time of writing of this report and whilst the applicant has indicated that they are willing to complete an agreement to provide this obligation, an agreement had not been completed. From 1 December 2014, the Council's Community Infrastructure Levy (CIL) Charging Schedule has taken effect and contributions towards the SANG mitigation requirements for development impacting on the SPA are collected through CIL. Informative 1 has therefore been added.

7.9 Impact on local infrastructure

- 7.9.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable and the final figure would need to be agreed following the submission of the necessary forms. For example, the applicant is claiming part exemption due to the provision of affordable housing and at the time of writing the final amount of social housing relief is unknown. However, on the basis of the information submitted to date the amount of CIL payable would be in the region of £36,500. Informatives would be added to the decision advising the applicant of the CIL requirements.

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.

9.0 CONCLUSION

- 9.1 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity and highway safety. In addition, a legal agreement in relation to the provision of a contribution towards affordable housing and SAMM is proposed and subject to its completion, the proposed development is considered to be acceptable.

10.0 RECOMMENDATION

GRANT subject to a receipt of a satisfactory legal agreement to secure contributions towards affordable housing provision and SAMM by 4 August 2016 and 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: 874/404 and 874/405 received on 2 November 2015; and 874/411 received on 11 December 2015, 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. 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 and advice within the Western Urban Area Character SPD 2012.

4. The parking spaces and access thereto shown on the approved plan shall be made available for use prior to the first occupation of the development and the parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.

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

5. The proposed access to Southern Road shall be provided with 2 metre by 2 metre pedestrian visibility splays and the resulting visibility zones shall be kept permanently clear of any obstruction.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

6. The development hereby approved shall not be occupied until the existing access to Southwell Park Road has been permanently closed and any kerbs, verge, footway are full reinstated unless the prior written approval has been obtained from the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.
 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**.

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

8. Prior to the first occupation of the development hereby approved on site details of refuse and cycle storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

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.

9. No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding
- (f) hours of construction
- (g) confirmation that there will be no on-site burning of material during the demolition, site clearance and construction phases

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

Reason: The condition above is required in order that the development should not prejudice residential amenity or highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

Informative(s)

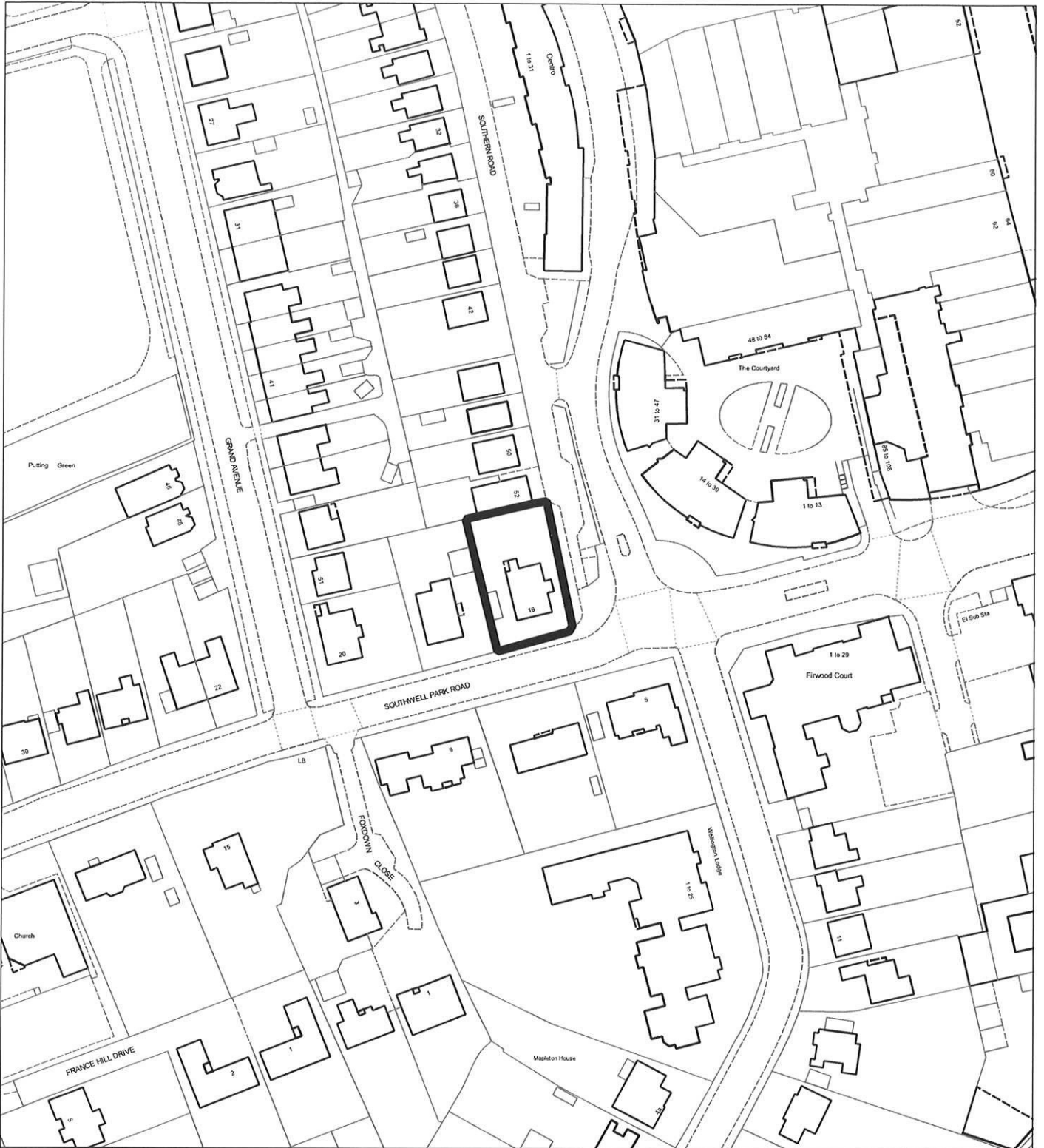
- 1. Car parking provision DP1
- 2. Building Regs consent req'd DF5
- 3. Party Walls (etc) Act 1996 DE3
- 4. HI(Inf)13 (Highway) HI13
- 5. CIL Liable CIL1


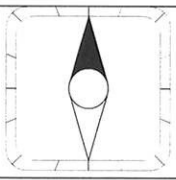
In the event that a satisfactory legal agreement has not been received by the 4 August 2016 to secure contributions towards affordable housing and SAMM the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-

- 1 In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or payment of the SAMM payment in advance of the determination of the application, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2012.

- 2 In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, to secure a contribution towards affordable housing provision elsewhere in the Borough, the applicant has failed to comply 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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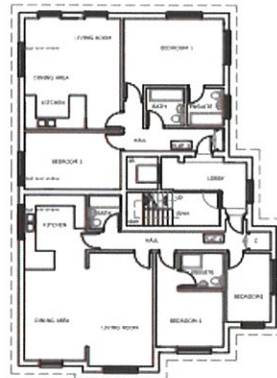


Title	Planning Applications		Page	3 of 4
Application number	15/0701		Scale @ A4	1:1,250
Address	VERNON HOUSE, 16 SOUTHWELL PARK ROAD, CAMBERLEY, GU15 3PY		Date	06-07-2016
Proposal	Erection of a two storey building with accomodation in the roof to provide 1no three bedroom and 4no two bedroom flats with parking and access onto Southern Road. (Additional plans rec'd 29/10/15), (Additional plan recv'd 30/10/15), (Amended plans rec'd 02/11/15). (Additional plan recv'd 11/12/15).			
				

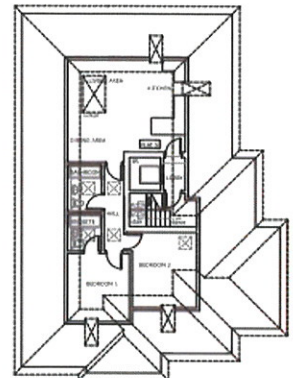
Layout and floor plans



GROUND FLOOR PLAN
FLATS 1 AND 2



FIRST FLOOR PLAN
FLATS 3 AND 4

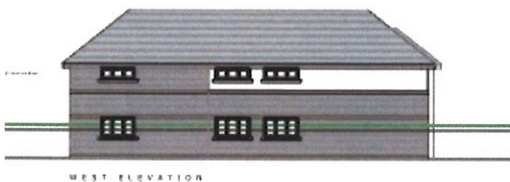


ROOF CONVERSION PLAN
FLAT 5

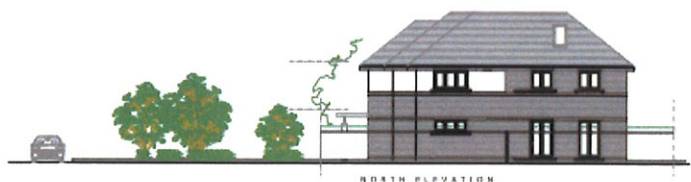
Elevations



SOUTH ELEVATION TO SOUTHWELL PARK ROAD IN CONTEXT - SEE ALSO BELOW



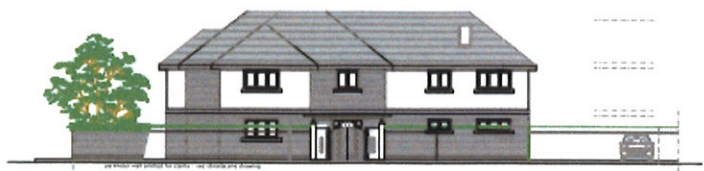
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION TO SOUTHWELL PARK ROAD



EAST ELEVATION TO BRITANNIA ROAD

Application site



From Southern Road



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

NOTES

Officers Report

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

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

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

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