

**LOCATION:** LAND TO THE EAST OF BELLEW ROAD, DEEPCUT,  
CAMBERLEY

**PROPOSAL:** Application for outline planning permission, access to be considered (appearance, landscape, layout and scale reserved) for upto 12 residential dwellings. (Additional information recv'd 12/6/17). (Additional & amended information recv'd 23/6/17). (Additional information rec'd 03/07/2017).

**TYPE:** Full Planning Application

**APPLICANT:** Louise Tyzack and Alice Perry

**OFFICER:** Emma Pearman

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The application site is an area of woodland, located to the east of Bellew Road, outside the settlement area of Deepcut and within the Countryside beyond the Green Belt. This is an outline application for the provision of 12 dwellings on this site, with the details of the access only to be agreed at this stage, which would be directly from Bellew Road, which is a private road. The proposal involves the felling of approximately 24 individual trees and 10 groups of trees within the woodland, however this woodland mainly comprises Scots pine plantation and as such is not sustainable in the long term. A buffer of woodland would be retained on all boundaries, particularly to the south and east between the development and surrounding dwellings.
- 1.2 Given that the site lies within the countryside and is not a housing reserve site identified by Policy H8, it is considered that its release for housing would harm the rural and intrinsic value of the countryside which should be protected. This harm needs to be balanced against the contribution the development proposal could make to the current shortfall in the five year housing land supply if planning permission were granted. It is not considered this balance falls in favour of planning permission being granted and an objection is raised. There have been no objections from the tree officer, however Surrey Wildlife Trust have objected in terms of the lack of information provided in terms of the biodiversity status of the woodland, and impact on reptiles. There has also been no legal agreement provided in respect of the provision of affordable housing or SAMM payments. The application is therefore recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site is a 1.27ha area of land located on the eastern side of Bellew Road, which is a private road. The site lies approximately 200m outside the settlement area of Deepcut and is designated as Countryside beyond the Green Belt in the Surrey Heath Core Strategy Proposals Map 2012. It lies immediately south of the Princess Royal Barracks area boundary. The application site currently comprises mostly Scots pine plantation woodland, some beech and sweet chestnut trees and a smaller number of other species present as well as understorey. The gradient of the site slopes down towards the southern boundary. The site borders residential dwellings to the south and

east, with woodland to the north and Bellew Road on the western boundary. The woodland on the opposite side of the road is designated as a Site of Nature Conservation Importance.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 No planning history exists for this site.

### **4.0 THE PROPOSAL**

4.1 The proposal is an outline application for up to 12 residential dwellings, with access only to be considered at this stage. The centre of the site is proposed to be the developable area, with a strip to the north and south and area to the east being retained as woodland. Access to the site would be directly from Bellew Road, approximately 42m south of the northern boundary and 15m approx. north of the bend in the road.

4.2 The application is in outline form with only the details of the access to be determined at this stage. The application has been supported by:

- Extended Phase 1 Ecological Assessment and Appendices;
- Transport Statement;
- Arboricultural Implications Report;
- Utilities and Servicing Statement;
- Archaeological Desk-based Assessment;
- Design and Access Statement;
- Flood Risk Assessment and Preliminary Drainage Strategy;
- Planning Statement; and
- Additional Badger Survey.

### **5.0 CONSULTATION RESPONSES**

5.1 Surrey County Highway Authority No objection, subject to condition.

5.2 Surrey Wildlife Trust Objection – insufficient information provided at this stage in terms of the impact on reptiles, and insufficient assessment as to whether the woodland is sufficient to meet the criteria of a Habitat of Principle Biodiversity Importance.

5.3 West Surrey Badger Group Objection – insufficient information provided in terms of badgers  
*[Officer comment – further survey has been sent to WSBG and further response awaited].*

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|-----|----------------------------------|--------------------------------------|
| 5.4 | Council's Arboricultural Officer | No objection, subject to conditions. |
| 5.5 | SCC Archaeology                  | No objection, subject to condition.  |
| 5.6 | Lead Local Flood Authority       | No objection, subject to conditions. |
| 5.7 | Environment Agency               | No response received.                |
| 5.8 | Thames Water                     | No objection.                        |

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 38 letters of objection have been received (including on behalf of Mytchett, Frimley Green and Deepcut Society, Deepcut Neighbourhood Forum and Deepcut Liaison Group) which raise the following issues:

### Principle of the development [see section 7.3]

- Already plans for excessive dwellings in Deepcut with minimal infrastructure improvement;
- Is contrary to Deepcut SPD which states danger of over-urbanisation of Deepcut which could result in coalescence of settlements and that countryside between Deepcut and urban areas to west and north will be maintained, and gap between Deepcut and Heatherside and Frimley Green;
- Core Strategy says 1,235 homes for Deepcut which have already been granted permission and this site would take numbers above that figure;
- While it was identified in the SHLAA, this was only if insufficient sites come forward within the settlement area which isn't the case;
- SLAA document does not expect it to come forward for another 6 years;
- Could lead to other applications for development on these sites between villages;
- Contrary to Deepcut SPD which seeks to preserve rural heathland and woodland;
- Site has long been recognised by Local Plans and Appeal Inspectors as being unsustainable and an effective green space dividing settlements; this application provides no effective arguments for changing this situation;
- Other places where houses can be built without cutting down trees.

### Impact on character and trees [see section 7.4]

- Impact on the character of the rural area;
- Destruction of trees which filter out traffic pollution;
- Woods here are in better condition than others;
- Woodland it adjoins was subject to a previous application and Inspector determined

that development adjoining existing properties was inappropriate;

- Planning statement says that there will be only a partial clearance of trees but then says that none of the proposed dwellings or gardens would be shaded by retained trees;
- No guarantee that any trees would be retained and new dwelling owners may cut them down;
- Trees on opposite side of road are protected by a TPO so seems incongruous to let these trees be cut down;
- Would detract from architectural merit of the Sergeant's Mess;
- Size and density of development would significantly detract from secluded nature of the immediate area and its soft, green character;
- Will significantly increase number of dwellings on the road which is currently only three;
- Out of character with existing properties along Bellew Road;
- While trees individually may have little merit, as a group they provide an appealing green space which adds to the rural aspect of Deepcut;

#### Highways, parking and access [see section 7.5]

- Bellew Road is unfit for anything other than limited access due to condition of the road; will impact on existing residents as they will have to pay for increased damage to road;
- Conflicts with plans to close Bellew Road;
- Construction traffic would cause damage to Blackdown Road as will increased traffic from the development and this would have to be paid for by existing residents;
- Junction of Bellew Road and Lake Road is already dangerous due to bend in the road and speed of traffic from both directions; shown by fact it was converted to one-way for part of it;
- Irresponsible to grant permission until a decision is made about control of traffic in Frimley Green which will lead to traffic backing up along Lake Road;
- Conversion of offices into housing on Blackdown Road will present more traffic;
- Access will be close to a blind bend in the road.

#### Residential amenity [see section 7.7]

- Will have a significant, negative impact on the amenities enjoyed by current residents including loss of trees and wildlife and quiet enjoyment of properties/gardens;
- Will overlook The Pines and other surrounding dwellings, and is physically higher so will result in loss of privacy;

- Will increase traffic noise.

Ecology [see section 7.8]

- Impact on nature conservation and wildlife which would be threatened including birds, deer, badgers;
- There is birdlife and wildlife in evidence including protected nightjars;
- There are active badgers setts on the site;
- It forms part of a natural corridor for animals to pass from one wood to another;

Other issues

- Impact on infrastructure [*Officer comment: see section 7.9*];
- Will lower property values [*Officer comment: not a planning consideration*];
- Land is subject to a restrictive covenant to retain the land in its natural state and not erect any buildings [*Officer comment: covenants are not a planning consideration but a separate legal restriction*];
- Issue with surface water flooding at junction with Bellew Road and Lake Road [*Officer comment: see section 7.11*];

## **7.0 PLANNING CONSIDERATION**

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP), and in this case the relevant policies are Policies CPA, CP2, CP5, CP6, CP8, CP12, CP14A, CP14B, DM9, DM10, DM11, DM13 and DM17. It will also be considered against the National Planning Policy Framework (NPPF).

7.2 The main issues to be considered are:

- Principle of the development in the Countryside;
- Impact on character and trees;
- Highways, parking and access;
- Affordable housing and housing mix;
- Impact on residential amenity;
- Ecology;
- Impact on the Thames Basin Heaths SPA;
- Impact on infrastructure; and
- Other matters – archaeology, flooding.

### **7.3 Principle of the development in the Countryside**

- 7.3.1 At the heart of the NPPF is a requirement to deliver a wide choice of quality homes and to boost significantly the supply of housing. The NPPF is clear that housing applications should be considered in the context of the presumption of sustainable development and paragraph 47 also requires Local Planning Authorities to have a five-year supply of housing land. Paragraph 49 indicates that relevant policies for the supply of housing should not be considered up to date if a local planning authority cannot demonstrate a five year housing land supply. At present, Surrey Heath does not have a five year housing land supply and as stated in the five year housing supply paper the current supply is circa 3.9 years.
- 7.3.2 When allowing recent appeals in Surrey Heath, including those in West End at 24-46 Kings Road and 6 and 9 Rose Meadow, and Land to the east of Benner Lane, the Inspectors in both cases concluded that Policy CP3 of the CSDMP should be seen as out of date and that the appeals should be determined in accordance with paragraph 14 of the NPPF. Paragraph 14 states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 7.3.3 In May 2017, the Supreme Court ruled on the issue of paragraph 49 of the NPPF and concluded that local plan policies that should be seen as out of date only included those policies which dealt with the numbers and distribution of houses, (“housing supply policies”) and not wider policies that restrict housing development for other environmental or amenity reasons. However, they concluded that if an LPA did not have a five year housing land supply, then the second part of paragraph 14 applied (as above) and as such the decision maker was entitled to reduce the weight given to other policies which restrict development, including those identifying settlement boundaries based on out of date housing numbers.
- 7.3.4 Policy CPA states that new development should be directed in accordance with the spatial strategy which directs development to previously developed land within the western part of the borough, and states that development in the countryside which results in the coalescence of settlements will not be permitted. Policy CP2 requires development to respect and enhance the quality of the urban, rural, natural and historic environments, and create sustainable communities that have easy access to a range of high quality services. Policy CP3 states that if insufficient sites have come forward within settlement areas, then areas in the countryside could be released for housing. Policy CP4 states that development in Deepcut should maintain the countryside gap between Deepcut and Heatherside, and Deepcut and Frimley Green.
- 7.3.5 This site is just under 200m south of the settlement boundary of Deepcut. The development between the settlement boundary and the site is not continuous, with a large area of woodland between the settlement boundary and the application site, and as such it could not reasonably be considered to be adjacent to the settlement. Nor is any development proposed on the sites immediately adjacent through the redevelopment of the Princess Royal Barracks site in Deepcut. Development on the site would, inevitably, reduce the open space between the settlement areas of Deepcut and Frimley Green, with the gap in this location being approximately 940m wide, and the application site being a large area of land between these settlement areas. At present there is only limited, sporadic development between the two settlement areas, mostly along Lake Road. Development on larger sites such as this, if repeated often enough in this small gap, would result in the merging of Deepcut and Frimley Green, which is contrary to Policy CPA. One

of the roles of the countryside is to prevent this merging.

- 7.3.6 While housing reserve sites in the countryside in West End (reserved under saved Policy H8 of the Surrey Heath Local Plan) were recently granted permission for housing development by the Council and on appeal, these sites were specifically reserved under this policy to meet additional housing needs, which further indicated their suitability for residential development. This application site was not identified as a housing reserve site under Policy H8.
- 7.3.7 The site is identified in the Strategic Land Availability Assessment 2016 (SLAA) as not likely to come forward in the short term given its countryside location. Paragraph 17 of the NPPF states that development should encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value, and states that the intrinsic character and beauty of the countryside should be recognised. This is supported by Policy CPA of the CSDMP as supporting paragraph 5.6 resists development that is harmful to the intrinsic character and beauty of the countryside. It is not considered at this stage that there is sufficient need to release this countryside site for housing and that its release would harm the intrinsic beauty and character of the countryside, which would not be outweighed by the provision of 12 dwellings and the contribution this would make to housing supply in the Borough.

#### **7.4 Impact on character and trees**

- 7.4.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.
- 7.4.2 Policy DM9 of the CSDMP states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.3 The application site currently comprises an attractive area of woodland which enhances the character of Bellew Road. The woodland itself comprises mostly Scots pine plantation woodland, some beech and sweet chestnut trees and a smaller number of other species present as well as understorey. There are 88 individual trees that have been identified on the site, as well as 30 groups of trees. Of these 24 individual trees would be removed and 10 groups, with the individual trees comprising 14 category B specimens, 9 category C trees and one category U. A buffer of 10m of woodland would be retained to the southern boundary and 40m to the eastern boundary. The Tree Officer has not objected to the development at this stage, given that the Scots pine plantation trees are not sustainable in the long term and states that the removal of pernicious species and trees of poor form may provide additional planting opportunities. Replacement planting would be necessary to mitigate tree loss. The Tree Officer has also requested conditions in terms of landscaping, a site meeting and Arboricultural Method statement.
- 7.4.4 Many objections have stated that there would be nothing to protect the remaining trees, however conditions would be able to ensure that landscaping was retained and managed in accordance with the approved plan, and the Tree Officer has advised that a Tree Preservation Order could be considered for the remaining trees.
- 7.4.5 At this outline stage, little information has been provided in terms of the appearance of the built development, however there is an indicative layout plan to show how the dwellings could be accommodated. This shows two rows of four terraced houses to the front, and four semi-detached dwellings to the rear, with additional car ports/garages also provided,

though this plan does not form part of the outline permission so could change at reserved matters stage. The parameter plan submitted also shows that the built form would be mainly towards the western boundary and middle of the site, with the buffer areas retained to the south and east and a small buffer to the north. Landscaping is proposed to the front of the site, the detail of which would be provided at reserved matters stage, with trees along this boundary to be retained also.

- 7.4.6 The density would be 8.5-10.5 dwellings per hectare (dpha) and the dwellings would be up to two-storey. This is of a lower density than the average expected across the new Deepcut PRB development (30 dpha) but higher than that immediately surrounding the site. The height is similar to that expected elsewhere in the new Deepcut development, as set out in the Deepcut SPD, and similar to the mostly two-storey surrounding dwellings. While the development would be of a higher density than surrounding development, it would promote a more efficient use of the site and the increased density is not considered to be significantly harmful itself to the immediate character of the locality.
- 7.4.7 Several objections mention the land immediately to the north as being identified as unsuitable for development by a Planning Inspector. This was the Inspector's report into the Surrey Heath Local Plan 2000, who found little to commend the site for allocation for development, citing its distance from facilities and transport, and stated that the countryside was worthy of protection for its own sake. He noted that even with the plantation trees, if the site remained undeveloped the woodland would regenerate naturally and its rural appearance would be maintained. These conclusions are also considered to be relevant to the application site.
- 7.4.8 While no specific design or tree related objections are raised at this stage, the proposal would however, in line with the conclusions above, result in the loss of an attractive area of woodland countryside, and the loss of this area as a whole is not considered to be outweighed by the provision of housing in this location.

## **7.5 Highways, parking and access**

- 7.5.1 Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.
- 7.5.2 The proposed access from the application site is onto Bellew Road, which is a private road. Part of Bellew Road, just north of the application site and south of the Sergeant's Mess, is single track and one-way only, and there is no entry to the southern part of Bellew Road from the northern part. Bellew Road becomes Blackdown Road, another private road, as it turns a corner to the east at its northern end. Access to the proposed dwellings would therefore be from Bellew Road to the south. At present, egress from the site could be to the north or south, however as part of the wider Deepcut development, Bellew Road is proposed to be closed to through traffic with a physical barrier installed, and recent correspondence with the County Highway Authority suggests the closure would be likely to be in the location of the existing one-way section. The closure of the road, given its proposed location, is not considered to affect this application, though once the road is closed access and egress would be to the south via Bellew Road/Lake Road only.
- 7.5.3 The proposed access would be 5.5m in width with visibility splays proposed in both directions, which comply with the County Highway Authority's standing advice in terms of their size. The County Highway Authority has not objected to the proposal, subject to visibility improvements at the junction of Bellew Road and Lake Road to the south, of 30m to the left and 35m to the right, to be achieved by cutting back vegetation that has encroached onto County Highway land, and these would have to be kept permanently



clear of such vegetation.

- 7.5.4 A large number of objections have been received in respect of the impact on highways. It is acknowledged that given Bellew Road and Blackdown Road are private roads, the surface may be subject to increased damage as a result of the proposal. However this is a private matter, given that it is not an adopted highway, and not something that can be taken into account in the determination of the application, but is between the landowner and the applicant. While there are currently only three dwellings in the southern part of Bellew Road and the proposal would result in a large increase in that number and may be noticeable to residents, it is not considered that given the above conditions, this would result in any highway safety impacts, nor any significant detrimental impacts on the amenity of residents.
- 7.5.5 Parking would be a reserved matter, however the indicative Illustrative Masterplan indicates that there would be approximately 20 spaces for the 12 dwellings, and as such appears that sufficient parking could be accommodated at this stage. It is therefore considered that the proposed access and highway impacts are acceptable, subject to the above conditions.

## **7.6 Affordable Housing and Housing Mix**

- 7.6.1 Policy CP5 of the CSDMP states that developments of 10-14 units should secure a 30% on-site provision of affordable housing, and Policy CP4 sets a target of 35% in Deepcut. The applicant's Planning Statement indicates that 4 dwellings would be proposed to be affordable, with the number and location being finalised at reserved matters stage. However, at outline stage, the Council would seek this assurance in a legal agreement, which has not been provided to date. As such, while it appears that the intention to deliver affordable housing is there, without a legal agreement there is no means to secure this, and as such the proposal is considered to be contrary to Policy CP5 at this stage.
- 7.6.2 Policy CP6 states that the Council will promote a range of housing types and tenures, and for market housing suggests that this should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+ bed units. The Planning Statement indicates that this may be a mix of 2-bed and 4-bed units, however it is considered that this can be determined at reserved matters stage.

## **7.7 Residential amenity**

- 7.7.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 of the CSDMP states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.7.2 The application site shares its southern boundary with the side boundary of The Pines. The applicant's parameter plan 1, which illustrates the proposed general layout of the site, shows an 11m gap between any proposed buildings and the boundary with The Pines, with The Pines a further 6m away from the boundary. The parameter plan indicates that this area adjacent to the boundary would form private gardens, and the Tree Protection Plan shows that there would be a 10m buffer approx. where the existing trees are retained along this boundary. It is noted that the application site is on a higher level than The Pines and as such, despite the distance of 17m approx. between the dwelling and any proposed buildings, there may be issues in terms of overlooking. However, the final layout would be determined at reserved matters stage, and at that stage a fuller assessment upon amenity can be completed. As such the impact on amenity is considered acceptable at this stage.

- 7.7.3 The parameter plan shows that there will be a much wider band of woodland retained at the rear of the site, where it borders Lothlovian (The Coach House) and Leighton Holme. In addition, both these properties appear to be at least 20m from the boundary of the application site. As such it is considered unlikely that there would be any significant adverse impacts upon these dwellings, however it will be considered further at reserved matters stage when the final layout and elevation plans of the dwellings are available.
- 7.7.4 While a number of objections have been received in respect of the impact on amenity, it is noted that there may be an increase in general noise and disturbance from the new dwellings over and above the very quiet nature of the existing road. However it is not considered that the provision of these dwellings would result in such significant adverse impacts on amenity in terms of noise, that refusal of the application would be warranted on these grounds.

## **7.8 Ecology**

- 7.8.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy CP14A states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted.
- 7.8.2 The site is close to the Richmond Hill SNCI (not within it as the applicant's report states) which is on the other side of Bellew Road. The applicant submitted an Extended Phase 1 Ecological report with the application. This assessed the site for protected species and concluded that the site had potential to support nesting birds, bats and stag beetles. Surrey Wildlife Trust has been consulted and has objected due to insufficient information to establish whether the site meets the criteria for being a deciduous woodland Habitat of Principle Importance, and a lack of mitigation and compensation for the loss of the woodland and as such it is not clear that the proposal would not result in a loss of biodiversity. It is noted that the applicants have proposed only bat and bird boxes as mitigation/enhancement, which does not appear to be sufficient for the loss of a large number of trees, although appropriate landscaping with suitable species could also provide some mitigation. Surrey Wildlife Trust have also objected to the fact that no reptile surveys have been undertaken and as such insufficient evidence has been provided on which to assess the impact on reptiles. SWT also state that a bat roost assessment should be carried out prior to development taking place and recommendations in terms of landscape and ecology management, breeding birds, and sensitive lighting.
- 7.8.3 West Surrey Badger Group were also consulted and objected on the basis that further surveys to establish the presence or otherwise of badgers should be undertaken, having found evidence of badgers themselves on the site. The applicant has subsequently carried out a further badger survey which concluded that the two setts on site are outlier setts and infrequently used, however one of these will be affected by the development. The West Surrey Badger Group and Surrey Wildlife Trust have been re-consulted on this additional badger survey. Further comments have been received from the Surrey Wildlife Trust, who have stated that while the further survey was welcome the proposed development will still result in the loss of feeding grounds for these badgers which the survey has not addressed, and as such further information on this should be submitted prior to commencement of development. This could be secured by condition.

7.8.4 However at the present time it is still considered that insufficient information has been provided in terms of the woodland and reptiles, and as such it is not clear that the development would not result in a net loss of biodiversity.

## **7.9 Impact on Infrastructure**

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

7.9.2 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, and all new dwellings are CIL liable no matter what their size and as such, this development would be CIL liable at the rate of £180 per m<sup>2</sup> of floorspace. Any affordable housing element would not be CIL liable. Informatives would be added to the decision advising the applicant of the CIL requirements.

## **7.10 Impact on the Thames Basin Heaths SPA**

7.10.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).

7.10.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 750m from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL (or a separate SANGS charge if not CIL liable). There is currently sufficient SANG available to be allocated to this development and it would be CIL liable.

7.10.3 The dwellings would also be liable to the SAMM charge, which is payable per dwelling. While the unit sizes of dwellings and therefore the amount of SAMM is not known, the Council would seek a legal agreement to provide the SAMM at outline stage. To date none has been provided.

7.10.4 It is therefore considered that the proposal does not provide sufficient mitigation for the impact of new residential development on the SPA, and as such is contrary to Policies NRM6, CP14B and the Thames Basin Heaths Avoidance Strategy SPD.

## **7.11 Other matters**

- 7.11.1 Policy DM10 of the CSDMP states that new development should reduce the volume and rate of surface water run-off through the incorporation of appropriately designed SuDS at a level appropriate to the scale and type of development. The site lies within Flood Zone 1 so has a low risk of flooding. The applicant has submitted a Flood Risk Assessment which has been reviewed by the Local Lead Flood Authority. They have not objected, subject to conditions for detailed drawings of the drainage elements and calculations to be submitted at reserved matters stage.
- 7.11.2 Policy DM17 of the CSDMP requires that application sites over 0.4ha submit an Archaeological Desk-based assessment. The applicant has submitted an assessment that has been reviewed by the County Archaeologist. They have not objected, but consider that contrary to the applicant's report, the status of the site in archaeology terms should be classified as unknown rather than having low potential for archaeological finds. They have recommended a condition to secure a scheme of archaeological work, prior to development commencing.

## **8.0 CONCLUSION**

- 8.1 The proposal is considered to be harmful to the rural and intrinsic nature of the countryside which should be protected for its own sake. This harm is not considered to be outweighed by the provision of 12 dwellings. It is also considered that insufficient information has been provided in respect of the impact on reptiles and assessment of the woodland in terms of whether it meets the criteria for a Habitat of Principle Biodiversity Importance. No legal agreement has been provided in respect of the need to secure affordable housing and SAMM payments at this stage. On this basis, it is recommended that the application is refused.

## **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.

## 10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The site is within the Countryside beyond the Green Belt and permanent development for housing should only be granted in exceptional circumstances. Its release would harm the intrinsic character and beauty of the countryside and would conflict with the spatial strategy and Policy CP1 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2012.
2. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority the presence or otherwise of reptiles which are protected species, and the extent that they may be affected by the proposed development. Insufficient information has also been provided to establish whether the site meets the criteria for a Habitat of Principle Biodiversity Importance and for the Local Planning Authority to establish whether the development will result in a loss of biodiversity overall. The proposal is therefore contrary to paragraph 99 of ODPM Circular 06/2005, Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
3. In the absence of a completed legal agreement to secure on-site provision of affordable housing, the proposal fails to comply with Policies CP4 and CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.
4. In the absence of a completed legal agreement to secure payment of SAMM (Strategic Access Management and Monitoring), the proposal may cause harm to the Thames Basin Heaths Special Protection Area and fails to comply with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, the Thames Basin Heaths SPA Supplementary Planning Document and the NPPF.

### Informative(s)

1. Advise CIL Liable on Appeal CIL3