

LOCATION: LAND AT REAR OF 26-38 AND 42 KINGS ROAD, WEST END, WOKING, GU24 9LW

PROPOSAL: Erection of 2 No. three bedroom and 3 No. two bedroom houses along with 4 No. one bedroom maisonettes with access provided from 42 Kings Road, following the demolition of 42 Kings Road.

TYPE: Full Planning Application

APPLICANT: Mr Hendy
Shanly Homes Limited

OFFICER: Duncan Carty

This application would normally be determined under the Council's Scheme of Delegation, however, it is being reported to the Planning Applications Committee at the request of Councillor Page. This is on the grounds of a need to scrutinise the development, in terms of its overdevelopment; and, the proposal to extend the road off Rose Meadow is different to the information previously provided by the developer.

RECOMMENDATION: GRANT subject to legal agreement and conditions

1.0 SUMMARY

- 1.1 This outline application relates to the erection of 9 dwellings on land to the rear of 26-38 Kings Road with an access from 42 Kings Road at the edge of West End, including an access and landscaping. No. 42 Kings Road has been demolished to provide the access for this development.
- 1.2 The predominant part of the application site forms a part of the West End housing reserve site and the principle for residential development has been established by the Borough's housing supply position and the appeal decision on the adjoining site at land south of 24-46 Kings Road and 6 & 9 Rose Meadow (SU/15/0532, now with reserved matters approval under SU/16/0554 and under construction). This adjoining site provides access across to the application site. The remainder of the site falls within the settlement of West End.
- 1.3 In terms of the impact on local character and trees; residential amenity; traffic generation, parking and highway safety; flood risk; local infrastructure; and affordable housing provision, no objections are raised. A legal agreement or upfront payment is required to provide a SAMM contribution to ensure no adverse effect on the integrity of the SPA. With the completion of such an agreement and subject to conditions, no objections are raised to the proposal.

2.0 SITE DESCRIPTION

- 2.1 The development site relates to residential gardens to the south of Kings Road on land which is predominantly defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site, but with a small part of the site falling within the settlement of West End. The residential development part of the site lies to the south of the residential properties 26-32 Kings Road, all of these properties falling within the settlement of West End. The proposed access to the site would be from Kings Road from

the aforementioned proposed housing development part of the site through land south of 34-38 Kings Road and including 42 Kings Road, where the access is proposed to Kings Road at this point.

- 2.2 The demolition of 42 Kings Road has now occurred with the wider housing development site (42 and land south of 40-46 Kings Road) close to the commencement of construction. This adjoining development site currently under construction (land south of 24-46 Kings Road and 6 & 9 Rose Meadow) lies to the east and south of the of the application site.
- 2.3 The application site measures 0.27 hectares and falls predominantly within an area of low flood risk (Zone 1 as defined by the Environment Agency). The land falls gently from north to south and the majority of the significant trees are located to, and beyond, the site boundaries.

3.0 RELEVANT HISTORY

- 3.1 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.*

The access to the development site is through this development.
- 3.2 SU/16/0554 Approval of reserved matter (landscaping) pursuant to outline planning permission SU/15/0532 for (appearance, landscaping, scale and layout) for the erection of 84 dwellings with access from Rose Meadow on land south of 24-46 Kings Road and 6 & 9 Rose Meadow.

Approved in February 2017 and under construction.
- 3.3 SU/17/0399 Outline planning application for residential development to provide 2 no one bedroom flats, 4 no two bedroom houses and 17 no three bedroom houses with access from Kings Road, following the demolition of existing dwelling and associated buildings at 42, and land south of 40-46, Kings Road. Access, appearance, layout and scale to be determined.

Approved in September 2017. The access to the development site is through this development.
- 3.4 SU/17/0880 Approval of reserved matter (landscaping) pursuant to outline planning permission SU/17/0399 for (appearance, landscaping, scale and layout) for the residential development to provide 2 no one bedroom flats, 4 no two bedroom houses and 17 no three bedroom houses with access from Kings Road, following the demolition of existing dwelling and associated buildings at 42, and land south of 40-46, Kings Road.

Approved in February 2018 and site cleared awaiting redevelopment.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of 9 dwellings following the demolition of existing dwelling providing, 4no. one bedroom flats, 3 no. two bedroom house and 2 no. three bedroom houses. The dwellings would be arranged around an access road, running east to west across the site with the proposed houses to the north side of this road, and the flatted block to the south.
- 4.2 The proposal would provide a two storey development in a traditional form including detailing for soldier courses, window hoods and cills, with dwellings which range in ridge height from about 8.8 metres (for the houses) to 9.2 metres (for the flatted block) with eaves heights of about 5.3 metres.
- 4.3 The proposal would provide 14 parking spaces through spaces to the front of these properties, in a similar manner to the arrangements on the immediate adjoining development sites. The access would be provided from 42 Kings Road, through the adjoining residential development. There would be no restriction provided to limit vehicular access from the proposed development into this adjoining development and Rose Meadow beyond.
- 4.4 The rear gardens for the houses would have garden lengths of about 10-12 metres (typically providing rear amenity space of about 60-70 square metres per plot) with the rear amenity area for the flats would be about 292 square metres (about 73 square metres per unit). There would also be soft landscaping provided to the front of the proposed dwellings and around the parking spaces.
- 4.5 The application has been supported principally by:
- Planning, Design and Access Statement; and
 - Tree Report, Arboricultural Impact Assessment and Arboricultural Method Statement.

5.0 CONSULTATION RESPONSES

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| 5.1 | County Highway Authority | No objections. |
| 5.2 | Arboricultural Officer | No objections. |
| 5.3 | West End Parish Council | An objection is raised on traffic impact grounds and lack of available infrastructure with access onto an un-adopted highway. The density of development and layout fails to provide adequate parking and servicing (e.g. refuse collections). |

6.0 REPRESENTATION

At the time of preparation of this report, 18 representations raising an objection had been received which raise the following issues:

6.1 Principle

- The site is on reserve land and should not be used as an excuse to use it first [See *paragraph 7.3*];

- Lack of a plan which allows developers to make hay (and dosh) and further ruin the village [See paragraphs 7.3 and 7.4];

6.2 Character and Green Belt reasons

- Inconsistent with ribbon style development of single dwellings on single plots found in this part of the village [Officer comment: The density is comparable with Rose Meadow ref: SU/14/0532 & SU/16/0554 and Kings Road developments ref: SU/16/0679. In addition, see paragraph 7.5];
- The proposed density is too intense, very cramped and does not reflect the dwellings in the areas, as set out in the village design statement [See paragraph 7.5];

6.3 Residential amenity

- Loss of privacy [See paragraph 7.5];
- Impact from increased disruption, noise and pollution from the development [Officer comment: This is not considered to be so significant to warrant the refusal of this application].

6.4 Highway and transportation matters

- No legal right of access from this development through Rose Meadow and no permanent barrier preventing this access is proposed. The development would also allow access from the development at 42 Kings Road (et al) to access Rose Meadow [See paragraph 7.6];
- Most of traffic from the development will follow the Beldam Bridge Road/Fellow Green route to the A322 Guildford Road (due to poor quality of road surface in Kings Road) and will add to impact on traffic flow up this roundabout junction reducing the effectiveness of any improvements to this junction gained [Officer comment: This is a highway improvement proposed by Surrey County Council outside of the housing reserve sites proposals. In addition, see paragraph 7.6];
- Impact of extra traffic generated by the proposal on the local highway network, including traffic movements westerly along Kings Road onto A322 Guildford Road [See paragraph 7.6];
- Insufficient parking [See paragraph 7.6];
- Kings Road is not safe for construction traffic [Officer comment: Such improvements to the highway of Kings Road is not proposed under this application];
- Kings Road is unmade and is not in a state to cope with extra traffic impacting upon children walking to and from local schools on this highway [See paragraph 7.6];
- Lack of an overall strategy for access. Kings Road cannot sustain traffic in long term [See paragraph 7.6];
- Kings Road is unsuitable for heavy vehicles and is experiencing damage from development in this area. This highway should be improved to reduce highway safety risks [Officer comment: This is not proposed under this application or required by the County Highway Authority].

6.5 Other matters

- Allocation of Chobham Meadow SANG for the proposed developments in West End is unacceptable and an on-site SANG is required because of the cumulative increase in dwellings (over 100) [See paragraph 7.7];
- A recent European Court ruling has strengthened protection to the SPA and this proposal is within 5 kilometres of the SPA and therefore should be refused [*Officer comment: This is set out in the Court of Justice of the European Union judgement for People over Wind, Peter Sweetman v Coillte Teoranta C-323/17 which confirms the need to undertake an appropriate assessment (under the Habitats Regulations) to take account of measures intended to avoid or reduce the harmful effects of the proposal on the SPA at the screening stage. It is the Council's view that the habitats regulations assessment for the CSDMP, which addresses both the individual and in-combination effects of residential development compliant with Policy CP14 of the CSDMP, and that a separate appropriate assessment, under these circumstances, is not required. It is not considered that this judgement materially affects the determination of residential development where it complies with Policy CP14 of the CSDMP. In addition, see Paragraph 7.7*];
- Impact on flood risk and sewerage capacity [See paragraph 7.8];
- Impact on wildlife [See paragraph 7.8].
- Cumulative impact with other housing developments on infrastructure (roads, health care and education provision) and resources to support increase in village population [*Officer comment: See paragraph 7.9 which indicates the infrastructure funding through CIL supported by this proposal. CIL contributions do not include contributions towards education. The earlier housing reserve sites have been considered acceptable without any funding towards education due to the County Council's previous requests for funding not meeting the government tests, and this would not be a reason to refuse this application, particularly in light of the small number of dwellings proposed*];
- Impact on enforcement powers (planning and building control) due to the volume of current developments in the local area [*Officer comment: This would not be a reason to refuse this application*];
- Breaches of conditions for hours of working and deliveries on other sites and receive disruption from 24 hour generators and wheel wash noise. Residents are living with enough disruption and construction noise and, as such, further development should not be granted [*Officer comment: This would not be a reason to refuse this application*];
- Failure to sell houses in the area [*Officer comment: This is not a material planning consideration*];
- Funding for road maintenance should be provided by Council and developer [*Officer comment: There is no such obligation on the Council and it is a private matter between the developer and residents*];

7.0 PLANNING CONSIDERATIONS

- 7.1 The application site is partly located within the settlement of West End, but predominantly located within the West End Reserve housing site. As such, the proposal is assessed against Policies CP1, CP2, CP3, CP5, CP11, CP14, DM9, DM10 and DM11 of the Surrey

Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP); and the National Planning Policy Framework 2018 (NPPF); as well as advice within the Residential Design Guide SPD 2017 (RDG); West End Village Design Statement SPD 2016 (WVD); Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 (TBHSPA); and the Housing Land Supply Paper 2017-2022 (HLSP).

7.2 The following issues need to be considered with this application:

- The principle for the development;
- Impact on local character and trees;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on the Thames Basin Heaths Special Protection Area;
- Impact on local infrastructure and financial considerations; and
- Impact on affordable housing provision.

7.3 Principle of development

7.3.1 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. 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. As such, it is clear that the local spatial strategy would not support the release of the application site for housing.

7.3.2 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental; and within its series of core principles includes the proactive delivery of housing, by providing a rolling five year supply of housing (plus buffer). The economic and social benefits of the proposal have to be weighed against any environmental harm caused by the proposal. The NPPF also has within its core principles the need to recognise the intrinsic character and beauty of the countryside. However, in the balancing of these and other core principles, the need for housing is a very strong material consideration in favour of housing development, particularly where a five year supply (plus buffer) of housing cannot be demonstrated. The conclusions in paragraph 7.9 of this report regarding the acceptable impact of the proposal on the SPA would indicate that the proposal would be regarded as sustainable development and paragraph 177 of the NPPF and Footnote 6 are not engaged.

7.3.3 The HLSP 2017-2022 confirms that the Borough cannot demonstrate that a five year supply of housing (plus buffer) can be currently provided for the Borough, and this position has not changed since its publication in December 2017. The application site forms a part of a housing reserve site, under Policy H8 of the Surrey Heath Local Plan 2000 (as saved), demonstrating its acceptability for release for housing at some stage.

- 7.3.4 The circumstances for the current proposal are significantly different with a number of housing releases already on the West End housing reserve site. Following the appeal decision for SU/14/0532 (Land south of 24-46 Kings Road and 6 & 9 Rose Meadow), and other decisions under SU/16/0323 (Land north of Beldam Bridge Road), SU/14/0451 (Land south of Beldam Bridge Road), SU/15/0594 (Land north and east of Malthouse Farm, Benner Lane), SU/17/1046 (24, and land to the rear of 24-30, Benner Lane) and SU/17/0399 (42, and land south of 40-46, Kings Road), all of which fall within the same West End housing reserve site, the principle for the current proposal is considered to be acceptable, subject to the following assessment. In addition, with the residential development at land south of 24-46 Kings Road and 6 & 9 Rose Meadow under construction, the application site would be bounded, within the West End housing reserve site, to the south and east by residential development.

7.4 Impact on local character and trees

- 7.4.1 Policy DM9 of the CSDMP indicates that development should respect and enhance the local natural or historic character of the environment and provide high quality design layouts which maximise the opportunities for linkages to the surrounding area and local services. Paragraph 124 of the NPPF indicates that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 127 of the NPPF indicates that it is important that developments create places that are accessible and inclusive.
- 7.4.2 The majority of the residential development part of the application site falls outside of the character areas within the West End Village Design Statement SPD 2016 (VDS), but the access road and three of the dwellings would fall within Character Area 3 of the VDS. The VDS indicates that this Character Area has an open and rural feel with larger rear gardens and vegetation between properties. The proposed access road would have very little impact, in itself, on this Character Area, and the relationship of the proposed development with this Character Area is addressed below. The application site is fairly well contained with the application site to be surrounded by residential properties with the adjoining residential development site, which to the south and east wrapping around the application site, now under construction.
- 7.4.3 The current proposal would provide a mix of semi-detached and terraced dwellings with four flats (plots 1-4) provided as a detached block. The terraced and semi-detached units would more closely reflect the line of residential development to be provided to the immediate east of their siting on the adjoining residential development (under SU/14/0532 and SU/16/0554), now under construction. There is also a mix of dwellings in Kings Road but they are predominantly detached and semi-detached in nature, of different ages and styles, and some with limited gaps.
- 7.4.4 The proposed layout would provide a cul-de-sac form of development, linking to the adjacent development site and would have one sole principal access from Kings Road. The proposed development would be located on land set back from, lower than, and behind the residential properties on, Kings Road. Views of the proposed development from Kings Road, and any other public vantage point, would be fairly limited. Its impact on this wider character area is subsequently therefore reduced.
- 7.4.5 The adjoining reserve housing layout (under SU/16/0554) is to be provided with different character areas, with different materials and landscaping provided to differentiate between these areas. By contrast, the proposed development is on a smaller site (of 0.27 hectares rather than 3.5 hectares for that adjoining site) and is considered to be far too small to require different character areas. The proposed development, at variance to this

scheme, has provided variations in materials which provides a variety of finish, reflecting the varied nature of dwellings within Kings Road and this approach is considered to be acceptable in this context.

- 7.4.6 Having regards to scale, the footprint of the proposed dwellings would not be atypical to the wider area. The current proposal would provide heights of dwellings (between 8.6 and 9.2 metres) comparable with those within the adjoining residential scheme. These heights may be higher than a number on Kings Road but their impact on this streetscene is more limited due to the separation distances and fall in land levels between the Kings Road frontage and the main part of the application site. The rear gardens would have typical depths of about 10-12 metres, which falls within the range of rear garden depth for the adjoining residential development (10-20 metres), and would therefore be acceptable in this context.
- 7.4.7 The appearance of the development would provide a traditional form and detailing with spacing provided within the development especially to the west of the flatted block. The front garden depths ranging between 2 and 4 metres with a wider gap to the west of the flatted block, there would be opportunities for soft landscaping enhancements (which would be provided by condition). The overall development would provide a similar level of spaciousness which is to be provided on the adjoining development site and is considered to be acceptable in this context.
- 7.4.8 The proposed development is acceptable in terms of its impact on local character and trees complying with Policy DM9 of the CSDMP; the RDG and the NPPF.

7.5 Impact on residential amenity

- 7.5.1 Policy DM9 of the CSDMP indicates that development should provide sufficient private and public amenity space and respect the amenities of the occupiers of neighbouring properties and uses. The proposal would provide dwellings with rear gardens abutting the part of the north boundary of the site, to the rear of 26-32 Kings Road, with a minimum separation distance of 10 metres to the rear boundaries of those properties and 31 metres to the main rear wall of these properties, which would provide an acceptable relationship between these proposed and existing dwellings, particularly where the land levels fall from those houses towards the application site.
- 7.5.3 To the west boundary of the application site, the side wall of the corner unit (plot 5) would be set about 2 metres from the mutual flank boundary of 24 Kings Road, providing an acceptable relationship between these properties, noting the distance to the rear wall of that property. The flank wall of plot 9 would lie adjacent to the flank wall of a residential plot within the adjoining residential site, currently under construction. The flank wall of this proposed dwelling would be set 2 metres from the flank wall of this dwelling, and set forward about 2 metres which would provide an acceptable relationship between these proposed/approved dwellings.
- 7.5.4 The proposed dwellings would provide a flatted block with rear walls facing the south boundary of the site, a boundary with the new residential development under construction on the adjoining site. The proposal would provide a two storey separation from this block of a minimum of 5 metres to the flank boundary of the nearest dwelling, in the adjoining development, and 17 metres to the main flank wall of this approved dwelling. The windows, at first floor level, facing this boundary are secondary or serve non-habitable accommodation (i.e. bathrooms) and can therefore be fitted, and retained, with obscure

glass to limit any loss of privacy to this approved dwelling. This relationship is considered to be acceptable. The flank wall of this block is set 12 metres from the flank boundary with 24 Kings Road, limiting any loss of privacy to the rear garden of this property.

- 7.5.5 With rear amenity provision of 60-70 square metres for each house and a proportion of about 73 square metres per flat, would be provided with a sufficient level of private amenity space considered appropriate for the size of the units and meeting the minimum requirements of Principle 8.4 of the RDG. The proposed flats would provide a level of accommodation (of about 50 square metres per flat) to meet national housing standards, thereby complying with Principle 7.6 of the RDG.
- 7.5.6 The proposal would provide a form of development, including an access road, which would increase the level of noise in the local area, and the comings and goings of traffic movements generated by the proposal. The closest existing neighbours to the proposed access is 24 Kings Road, for which a gap of about 40 metres to the rear of this dwelling, which is a level of separation which is considered to be acceptable, particularly bearing in mind that this separation is to the end of the cul-de-sac. It is considered that any resulting increase in noise would not have any significant impact on residential amenity.
- 7.5.7 As such, no objections are raised on residential amenity grounds, with the proposal complying with Policy DM9 of the CSDMP and the RDG.

7.6 Impact on highway safety

- 7.6.1 The proposal would provide an access onto Kings Road, which is an un-adopted road, which for much of its length is in poor condition. The principal access to the site would be more centrally positioned on Kings Road; but closer to the Beldam Bridge Road junction to the east. However, no permanent barrier is being proposed to stop traffic movements from this site using the access road through the adjoining development and entering/leaving via Rose Meadow to the east. In addition the provision of this access would allow traffic from the adjoining development at 42, and land to the rear of 40-46, Kings Road also using the Rose Meadow access.
- 7.6.2 Officers are aware of the concerns raised to any future provision of a vehicular access from Rose Meadow through the development site at land south of 24-46 Kings Road and 6 & 9 Rose Meadow into the site at 42 Kings Road (et al), when the outline permission SU/17/0399 was considered by this Committee. For that development this link access was not provided. The issues related partly to land ownership/control and upkeep of Rose Meadow, a private road, and whether the roads could/should be adopted, and also to the potential increase in traffic on that highway from such a link.
- 7.6.3 In terms of the ownership and future maintenance of this private road, this is a matter that falls outside the Planning Acts. Specifically this is controlled under the Highways Act 1980. Any housing developer can choose to keep their new roads private and unadopted. This is a common occurrence with new developments whereby typically the developer would set up a management company to maintain and upkeep the roads. Alternatively the developer can apply to the County Council to adopt the roads and enter into a section 38 agreement. The terms of the agreement describe that if the developer builds the new road up to County standards and maintains it for a year after it is built the County will then adopt it as a public road. However, there is no obligation on the landowner to seek road adoption and it is not within the remit of the Planning Authority to insist upon this. With this proposal the developer doesn't intend to apply for adoption and, so in a similar manner to the residential developments in the West End Reserve Site, this would not be a reason to refuse this application.

- 7.6.4 In terms of any traffic generation, the County Highway Authority has raised no objections to the proposal (in the same manner as the approved scheme under SU/17/0399). Noting the size of the development, and likely traffic generation, it is not considered that the cumulative impact of this development along with other nearby sites is likely to have an adverse impact on highway safety. It is possible that the provision of this access could lead to a leveling-out of the level of traffic movements between the new access at 42 Kings Road and existing access onto Rose Meadow from the wider developments.
- 7.6.5 The proposed parking provision of 14 spaces for the development would meet the parking standard. As such, there are no objections to the proposal on highway safety and parking capacity grounds, with the proposal complying with Policies CP11 and DM11 of the CSDMP.

7.7 Impact on ecology and the Thames Basin Heaths Special Protection Area

- 7.7.1 The application site falls about 0.87 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the SEP 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 CSDMP and the TBHSPA 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 In this case, the proposal is providing nine dwellings and would be allocated to the Chobham SANG, in line with Policy NRM6 of the SEP, Policy CP14 of the CSDMP, the TBHSPA and the NPPF.
- 7.7.3 Policy CP14 of the CSDMP 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 of £4,249 is required. This contribution is required under a legal agreement or upfront payment.
- 7.7.4 On the basis of the receipt of a completed legal agreement or upfront payment within the proposed timeframe (by 1 September 2018), the current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP and the TBHSPA.

7.8 Impact on land contamination, drainage and flood risk

- 7.8.1 The application site falls within Flood Zone 1 (low risk) and the proposal falls outside of the remit of the LLFA. As such, there are no objections to the proposal on drainage and flood risk grounds, with the proposal complying with Policy DM10 of the CSDMP.

7.9 Impact on local infrastructure and financial considerations

- 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. However, it is expected that the contribution would amount to about £146,000. Informatives would be added to the decision advising the applicant of the CIL requirements.

- 7.9.2 The CIL scheme provides for funding for SANG; open space; local transport projects and pedestrian safety improvements; play areas and equipped play space; indoor sports and leisure facilities; community facilities; waste and recycling; strategic transport projects; and flood defence and drainage improvements.
- 7.9.3 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development, if it were approved, would result in a local financial benefit, for reasons as already outlined it has been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm.

7.10 Impact on affordable housing provision

- 7.10.1 Policy CP5 of the CSDMP requires the on-site provision of 40% of dwellings (4 units) provided as affordable housing. Policy CP6 of the CSDMP also requires the Council to promote a range of housing types which reflect the need for market and affordable housing. However, Paragraph 63 of the NPPF indicates that in relation to schemes of 10 dwellings (net) or less, contributions (or provision on-site) should not be sought for affordable housing. As such, no objections are raised on these grounds, with the proposal complying with Policy CP5 of the CSDMP and the NPPF.

8.0 CONCLUSION

- 8.1 No objections are raised to the impact of the proposal on local character and trees, residential amenity, traffic generation and parking, highway safety, flood risk, local infrastructure and affordable housing. In relation to the provision of a contribution towards SAMM, a legal agreement is required and, with this provision, no objections are raised on SPA grounds.
- 8.2 The proposal would integrate well with its surroundings, noting its location and the setback of development from Kings Road, and improve the character and quality of the area. As such, the application is recommended for approval, subject to the completion of a legal agreement.

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, creative and proactive manner consistent with the requirements of Paragraphs 38-41 of the NPPF. This includes 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

GRANT subject to a receipt of a satisfactory legal agreement to secure a SAMM contribution by 1 September 2018 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: 1321/PLN/301, 1321/PLN/302, 1321/PLN/303, 1321/PLN/304 1321/PLN/305 and 1321/PLN/306, 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.

4. The parking spaces shown on the approved plan no 1321/PLN/302 shall be made available for use prior to the first occupation of the development and 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. Before first occupation of the development hereby approved the first floor window(s) in the south elevation of the flatted block in Plots 1-4, as indicated in drawing no 1321/PLN/302, and the first floor window(s) in the west elevation of the house in Plot 5, as indicated in drawing no 1321/PLN/302, and 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 these elevations 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 Surrey Heath Core Strategy and Development Management Policies 2012 and the Residential Design Guide Supplementary Planning Document 2017.

6.
 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 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**
 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 five 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.

7. The development hereby approved shall be implemented in accordance with the Arboricultural Impact Assessment & Method Statement by ACD Environmental Ltd. dated 15 February 2018 unless the prior written approval has been obtained from the Local Planning Authority.

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.

Informative(s)

1. CIL Liable CIL1
2. Party Walls (etc) Act 1996 DE3

In the event that a satisfactory legal agreement has not been received by the 1 September 2018 to secure affordable housing provision and a contribution towards 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 (Adopted January 2012).