

2014/1129

Reg Date 16/02/2015

Bisley

LOCATION: 325 GUILDFORD ROAD, BISLEY, WOKING, GU24 9BD
PROPOSAL: Erection of 9 dwellings (including four 2 storey (with accommodation in the roof) three bedroom, three 2 storey four bedroom and two 2 storey (with accommodation in the roof) five bedroom properties) with garages, parking, cycle stores, ancillary works, landscaping and access from Foxleigh Grange, following demolition of the existing buildings. (Amended plans rec'd 18/03/2015).

TYPE: Full Planning Application
APPLICANT: Mr & Mrs MacDonald
Affordable Rentals
OFFICER: Duncan Carty

RECOMMENDATION: Defer and Delegate for a legal agreement then GRANT subject to conditions

1.0 SUMMARY

- 1.1 The proposal relates to the erection of 9 houses comprising 4 no. two storey (with accommodation in the roof) terraced dwellings, 3 no two storey linked-detached dwellings and 2 no. two storey (with accommodation in the roof) detached dwellings. The proposal would, in effect, be an extension to the recently completed Foxleigh Grange residential development (under permissions SU/10/0933 and SU/11/0559 on the site of the former Fox Garage, 333 Guildford Road), with the access to the proposal via Foxleigh Grange.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity and highway safety. The current proposal is CIL liable and would require the provision of a legal obligation to provide SAMM. Subject to the completion of a legal agreement by 12 April 2015, the proposal is considered to be acceptable.

2.0 SITE DESCRIPTION

- 2.1 The application site lies on the north flank of Foxleigh Grange, the recently completed redevelopment of the former Fox Garage located within the settlement of Bisley. The application site relates to Affordable Rentals car and van hire, a single storey building with hardstanding across the remainder of the site. The application site has a typical width of 40 metres and a depth of 115 metres. There is an access road to the immediate north boundary (serving residential properties 321 and 323 Guildford Road and the vacant industrial building (on which a residential redevelopment was recently granted under SU/13/0327) beyond. Part of this boundary is with 323 Guildford Road.

- 2.2 The application site includes access through the Foxleigh Grange development, which forms a part of the application site.

3.0 RELEVANT PLANNING HISTORY

The application site has an extensive planning history of which the following is the most relevant:

- 3.1 BGR 461 Erection of a factory. Approved in August 1951 and implemented.
- 3.2 SU/05/0696 Change of use from general industrial (Class B2) to servicing, repair and MoT testing of motor vehicles (Class B2); and as an operating centre for motor car and van hire; alterations to existing building and provision of additional parking spaces (retrospective). Approved in March 2006.
- 3.3 SU/14/0262 Erection of 13 three bedroom, two storey (with accommodation in the roof) residential dwellings with parking, cycle stores, landscaping, ancillary works and access from Foxleigh Grange following the demolition of existing buildings.

Refused permission in July 2014 on SPA grounds (lack of SANG capacity for the scale of the development proposal), and affordable housing and local infrastructure (refused without securing mitigation through a legal obligation).

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of 4 no. two storey (with accommodation in the roof) terraced dwellings, 1 no detached two storey dwelling, 2 no two storey semi-detached dwellings and 2 no. two storey (with accommodation in the roof) detached dwellings. The proposal would provide a total of 17 parking spaces, including 4 garage spaces.
- 4.2 The current proposal would provide three blocks of development, lining up roughly with the Foxleigh Grove development to the south east. The frontage block of four terraced houses would be sited slightly forward of 1-6 Foxleigh Grange, the middle block of three units including a pair of semi-detached units and a detached unit aligning with 7 and 8 Foxleigh Grange and the rear block of two detached units aligning with 9-14 Foxleigh Grange. The proposed parking would be arranged between these blocks with access through the adjoining parking courts serving existing Foxleigh Grange properties.
- 4.3 Each residential dwelling would have a ridge height of about 9 metres, reducing to 5.1 metres at the eaves, except Plot 5 which would have a reduced ridge height of approximately 7.5 metres. The frontage dwellings would have a front and a rear dormer each to provide roof level accommodation and, in terms of building height and design would reflect the residential properties in Foxleigh Grange. The middle block would include two storey dwellings, and those to the rear would have front

rooflights and rear dormers also providing roof level accommodation for these properties. One metre gaps would be retained between the south flank boundary and the new dwellings (for Plots 4, 7, and 8) and 1.8 metre gaps between the new (separate) residential dwellings (between Plots 5 and 6, and Plots 8 and 9).

4.4 The previously refused scheme under SU/14/0262 would have provided 13 terraced dwellings all having a two storey form with accommodation in the roof including front and rear dormers, arranged in three terraces reflecting the existing residential properties in the Foxleigh Grange development. The main differences between the current proposal and the previously refused scheme (SU/14/0262) are:

- reduction in the number of dwellings from 13 to 9
- replacement of dwelling type in central and rear blocks (as indicated in Paragraphs 4.2 and 4.3 above).

However, the frontage block and access points (from Foxleigh Grange) remains as previously proposed under the earlier application.

5.0 CONSULTATION RESPONSES

| | | |
|-----|--------------------------|---|
| 5.1 | County Highway Authority | No objections. |
| 5.2 | Tree Officer | No objections (verbal). |
| 5.3 | Environmental Health | No objections. |
| 5.4 | Surrey Wildlife Trust | No objections (verbal). |
| 5.5 | Bisley Parish Council | No objections subject to this Council considering that the development would not have an adverse impact on the SPA or highway safety. |

6.0 REPRESENTATIONS

At the time of the preparation of this report, three representations had been received raising the following objections:

- 6.1 Additional traffic on Foxleigh Grange [*see Paragraph 7.5 below*]
- 6.2 Noise and disturbance from construction work [*Officer comment: This would not be a reason to refuse this application. Nevertheless, a method of construction, including the limiting of construction hours is proposed by condition*]
- 6.3 Maintenance and any emergency access and potential damage to side of property [*Officer comment: This is a private matter*]
- 6.4 Loss of light and overshadowing [*see Paragraph 7.4 below*]

- 6.5 Impact on flood risk [*Officer comment: The site falls within Flood zone 1 (low risk) and matters regarding drainage would be dealt with a drainage condition, if minded to approve*]
- 6.6 Impact of dust from construction on property [*Officer comment: This is a private matter*]
- 6.7 Access to Foxleigh Grange is proposed without any consultation with existing residents of this cul-de-sac [*Officer comment: There is no obligation for the applicant to undertake such a pre-consultation process*]
- 6.8 Foxleigh Grange was advertised and sold on the basis of the development now built and without reference to the new proposal. Foxleigh Grange is a private road for which existing residents pay a service charge [*Officer comment: This is a private matter*]
- 6.9 Loss of secluded nature of Foxleigh Grange [*see Paragraph 7.4 below*]
- 6.10 Lack of adequate parking [*see Paragraph 7.5 below*]
- 6.11 Impact of overspill parking during construction [*Officer comment: This would not be a reason to refuse this application. Nevertheless, a method of construction, including the provision of on-site parking facilities for construction traffic is proposed by condition*]

7.0 PLANNING CONSIDERATIONS

- 7.1 The current proposal is to be assessed against Policies CP1, CP2, CP5, CP6, CP8, CP9, CP11, CP14, DM9, DM11 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012; Policy NRM6 of the South East Plan 2009 (as saved); and the National Planning Policy Framework (NPPF). In addition, advice in the Developer Contributions SPD 2011; Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Interim Affordable Housing Procedure Note 2012; and, the Planning Practice Guidance (PPG) are relevant. The main issues in the consideration of this application are:
- Principle for the development;
 - Impact on local character;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on the Thames Basin Heaths Special Protection Area and CIL;
 - Impact on affordable housing provision; and
 - Impact on biodiversity.

7.2 Principle for the Development

7.2.1 Policy CP8 of the Surrey Heath Core Strategy and Development Management Policies 2012 indicates that the loss of other employment sites, such as the application site, will only be permitted where wider benefits to the community can be shown. For the consideration of the earlier refused scheme, it was indicated in the officer report that *“whilst the site is operating as a vehicle rental premises, the applicant has advised that the current operator is about to retire and the current level of staffing is low (three full-time, two part-time employees)”*. In addition, the proposal would remove a non-conforming use being the last in a group of commercial businesses (317-9, 333 and 335 Guildford Road) which have permission for redevelopment for residential purposes. It is therefore considered, in the same manner as the earlier refused scheme SU/14/0262, that the principle for the development is acceptable, complying with Policy CP8 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF, subject to the assessment below.

7.3 Impact on local character and trees

7.3.1 The application site falls within the settlement of Bisley with part of the north flank boundary and the east (rear) boundary with the Green Belt. The current proposal would result in the loss of an industrial building and associated hardstanding (to the front and around the site) which do not contribute to the quality of the local character. The frontage properties within the current proposal would replicate the design and overall height of residential units on the adjoining site and would appear as an extension to that development. This would include adequate spacings to both flank boundaries and soft landscaping to the frontage and northern flank boundary. The proposal would provide a 4 dwelling terrace to the site frontage, smaller than the existing 1-6 Foxleigh Grange frontage terrace of 6 dwellings. The proposed terrace would be set back about 10 metres from the Guildford Road front boundary of the site. Whilst this would result in this terrace being positioned 4 metres in front of 1 Foxleigh Grange, the proposed setback from Guildford Road would still be greater than the southern end of the terrace of 1-6 Foxleigh Grange (i.e. no. 6 Foxleigh Grange has a setback of 8 metres from Guildford Road). In addition, this setback would also be greater than the approved development (but not yet built) at 317-319 Guildford Road to the north (at 8-8.5 metres). As such, it is considered that the proposed frontage block would be acceptable in terms of its impact on the streetscene (in an identical manner as proposed and considered to be acceptable under SU/14/0262).

7.3.2 The proposed units to the centre and rear of the site would have a different appearance from the properties in Foxleigh Grove. However, these properties would have a traditional form, within the centre Plot 5 being a two storey detached property, Plots 6 and 7 being two storey semi-detached properties and Plots 8 and 9 to the rear being two storey with accommodation in the roof with rooflights to the front roof slope and dormers to the rear roof slope. Adequate gaps, as set out in Paragraph 4.3 above, would be provided between the dwellings with more separation to the north site boundary. The appearance and siting of these proposed dwellings is considered to be acceptable.

- 7.3.3 There are three significant trees located close to the application site, none of which are considered to be of a high enough quality for protection under a Tree Preservation Order. However, these trees (all on third party land) are not likely to be adversely impacted by the proposal and, as confirmed in the submitted tree report, it is proposed that these trees are retained. The Tree Officer has raised no objections and with the opportunity available to provide improved landscaping (including trees), no objections are raised to the proposal on tree grounds.
- 7.3.4 As such, it is considered that the proposed development would be acceptable in terms of its impact on local character and trees, complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

7.4 Impact on residential amenity

- 7.4.1 The proposed frontage block would be located to the flank of 1 Foxleigh Grange. This block would be located 4 metres forward of the main front wall of this property, but located 2 metres from the flank wall of this property. This forward projection would have an impact on light to the front rooms of this property, but given the orientation with the proposed development to the north, the loss of light would not be material. The level of (flank-to-flank) separation would also limit any overbearing impact on the front of this property. The rear wall of this proposed block would not project beyond the rear wall of 1 Foxleigh Grange, and with adequate level of separation from the proposed middle block (a distance of over 32 metres between the main rear wall of 1 Foxleigh Grange and the front main front wall of the middle block), no adverse impact to the rear is envisaged. No objections are raised to the impact of the proposed development on 1 Foxleigh Grange.
- 7.4.2 The proposed Plot 7 would be located to the flank of 7 Foxleigh Grange. The front and rear walls of this proposed dwelling would be located principally in line with the main front and rear walls of this property. There would be a single storey front and rear projections for this new dwelling, but this projection would set away from the flank boundary with 7 Foxleigh Grange and the relationship with this property is considered to be acceptable.
- 7.4.3 The proposed Plot 8 would be located to the flank of 9 Foxleigh Grange. The main front and rear walls of this proposed dwelling property would similarly be located in line with this neighbouring property. There would be a single storey front and rear projections for this new dwelling, but this projection would set away from the flank boundary with 7 Foxleigh Grange and the relationship with this property is considered to be acceptable.
- 7.4.4 The ground floor windows to the flank walls of 1, 7 and 8 Foxleigh Grange are secondary windows to serve living/dining rooms with first floor windows serving secondary accommodation (bathrooms) and so any loss of light to these rooms would not be a reason to refuse this application. In addition, any increase in noise and disturbance to properties in Foxleigh Grange and any other residential property needs to be considered against the existing use of the site and the background noise of the A322 Guildford Road to the front of the site, and an objection on these grounds cannot be sustained.

- 7.4.5 The dwelling proposed for Plot 9 would be positioned close to the mutual flank boundary of no. 323 Guildford Road, which is sited immediately to the north. The main front and rear walls would not extend beyond the main front wall of the dwelling and this neighbour's single storey rear extension, with a single storey rear projections extending further, but set away from the mutual flank boundary. The principal rear elevation of no. 323 is sited further away and so it is considered that the level of impact on this neighbour would not be significant.
- 7.4.6 The impact of the proposal on the approved development at 317-319 Guildford Road also needs to be assessed in terms of its impact on the residential amenity of future occupiers of this development (if built). The flank wall of Plot 1 (within the frontage block) would be set approximately 13 metres from the flank wall of the nearest dwelling on that development which would front Guildford Road. The flank wall of Plot 5 would be set about 14 metres from the flank wall of the nearest residential dwelling. These levels of separation, taking into consideration the height and mass of the proposal, would result in very little impact on the residential amenity of future occupiers of this development (if built).
- 7.4.7 The applicant has provided a ground investigation report to support the proposal with regards to contamination that has resulted from the existing use (and former industrial uses) of the ground, Environmental Health have raised no objections on these grounds.
- 7.4.8 As such, and in the same manner as the previously refused 2014 scheme, no objections are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of Surrey Heath Core Strategy and Development Management Policies 2012.

7.5 Highway safety and parking

- 7.5.1 The proposal would provide seventeen parking spaces to serve the development, to meet parking standards. The use of the existing access onto Guildford Road from Foxleigh Grange and the removal of the existing access onto Guildford Road is to the benefit of the flow of traffic and highway safety on Guildford Road, and would represent the best use of land. The County Highway Authority raises no objections to the proposal. As such, and in the same manner as the previously refused 2014 scheme, the proposed development is considered to be acceptable on highway and parking capacity grounds, complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.6 Impact on the Thames Basin Heaths Special Protection Area and CIL

- 7.6.1 The application site lies approximately 0.8 kilometres from the Thames Basin Heaths Special Protection Area (SPA). In January 2012, the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which identifies Suitable Alternative Natural Green Space (SANGS) within the borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity (which is available for this proposal). The proposal is CIL liable and this provision would be provided under the CIL charging scheme.

- 7.6.2 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted in July 2014. There are a number of infrastructure projects which would be funded through CIL (The Regulation 123 list) which would include open space, local and strategic transport projects, pedestrian safety improvements, play areas and equipped play spaces, indoor sports and leisure facilities, community facilities, waste and recycling, and flood defence and drainage improvements. These projects need not be directly related to the development proposal. As the CIL Charging Schedule came into effect on 1 December 2014, an assessment of CIL liability has been undertaken. This Council charges CIL on residential and retail developments where there is a net increase in floor area (of such uses). CIL is a land charge that is payable at commencement of works. The current proposal is CIL liable and an informative advising of this would be added.
- 7.6.3 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. This project does not form part of the CIL scheme and a separate contribution of £6,825 is required through a planning obligation to secure this contribution.
- 7.6.4 As such, subject to the receipt of a completed planning obligation which secures this provision by 12 April 2015, the proposal complies with Policies CP12 and CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009, the National Planning Policy Framework and advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012, and the Infrastructure Delivery SPD 2014.

7.7 Impact on affordable housing provision

- 7.7.1 The proposal would deliver 9 residential dwellings and accordingly, the provision of 2 affordable housing units within the scheme is required to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012. However, since November 2014, the national Planning Practice Guidance (PPG) now advises that residential development proposals of fewer than 10 dwellings (net gain) should be exempt from the provision of affordable housing. In the light of the above, therefore, no contributions are to be sought in respect of affordable housing.

7.8 Impact on biodiversity

- 7.8.1 The current proposal would seek the removal of existing buildings on the site and a Phase 1 and Phase 2 bat survey has been provided to support this application, which concludes that *"emergence surveys conducted at the site identified a low-status roost for a single Common Pipistrelle bat within one of the buildings. Prior to development commencing, an additional bat survey is recommended at the peak of the breeding season to confirm the status of the roost....Mitigation by which this can be achieved through provision of a range of new bat roosting opportunities and suitable timing and approach to development activities...[and such measures] should form the basis of a method statement which could accompany a [licence] application to Natural England...Subject to the implementation of the proposed mitigation works..., it is currently considered that favourable conservation status of*

local populations of the bat species present would be maintained and, through long-term provision of higher quality roosting habitat, enhanced." Surrey Wildlife Trust raise no objections to the proposal. It is therefore considered that the proposal is acceptable on these grounds, complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

7.9 Other matters

7.9.1 Paragraph 206 of the NPPF indicates that:

"Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and enforceable."

The general level of separation between the new dwellings and the surrounding properties and size of rear gardens are considered to be acceptable but may be comprised by any future development which could be later provided through permitted development. As such, it is considered prudent to remove such rights for the new dwellings by a condition which would meet the government tests.

8.0 CONCLUSION

8.1 The proposed development is considered to be acceptable in relation to its impact on local character, residential amenity, biodiversity and highway safety. The proposal is CIL liable and an informative to that effect is proposed. Subject to the completion of a legal obligation to provide a SAMM payment by 12 April 2015, the current proposal is considered to be acceptable.

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

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

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

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

10.0 RECOMMENDATION

The Executive Head of Regulatory to be authorised to GRANT permission 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.
 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**.

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 [X] 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.

4. All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development; otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

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. The parking and garage spaces shown on the approved plan 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.

6. Before first occupation of the development hereby approved the first floor window(s) in the flank elevations of the dwellings proposed for Plots 4, 6 and 8 (as shown on approved drawing 2012-28-03D) facing 1, 7 and 9 Foxleigh Grange, respectively, 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. 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.

7. The development shall be implemented in accordance with the mitigation and enhancement measures as set out in Part 5 of the Bat Survey Report by Hankinson Duckett Associates dated November 2013 unless the prior written approval has been obtained from the Local Planning Authority.

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

8. The approved development shall be constructed in accordance with Part 5: "Protection of retained trees" of the Impact Assessment of Development Proposals on Trees by Ian Keen Ltd. dated 9 April 2014 and tree protection details set out on Tree Protection Plan drawing no. 8338./02 unless the prior written approval has been obtained from the Local Planning Authority.

Retained tree means an existing tree, group of trees or hedge which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority.

(b) If any retained tree is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

9. The proposed development shall be built in accordance with the following approved plans: 2012-28-03E, 2012-28-06F, 2012-28-07F, 2012-28-08F, 2012-28-09E, 2012-28-10E, 2012-28-13E, 2012-28-14F, and 2012-28-15E received on 18 March 2015 and 2012-28-4B, 2012-28-5B, 2012-28-11C and 2012-28-12C received on 17 December 2014, 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.

10. Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no further extensions, garages or other buildings shall be erected within the residential curtilages of the new dwellings hereby approved without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual and residential amenity and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

11. 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) method of keeping mud off the highway
- (h) confirmation that there will be no on-site burning of material

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, 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. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. Party Walls (etc) Act 1996 DE3
4. CIL Liable CIL1

In the event that a satisfactory legal agreement has not been completed by the 9 April 2015, the Executive Head of Regulatory be authorised to REFUSE for the following reasons:

1. 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 CP14 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. 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/EE. 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).