

2015/0035

Reg Date 23/01/2015

Bisley

**LOCATION:** 17 QUEENS ROAD, (FORMERLY BISLEY OFFICE FURNITURE), BISLEY, WOKING, GU24 9BJ

**PROPOSAL:** Erection of a total of 110 dwellings (including affordable housing) with principal access off Queens Road and access serving 2 no. dwellings off Chatton Row together with internal roads, footways and car parking including garages, drainage, landscaping, open space and other associated works following demolition of the existing factory buildings and areas of hardstanding (Additional info recv'd 13/3/15).

**TYPE:** Full Planning Application

**APPLICANT:** Redrow Homes Limited

**OFFICER:** Michelle Fielder

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

## 1.0 SUMMARY

- 1.1 Planning permission is sought for the erection of 110 dwellings. 108 of the dwellings would be served off an access from Queens Road while 2 would be served off Chatton Row. Ancillary works comprising internal roads, footways, parking, landscaping and open space are also proposed. The proposal will require the demolition of the existing factory buildings and areas of hardstanding.
- 1.2 This report concludes that the principle of the development is acceptable. The proposal would deliver much needed housing in the Borough. It would reuse previously developed land and therefore would not be inappropriate development within the Green Belt. The loss of employment use is also justified.
- 1.3 Subject to the attached conditions, the development would not result in any adverse traffic generation, highway safety implications, detrimental access arrangements or inadequate parking provision and subject to a satisfactory legal agreement the proposed development would not result in any adverse impact on the local infrastructure. It would not result in any adverse loss of residential amenities to the existing residents or future occupiers of the development, in any adverse impact on trees, biodiversity, drainage, flooding or the character of the surrounding area. The proposal is also considered to be in line with the requirements of the national and local policies in terms of the sustainable development measures to be implemented within the scheme. In addition, subject to a satisfactory legal agreement, the proposal would satisfy the local plan requirements in terms of its impact on local infrastructure, affordable housing and SAMM.
- 1.4 As such, the proposal is considered in line with the local plan and the NPPF and is recommended for approval.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located within the village of Bisley. It extends to 4.11ha and comprises an existing light industry factory that includes a footprint of a large building with extensive areas of hardstanding. The site is an irregular 'L' shape with its northern part, including the majority of the factory building, being within the settlement boundary of the village and the

remainder of the site falling outside of the defined settlement and within the designation of the Metropolitan Green Belt.

- 2.2 The site is bounded by residential properties to its east, north and west. The properties to the east of the application site are pre-dominantly represented by detached dwellings; properties along Queens Road to the north of the factory building are semi-detached; and, the western boundary abuts Snowdrop Way, a residential estate of pre-dominantly linked-detached dwellings built in late 1970s. The northwest boundary to the corner adjacent to Chatton Row abuts the area of low density detached dwellings within the Green Belt location. The southern boundary is adjacent to the designated Site of Nature Conservation Importance known as Bisley Common.
- 2.3 The site slopes slightly down from the north to the south, however the changes in ground levels of maximum of 5m within such a large site are not considered significant. The site is bound by mature high conifer hedge to the east, south, west and part of north boundaries and close-boarded fence of various heights in places. Additional mature and semi-mature boundary trees also provide valuable screening of the factory building from the residential properties surrounding the site. A brick wall to the western part of the site borders with residential properties in Snowdrop Way. Further trees are located on a strip of land to the west of the factory building, adjacent to the existing car park.
- 2.4 The industrial use developed during its life of over 70 years and currently occupies considerable footprint of approximately 17,800sqm. It is located to the central - north and east parts of the site, with the remainder of the site being used for parking and movement of vehicles.

### **3.0 RELEVANT HISTORY**

- 3.1 The application site has a lengthy planning history; however the only relevant application to this one is application 14/0249 which sought planning permission for the erection of 113 dwellings, three of which were to be accessed off Chatton Row while the remaining 110 were to be served from an extension to the adjacent internal access road serving Snowdrop Way. This application was presented to the Planning Applications Committee on 17 November 2014 with a conditional Recommendation for Approval subject to the completion of a legal agreement. Members rejected this recommendation and instead the application was refused for the following reasons:

1. *Snowdrop Way is a quiet residential cul-de-sac characterised by on-street parked cars; and therefore the development by reason of the proposed access off this road with the associated comings and goings of additional vehicles would result in an intensification in the movement of traffic along this road which would cause disturbance, be unneighbourly and harmful to the residential amenities of the existing Snowdrop Way residents contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2012.*
2. *Standard reason for refusal pertaining to planning infrastructure contributions*
3. *Standard reason for refusal pertaining to affordable housing contributions*
4. *Standard reason for refusal pertaining to SANG provision / SPA mitigation*

The first reason for refusal cited above reflects Members concerns and reasons 2 to 4 reflect the absence of a completed s106 agreement. A copy of the committee report, minute and the decision notice pertaining to this application are provided as Annex A to this report.

### **4.0 THE PROPOSAL**

- 4.1 The application seeks full planning permission for the erection of 110 dwellings. 108 are to be served off an access on Queens Road with 2 served off Chatton Row. Ancillary works comprising internal roads, footways, parking, landscaping, open space with other associated works following demolition of the existing factory buildings and areas of hardstanding are also proposed.
- 4.2 The proposal involves the demolition of the existing factory building and of all the associated hardstanding areas. The development would provide 110 dwellings, 44 of which would be affordable and 66 market housing units. The proposed units would be pre-dominantly detached and semi-detached dwellings. 11 residential units would be provided in the form of flats. The proposal splits the site into two character areas. The northern part that lies within the settlement area of the village would be of a higher density of approximately 27 dph and would accommodate the aforementioned flats, detached and semi-detached dwellings. The southern part that lies within the designation of the Metropolitan Green Belt would have a lower density of 14 dph and would accommodate larger detached dwellings, LEAP (Local Equipped Area of Play) and a natural play area.
- 4.3 The mix, tenure and the maximum heights of the proposed dwellings are shown in the table below:

	<b>Affordable units</b>	<b>Market units</b>	<b>Total</b>	<b>Maximum proposed height (m)</b>
<b>1-bedroom</b>	5	0	5	11.7 (flats provided in one 3 storey block)
<b>2-bedroom</b>	17	10	27	11.7 (flats) 9.2 (dwellinghouse)
<b>3-bedroom</b>	18	8	26	8.5
<b>4-bedroom</b>	4	35	40	9.0
<b>5-bedroom</b>	0	13	13	9.6
<b>Total</b>	44	66	110	

- 4.4 In addition, the proposal is supported by the following documents, which will be referred to where applicable in section 7 of this report:
- Affordable Housing Statement (by Pegasus);
  - Archaeological Desk Based Assessment (by Wessex Archaeology);
  - Archaeological Evaluation Report (by Wessex Archaeology);
  - Design and Access Statement (by Pegasus);
  - Energy Statement (by Redrow);
  - Environmental Statement (Ecology) (by Pegasus);
  - Environmental Statement Non-Technical Summary (by Pegasus);

- Environmental Statement Addendum Supplementary Environmental Information (by Pegasus);
- Flood Risk Assessment (by JNP Group);
- Framework Residential Travel Plan (by JNP Group);
- Geo-Environmental Assessment (by Merebrook Consulting);
- Landscape and Visual Impact Assessment (by Pegasus);
- Marketing Report (by Lambert Smith Hampton);
- Planning Statement (by Pegasus);
- Statement of Community Involvement (by PPS Group);
- Transport Assessment (by JNP Group);
- Tree Survey, Arboricultural Impact Assessment and draft Tree Protection Plan (by Pegasus); and
- Utilities Report (by JNP Group).

4.5 The application follows the refusal of a 113 unit scheme referred too at Section 3. The previous application was subject to wide public consultation as required by the Localism Act 2011. The current proposal seeks to overcome the primary reason for refusal, that is the means of access via Snowdrop Way, and the revised proposal is to be accessed primarily from Queens Road, as was considered appropriate by Members in the debate pertaining to the former application and the objections from concerned residents. The revised proposal was subject to pre-application discussions with officers prior to the submission of this application.

## 5.0 CONSULTATION RESPONSES

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|-----|--|--|
| 5.1 | Surrey County Council<br>Highway Authority | No objection to the proposal, subject to conditions and informative.   |
| 5.2 | Natural England                            | No comments yet received.  |
| 5.3 | Environmental Agency                       | No objection subject to condition.   |
| 5.4 | Bisley Parish Council                      | <p>No objection to principle but raise concern in respect of the following:</p> <ul style="list-style-type: none"> <li>• Question need for footpath / cycle link between development and Snowdrop Way, cannot be guaranteed that natural surveillance and lighting will provide safety;</li> <li>• 2 dwelling served off Chatton Row should be reversed so they can be accessed via the development;</li> <li>• Members of the public may try and access the LEAP via Chatton Row and this will cause parking problems.</li> </ul> |
| 5.5 | Surrey Wildlife Trust                      | No comments received however it is noted that no objection was raised to application 14/0249.  |

5.6	SHBC Drainage Engineer	No formal comments, verbal confirmation that proposal does not give rise to any concerns subject to condition and a financial contribution towards a relocation of the existing water course to the southeast of the site.
5.7	SHBC Tree Officer	No objection to the proposal, subject to conditions.
5.8	SHBC Housing	No objections, subject to the provision of affordable housing as outlined in the Affordable Housing Statement.
5.9	Surrey County Council Heritage (Archaeology)	Raise no objections, subject to condition.
5.10	Woking Borough Council	No response received.
5.11	Guildford Borough Council	No response received.
5.12	Surrey Police (Crime Prevention)	No objection to the proposal. Enhanced security measures have been suggested.
5.13	SHBC Leisure Department	No comments.
5.14	SHBC Environmental Health Officer	No objection, subject to conditions.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 30 letters of objection, 3 letters of general support have been received. The main issues raised can be summarised as follows:
- Pedestrian / cycle link between the site and Snowdrop Way should be removed [*Officer Note : the main thrust of the objections in this regard seem to simply repeat the concerns raised by the Design against Crime Officer and which are made in isolation of a number of other planning related objectives, however see para 7.5.16*]
  - Object to two properties being accessed via Chatton Row [*Officer Note : the LPA did not raise objection to this in application 14/0249 and it would be unreasonable to do so now, moreover there is no planning related objection to support this concern*]
  - Loss of light to No.5 Snowdrop Way / impact of plot 1 on that property [*Officer Note: the proposed 4 bed dwelling would not have a materially different impact on no.5 Snowdrop Way than the 3 bed proposed under application 14/0249 which was considered acceptable, there have been no material change in circumstances to warrant a different conclusion being reached now*]
  - Difference in land level between the site and properties bordering it, coupled with trees loss will result in flooding [*Officer Note: There is no tangible evidence to support this objection and the Council's Drainage Officer, along with the EA, raise no flood based objection*].
  - What is the function of land behind Tavy at plot 90? [*Officer Note: there a number of strips of land which will be outside of residential curtilages and which will form a break in the built environment. These areas serve to visually soften the development and area either passed to the adjacent home owner in the deeds of the property or are passed to a management company to maintain. The areas are intended to be retained as open space and are a common feature in estate type developments.*]
  - Who will be responsible for boundary fencing post development? [*Officer Note : this is a land ownership matter and is not a material planning consideration*]

## 7.0 PLANNING CONSIDERATION

7.1 The National Planning Policy Framework; Policies CP1, CP2, CP3, CP5, CP6, CP8, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012; and, Policy NRM6 of the South East Plan are material considerations in this case. In addition, the following documents and legislation are also relevant: the Developer Contributions Supplementary Planning Document (2011); the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012); Interim procedural Guidance for Core Strategy & Development Management Policies DPD (Affordable Housing Policies CP5 & CP6); Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011; and, the Localism Act 2011.

7.2 In light of the reasons for refusal of 14/0249 and the development plan detailed above, the primary considerations in the determination of this application are:

- Whether the access off Queens Road will provide a safe means of access;
- Whether the layout changes made to the scheme to accommodate the revised access materially alter the Council's view that the proposal would provide a satisfactory form of development in context of :
- Impact on the openness of the Green Belt
- Character and appearance;
- Impact on amenities (in so far as the proposed layout would result in acceptable relationships with neighbouring properties and provide acceptable levels of amenity for future occupiers);

and:

- Would mitigate its impact on the Borough's infrastructure;
- Would comply with Policy CP5 and deliver affordable housing; and,
- Would result in harm to the integrity of the SPA.

7.3 This means that the following matters were considered to be acceptable in the determination of application 14/0249:

- The principle of residential development on the site, including the loss of employment use;
- Highway capacity and the level of parking provided;
- Impact on biodiversity and consideration of the submitted EIA;
- The developments impact on the provision of trees, landscaping, open space and recreation including the provision of the Local Equipped Area of Play (LEAP);
- The impact on drainage and flooding;
- The measures to be employed to achieve sustainable design and construction, archaeology, land contamination & pollution.

It is considered that 14/0249 and the proposal currently under consideration are so materially similar to one another that in the absence to any material change to the development plan it would be unreasonable to revisit these considerations. This report will not there address the bullet points directly above (but reference should be made to Annex A to this report.)

#### **7.4 Whether the access off Queens Road will provide a safe means of access**

- 7.4.1 As evidenced by the reasons for refusal pertaining to application 14/0249 the Council did not raise objection to the use of Chatton Row for the access of two of the proposed properties. It remains that there are no robust planning objections to this element of the proposal and as such no objection is again raised.
- 7.4.2 The application proposes the use of the existing Queens Road access which has been used historically to access the existing Office furniture use, it does not propose any form of access to Snowdrop Way. It is understood that the developer has been granted Commons Act consent by the County Council in relation to the use of the Queens Road access for the purposes of the proposal and that this consent is conditional upon (i) a Deed of Easement being entered into with the County Council, the terms of which have already been agreed, and (ii) the consent being exercised by the end of January 2016.
- 7.4.3 The County Highways Officer advises that from a technical perspective, the Queens Road entrance provides a suitable means of accessing the proposed development and it is noted that the proposed development will result in a reduction in the amount of traffic being generated in the morning and evening peak hours. The lawful use of the premises, if used to capacity, would generate 128 vehicles in the morning peak hour and 120 vehicles in the evening peak hour. By comparison the residential use is estimated to generate 53 vehicles (-75) in the morning peak hour and 61 vehicles (-58) vehicles in the evening peak hour. The peak period reduction in traffic flows has a reduced impact on the wider highway network when compared to the lawful use.
- 7.4.4 The Transport Assessment notes that the Guildford Road/Queens Road junction currently operates close to its limit of operation efficiency. By 2019 and due to normal background traffic growth, the junction will operate beyond its operational capacity; however the proposed development reduces the impact when compared to the potential impact of the lawful use.
- 7.4.5 In this context there is no credible evidence to suggest that the proposed development would have a negative impact on the local highway network and no objection is raised to the proposal, which is considered to comply with the aims and objectives of Policies DM11 and CP11 of the Surrey Heath Core Strategy.

#### **7.5 Whether the layout changes made to the scheme to accommodate the revised access materially alter the Council's view that the proposal would provide a satisfactory form of development**

- 7.5.1 Impact on the openness of the Green Belt
- 7.5.2 The NPPF advises that the Government attaches great importance to Green Belt and that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belts are their openness and their permanence (para 79.). When considering any planning application, substantial weight should be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.5.3 In principle, redevelopment of this site is not inappropriate development in the Green Belt. Para 89 lists a number of exceptions to the inappropriate development in the Green Belt in terms of erection of new buildings. These include complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing

development. Para 80 of the NPPF lists five purposes of the Green Belt. These include: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.5.4 The south, southeast and southwest part of the site lies within the designation of the Metropolitan Green Belt. This part of the site is occupied by a permanent structure of the factory building with the associated fixed surface structures in the form of a hardstanding and therefore, in line with the NPPF, it is considered to fall within the definition of 'previously developed land' (PDL). The southern part of the existing factory building is fairly substantial and covers approximately 3,880m<sup>2</sup>; with the surrounding hardstanding expanding to approximately 15,300m<sup>2</sup>.
- 7.5.5 The existing built form resulting in the greatest impact on the openness of the Green Belt is the factory building, standing at a maximum of 9.35m high.
- 7.5.6 The proposal includes 26 detached dwellings, detached garages (6 double and 1 single) with additional hardstanding areas (access roads and rear patios) within the Green Belt designation. These buildings would cumulatively create approximate volume of 20,444m<sup>3</sup> and footprint of 3584m<sup>2</sup>, which represents the overall reduction when compared with the existing volume of 29,169 (a reduction of 8,257m<sup>3</sup> or 29%) and footprint of 3,597m<sup>2</sup> (13m<sup>2</sup> or 3.5%). Accordingly, the proposed mass represented by volume and floor area would reduce the extent of the existing factory building and therefore it is not considered that the proposed replacement buildings would be materially larger than that they replace. It is considered that the introduction of the proposed operational development that represents substantial reduction in volume and floor area when compared with the existing built form would benefit the openness of the Green Belt in general.
- 7.5.7 The application site is a previously developed, brownfield land. The proposed development would not encroach on open, undeveloped Green Belt land. The proposal is considered to assist in urban regeneration by recycling of urban land in terms of para. 80 of the NPPF.
- 7.5.8 Whilst the current redevelopment scheme it is not considered to result in any adverse harm to the openness of the Green Belt by definition or in any other harm that would justify refusal of the scheme on these grounds, any future developments to this part of the site might lead to the deterioration of the openness of the Green Belt and as such, control of any such development would be secured by condition.
- 7.5.9 In conclusion, the proposed development would reduce the impact of the existing factory building on the openness of the Green Belt and is not considered to conflict with the purpose of including land within the Green Belt. The proposal is therefore not inappropriate development and no objection is raised on these grounds.
- 7.5.10 Character and appearance
- 7.5.11 The Committee report to application 14/0249 provided a detailed assessment of the character of the surrounding area (see para 7.4.2 – 7.4.8 & 7.4.14 – 7.4.15) of that report, and in doing so noted that there was no objection to the scale and massing of the proposed dwellings and flatted block. These fundamental elements remain unchanged in the revised proposal and as such no objection is raised to these elements.
- 7.5.12 It is also noted that the detailed design of the proposal, and its design response is the same as was proposed under application 14/0249 and as such this is again considered to be acceptable. Moreover it is considered the change in location of the principle



access is beneficial and results in a visually more pleasing entrance to the scheme that will appear greener, more spacious and will contribute to the townscape in Queens Road. It is therefore considered that no objection should be raised to the proposal in terms of its impact on the character of the surrounding area.

7.5.13 Impact on amenities

7.5.14 Paragraph 7.7.3 to 7.7.16 of the committee report for 14/0249 considered the impact the proposed development would have on dwellings immediately adjacent to the site. The current proposal details a different principle site access, a pedestrian / cycle link to Snowdrop Way (at the point of the previously proposed site access) and a number of other minor changes comprising house type substitutions and orientation changes. In the main these changes do not alter the assessments previously undertaken and the patterns of overlooking (where these existed) and separation distances have not materially altered from that considered acceptable in 14/0249.

7.5.15 Concern has been raised about the safety of users of this access and the possibility the pedestrian /cycle link will result in antisocial behaviour. However it is noted that the length of this link is only 25m, it is straight, and would be directly overlooked by Plot 8, which would be set 4m back from the link with its front elevation directly facing it. As such the link would not, in itself, afford an increase in opportunity for crime to occur. Moreover, as advised by para 022 of the PPG, extract below, the connectivity of a development aids in making it successful, and against this backdrop it is not considered the provision of the link will harm residential amenity.

*Paragraph: 022 Reference ID: 26-022-20140306 of the PPG*

*A well designed space promotes ease of movement:*

*'The ability to move safely, conveniently and efficiently to and within a place will have a great influence on how successful it is. The experience for all users, whatever their mobility or mode of transport are important. A place should have an appropriate number of routes to and through it, not too many to make it anonymous but enough to allow easy legitimate movement. How direct and understandable these are, how closely they fit with desired lines of travel, and how well they connect with each other and destinations will all influence the success of the place.'*

In light of this officer's support in the inclusion of the pedestrian /cycle link. However, at the request of a local ward member officers have discussed the matter with applicant, via the agent, who has indicated that the link can be removed in the event the Members consider the objector concerns carry sufficient weight as to otherwise warrant the refusal of the proposal. It is considered that this would involve such a minor change in the scheme's layout such that it could be accommodated by an amendment to the recommendation for the completion of a legal agreement to include the submission of a revised layout plan (to remove the pedestrian / cycle link between plots 7 and 8) and associated plans prior to the decision notice being issued.

7.5.16 The proposed site access would be located approximately 3m off the side boundary of no 15 Queens Road and this would serve 108 dwellings. However, this is the location of the existing access to the existing commercial use and it is re-use for a residential scheme of this size would not, be materially more harmful than the lawful use of the site. The proposed layout also introduces a further dwelling (plot 99) aligned with this boundary and this would have an oblique relationship with No.15 Queens Road, however a separation distance of 17m would be retained. This is considered acceptable and sufficient to prevent harm arising.

7.5.17 The level of amenity to future occupiers has not materially changed to that considered acceptable under application 14/249 and officers remain of the opinion that garden areas to provided, the provision of the LEAP and natural play areas will afford an acceptable

living environment to future occupiers.

**7.6 Would mitigate its impact on the Borough's infrastructure**

- 7.6.1 Since 1 December 2015 development proposals are required to mitigate their impact on the infrastructure of the Borough by complying the Council's adopted Community Infrastructure Levy (CIL).
- 7.6.2 CIL is a non-negotiable charge on development and is calculated as pounds per square metre based on the net level of development proposed. In order to charge CIL the Borough Council was required to set CIL rates based on evidence of viability and produce a CIL charging schedule. This was subject to an independent examination and found to be sound by a Planning Inspector. The Council formally adopted the CIL Charging Schedule on 16 July 2014.
- 7.6.3 The CIL regulations state that the levy is only payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres.
- 7.6.4 The floor area of the building on site to be demolished has a floor area of circa 20,632m<sup>2</sup> while the floor area of the proposed development is some 7,000 less at 13,039m<sup>2</sup>. On this basis, and notwithstanding the fact the development proposal is for an entirely different use, the application before the LPA is not CIL liable and a contribution cannot be sought and the previous reason for refusal pertaining to the failure to provide a unilateral undertaking to secure infrastructure funding must be withdrawn.

**7.7 Would the proposal comply with Policy CP5 and deliver affordable housing**

- 7.7.1 The Core Strategy 2012 contains policies, namely CP5 (Affordable Housing) and CP6 (Dwelling Size and Type) that require a particular housing mix and type on larger development sites. Policy CP5 seeks a target of 40% of units on sites of more than 10 dwellings to be affordable, split evenly between social rented and intermediate.
- 7.7.2 The current SHMA, the 'North West Surrey and North East Hampshire, Strategic Housing Market Assessment, Final Report 2009' identifies the projected net shortfall of dwellings in relation to their size, which is reflected in Policy CP6 in percentage values. Policy CP6 indicates that the market housing should be of the following mix:
- 10% of 1 bed units;
  - 40% of 2 bed units;
  - 40% of 3 bed units; and
  - 10% of 4 bed units.
- The proposed development would provide 68 market units within the following approximate size ratios:
- 15% of 2 bed units (10);
  - 12% of 3 bed units (8);
  - 53% of 4 bed units (35); and
  - 20% of 5 bed units (13).
- 7.7.3 As outlined in the above paragraph, the proposed development would not provide the ratio of the market units as required by Policy CP6. However a similar mix of units was proposed in application 14/2049 (15% 2 bed, 13% 3 bed, 53% 4 bed and 19% 5 bed) with a departure from the required housing mix being acceptable on the basis the housing development as a whole help the Council meet is wider requirement to deliver housing, while making a far more efficient use of this redundant brownfield site.
- 7.7.4 The proposal would provide 44 affordable units. This represents 40% of the proposed

units, which is in line with the requirement of Policy CP5 and therefore considered acceptable. The affordable housing mix, although not exactly following the requirement of Policy CP6, has been reviewed by the Housing Manager of the SHBC and is considered satisfactory. The intermediate and social rented ratio of the affordable residential units has been suggested by the SHBC during the course of the application and shall be secured by way of a legal agreement. The applicant expressed willingness to complete a legal agreement to secure this provision. However, if a satisfactory legal agreement is not received by 14 May 2015, this must be added as a reason for refusal due to the failure to deliver a development, which would meet the housing requirement of all sectors of the community.

## **7.8 Impact on Thames Basin Heath Special Protection Area (TBH SPA)**

- 7.8.1 The site lies approximately 800m linear distance from the nearest part of the boundary of the Thames Basin Heath Special Protection Area (SPA). The TBH SPA Avoidance Strategy SPD outlines principles for avoidance of harm to the SPAs and identifies three avoidance measures to protect the TBHs from the impacts of new residential development. These are: a 400m buffer zone around the SPA within which no net new residential development will be permitted; the provision of Suitable Alternative Natural Greenspace (SANG); and the Strategic Access Management and Monitoring (SAMM) measures, a co-ordinated visitor management across the whole of the publically accessible SPA.
- 7.8.2 Para. 5.7 of the SPD indicates that major or large new developments are expected to provide bespoke on-site SANG rather than relying on the suite of SANGs being developed by the Borough Council. Developments of more than 100 dwellings will generally be expected to provide on-site SANG. Proposals for any bespoke SANG will be considered on a case-by-case basis in consultation with Natural England. In addition to SANG, contributions towards SAMM are required by Policy CP14B that states that all new residential development shall contribute toward SAMM measures.
- 7.8.2. The applicant has actively engaged in discussions with SCC, the owner of Bisley Common, regarding the use of this land as a SANG to prevent harm to the integrity of the SPA arising. At the time of submission of the current application, the applicant was confident that Bisley Common could meet the necessary requirements set out in the TBH SPA Avoidance Strategy SPD and would provide a SANG solution immediately adjacent to the site. In the consultation response to 14/0249 NE raised objection to the proposal on the basis that there was no certainty surrounding the delivery of Bisley Common as a suitable SANG. Accordingly it fell to Local Planning Authority, as the competent authority, to assess whether the proposal either during or post its implementation, would be likely to impact on the integrity of the SPA. The Council's assessment on this matter is detailed in full at section 7.9 of the committee report to application 14/0249 attached as Annex 1 to this report.
- 7.8.3. The LPA notes that a draft management plan has been submitted with the application and that comments from NE have again been sought on this 'in principle' matter. However at the time of writing this report no comments from that consultee have been provided. It is however noted that the applicant has, and continues to, make significant efforts to resolve this issue. However, it is not considered that this precludes the determination of the application before the committee. This is because, as with application 14/0249, the use of a Grampian planning condition would prevent and development being undertaken until a SANGS solution had been secured and this in turn would allow the LPA, as the competent authority, to be satisfied that no harm to the integrity of the SPA would arise. It is therefore considered that subject to the imposition of a suitably worded condition no objection should be raised in respect of this matter.

- 7.8.4 At the time of writing it is considered that a contribution towards SAMM as required by the aforementioned SPD is required. This can be secured via a legal agreement which needs to be completed to the LPA's satisfaction by 14 May 2015.
- 7.8.5 Subject to compliance with the above the proposal would comply with the Core Strategy and Development Management Policies Document 2012; Policy NRM6 of the South East Plan; and, Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

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

- 8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.  
*The applicant has entered into pre-application discussions with the officers to address the member reason for refusal. It is considered the revised access arrangements have overcome this concern.*
- 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.  
*The agent was notified on receipt of the application of the need to provide the CIL form and once this had been submitted the application was validated.*
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.  
*During the course of the application, officers passed on concerns regarding, for instance, the pedestrian / cycle link and negotiated an alternative, as indicated earlier in this report.*
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.  
*Officers kept in touch with the agent during the course of the application on regular basis.*

## **9.0 CONCLUSION**

- 9.1 Despite the scale of the application, given the materiality of 14/0249 the main considerations in its determination are limited to whether the concerns raised by Members in refusing application 14/0249 have been overcome.
- 9.2 Those concerns are limited to whether the revised access arrangements, with the bulk of the development being served off the existing site access from Queens Road, has overcome the concerns raised regarding an intensification of use of Snowdrop Way. Clearly now that none of the properties proposed are to have a vehicular access via Snowdrop Way it can only reasonably be considered that reason for refusal 1 of 14/0249 has been overcome. Moreover, the layout and design response of the proposal is so materially similar to that considered to be acceptable by the Council in respect of the former application it would be unreasonable to the LPA to take a different view now.
- 9.3 All other reasons for refusal can either be dealt with by way of a legal agreement or have been withdrawn, with for instance, the adoption of the Council's CIL charging regime.
- 9.4 It is therefore recommended that planning permission be granted.

## 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. The proposed development shall be built in accordance with the following approved plans and documents:

Site layout plan R.0325\_14-1B  
Housetype pack R.0325\_19A  
Enclosure details R.0325\_20-1A and R0.325\_20-2  
Site access C82855-D-004  
Tree Survey, AIA and protection plan

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

For the avoidance of doubt Materials plans R.0325-21-1B is not approved as the LPA requires physical samples to be submitted as detailed in condition 5.

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

3. No development shall take place until written confirmation has been obtained from the LPA that the applicant has secured a SANG in perpetuity (including its management plan); and no dwelling shall be occupied before written confirmation has been obtained from the LPA that the works required to bring the land up to acceptable SANG standard have been completed.

Reason: To comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012; saved Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan; and, the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012).

4. Prior to the commencement of development hereby approved details of the design, timetable for delivery and ongoing maintenance of works for the relocation of the watercourse from the southern end of the site onto Bisley Common shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to manage flood risk and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2012.

5. No development shall take place until details and samples of the external materials to be used are 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.

6. No development shall start 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 behind any visibility zones
  - f) phasing of the development
  - g) measures to prevent mud and spoil deposited on the highway
  - h) an undertaking that there will be no burning, whatsoever, on site.
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

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

7. 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 scheme shall include indication of all hard surfaces, walls, fences, access features and the new planting, including trees to be carried out. All hard and soft landscaping works shall be carried out in accordance with the approved details. All 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.

The details to be submitted shall include replacement planting for T29 Oak shown on plan R.0324\_04-E as being removed. The replacement planting should be undertaken within 2m of the tree to be removed and the tree to be planted should have minimum stem size of 20 - 25 cm girth [nominal diameter of 7.2cm] at 1m from ground level, of a minimum overall planted height of 4.0 – 6.0m and having a substantially straight stem and be a **Semi Mature** tree as specified in BS 3936. Replacement planting shall conform to the British Standard for Nursery Stock as set out in **BS 3936, Parts 1 to 5**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**.

If any replacement planting planted in accordance to this condition die or become seriously damaged or diseased within a period of five years of the date of first occupation of the development, it shall be replaced as soon as practicable with another tree of similar size and species.

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

8. A minimum of 7 working days before any development, including any works of demolition or site clearance, a pre-commencement meeting must be arranged with the Arboricultural Officer. The purpose of this meeting is to agree the extent of any facilitation or management tree works, tree and ground protection, demolition, storage of materials and the extent and frequency of Arboricultural site supervision. In all other regards the development shall proceed in accordance with the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** compliant report prepared by Pegasus Planning Group Limited [Mathew Reid] and dated 17 March 2014.

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.

9. Following the completion of any Arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing at least 2m high and comprising of a vertical and horizontal framework of scaffolding (well braced to resist impacts) and ground protection methods, in compliance with **BS5837:2012 – Trees in Relation to Design, Demolition and Construction**, shall be erected in accordance with the submitted and approved Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Protection Plan, unless otherwise agreed in writing with the Local Planning Authority.

Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the borough council.

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.

10. A Landscaping and Ecological Management Plan (LEMP) shall be submitted and approved in writing by the Local Planning Authority and thereafter shall be carried out as approved, and implemented prior to first occupation. LEMP should detail how the site is to be planted, what ecological enhancements will be made and how public spaces and ecological features will be maintained and monitored following the occupation of the development.

Reason: To comply with Policies CP14A and DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2012.

11. No development shall take place until full details of surface water drainage systems and foul water drainage system are submitted and approved in writing by the LPA. The surface water drainage system details to include attenuation of 1:100 year event at 30% climate change. Once approved the details shall be carried out prior to first occupation in accordance with the approved scheme.

Reason: To ensure a satisfactory development and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. Prior to the commencement of any development (for the purposes of this condition

this excludes works of demolition and site clearance) details of the layout and design of the LEAP shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of the facilities / equipment to be provided to deliver six play experiences together with and any fencing or buffers to be erected around the LEAP.

The details to be submitted shall also make provision for the works to deliver the LEAP to be completed before occupation of the 30th residential unit and for the maintenance and management, in perpetuity, of the LEAP.

Reason: In the interests of residential amenities and to accord with the objectives of Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

13. Any excavations more than 0.3m in depth should be kept covered at night or provided with ramped means of escape for nocturnal foraging animals such as badgers or hedgehogs.

Reason: To comply with Policies CP14A and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2012.

14. Before first occupation of any of the dwellings hereby approved the first floor windows serving bathrooms/en-suite 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.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development falling within Classes A, B and E of Part 1 of Schedule 2 shall be erected without the prior approval in writing of the Local Planning Authority on Plots 40 - 64.

Reason: To enable the Local Planning Authority to retain control over the further development of the properties to prevent inappropriate development in the Green Belt and to accord with the requirements of the National Planning Policy Framework 2012.

16. Before any of the proposed dwellings are occupied the proposed modified access to Queens Road shall be provided with a new section of footway on the northern side of the access extending into the site in accordance with drawing no. C82855-D-004 and the visibility zones shall be kept permanently clear of any obstruction over 1.05 m in height.

Reason: To ensure a safe means of access to the proposed development and to accord with the aims and objectives of Policies DM11 and CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

17. The development hereby approved shall not be first occupied unless and until an informal crossing with pram crossing points and tactile paving on both sides of Queens Road is constructed to the north of the access and provided with visibility zones in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure a safe means of access to the proposed development and to



accord with the aims and objectives of Policies DM11 and CP11 of the Surrey Heath Core Strategy and Management Policies 2012 and the NPPF.

18. Before any of the proposed dwellings are occupied, the existing concrete posts located within the footway of Queens Road opposite the existing site access shall be removed and the corresponding footway shall be reinstated, all in accordance with a scheme to be first agreed with the Highway Authority.

Reason: To ensure a safe means of access to the proposed development and to accord with the aims and objectives of Policies DM11 and CP11 of the Surrey Heath Core Strategy and Management Policies 2012 and the NPPF.

19. No new development shall be occupied unless and until space has been laid out within the site in accordance with the approved plans for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The turning areas shall be retained exclusively for their designated purpose.

Reason: To ensure a safe form of development and to ensure that the free flow of traffic is not impeded and to accord with the aims and objectives of Policies DM11 and CP11 of the Surrey Heath Core Strategy and Management Policies 2012 and the NPPF.

20. No new development shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing for cycle parking to be provided to each individual unit of residential accommodation. Once agreed such provisions shall be permanently retained exclusively for its designated purpose.

Reason: To ensure sufficient cycle parking to provided and retained in the interests of delivering a sustainable form of development and to accord with the aims and objectives of Policy DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

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

Reason: To ensure a sustainable form of development and to accord with the aims and objectives of Policies DM11 and CP11 of the Surrey Heath Core Strategy and Management Policies 2012 and the NPPF.

22. Prior to the commencement of development a scheme to provide vehicular and pedestrian visibility splays for the new roads, accesses and driveways within the development shall be submitted to the Local Planning Authority for its approval. Development must not commence until the scheme has been approved in writing by the LPA. Once approved the agreed visibility splays shall be provided upon the first use of the respective road, access or driveway and thereafter shall be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure a safe means of access to, and within the proposed development, and to accord with the aims and objectives of Policies DM11 and CP11 of the Surrey Heath Core Strategy and Management Policies 2012 and the

NPPF.

23. The garages to plots 46 and 47 shall be retained as garages and shall not be used for any other purpose other than for the parking of cars. In addition, notwithstanding the details shown on the approved plans a revised layout for these plots shall be submitted to, and approved by (in writing) by the LPA prior to the development hereby approved commencing. The details to be submitted shall show how vehicles can turn on site such that it is demonstrated to the LPA, that vehicles can enter leave site in a forward gear.

Reason: To ensure that the free flow of traffic along Chatton Row is not compromised and that a safe form of development is provided in accordance with Policies DM11 and CP11 of the Core Strategy and Development Management Policies.

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

1. Site Characterisation

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

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

(b) an assessment of the potential risks to:

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its

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

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

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

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

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

25. No development approved by the permission shall be commenced until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of any dwellings hereby approved shall once until the scheme for the improvement of the existing sewage system has been completed.

In the alternative, if subsequent investigations reveal that there is sufficient capacity within the existing network to accommodate the development hereby approved, written details of those subsequent investigations shall be submitted to and approved in writing by the Local Planning Authority before any development commences on site.

Reason: To prevent pollution of the water environment. It is unclear if there is sufficient capacity within the existing network to accommodate the development. If the existing network cannot accommodate the development, then it may be overwhelmed leading to instances of foul sewage flooding, which in turn could hinder the water quality of nearby waterbodies, and therefore conflict with the Water Framework Directive (WFD), in addition to ensuring compliance with the aims and objectives of the NPPF.

26. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the LPA.  
Reason: to ensure compliance with the aims and objectives of Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

Informative(s)

1. The applicant is advised to contact the Council's Environmental Health department for advice in connection with handling and removal of asbestos.
2. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with County Highway Authority's standards.
3. The Highway Authority has no objection to the proposed development, subject to the attached conditions but if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, it must be first demonstrated by the applicant that their adoption meets the County Council roads adoption policy. Any planning permission under the Town and Country Planning Act shall not be construed as the approval of the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.
4. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transport Development Planning Team of Surrey County Council.
5. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
6. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a licence must be obtained from the Highway Authority Local Highway Service Group before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice6](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice6).
7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
8. A standard fee may be charged for input to, and future monitoring of, any Travel

Plan.

9. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
10. It is recommended that entry to the apartments via the communal door is controlled so as to deny unauthorised entry. This may be achieved with an electronic access control system linked to each apartment. If access to the apartments is controlled at the main communal door the secure delivery of mail must be considered. This may be provided with –
  - A robust external letterbox with fire retardation and anti-fishing attributes securely fixed to the external face of the building.
  - A letter plate located within the wall providing ‘through the wall’ delivery via a sloping chute into a secure internal letterbox with fire retardation and anti-fishing attributes for each household.
11. Entry to any communal cycle/bin store should be controlled to give only residents legitimate access.
12. Recent research by the ‘Design against Crime’ Centre suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar. A design of cycle stand within the storage area that enables this method of locking to be used is recommended. Minimum requirements for such equipment are:
  - Galvanised steel bar construction (minimum thickness of 3mm)
  - Minimum foundation depth of 300mm with welded anchor bar
  - Further information about secure cycle parking can be found at the following resource section of the ‘Bikeoff’ website [www.bikeoff.org/design\\_resource](http://www.bikeoff.org/design_resource)
13. Any external lighting scheme that is to be created should be designed in such a way that it distributes a uniformed level of light across the entire site and not light specific areas whilst throwing others into darkness. Lighting should be lit to the relevant levels as defined in BS 5489:2013. It is important that the landscape architect and lighting engineer co-ordinate their plans to avoid conflict between lighting and tree canopies.
14. Consideration for the Secured by Design Award – It is recommended the developer involved in a new project considers applying for the Secured by Design (SBD) award. The Award is a certificate given to building developments which, following consultation with local Crime Prevention Design Advisors, are built to conform to the SBD guidelines and so reduce the opportunity for crime. SBD does not guarantee that a particular development will be crime-proof but indicates that the site has been subject to a design process and improved levels of security which, in the experience of the police service and other agencies, have been shown to significantly reduce the risks and the fear of crime. Every effort will be made to assist developers achieve the award. For further information please visit the SBD website [www.securedbydesign.com](http://www.securedbydesign.com)

15. As outlined in a consultation response from Surrey Wildlife Trust, an undertaking of a further badger survey might be required immediately prior to major works starting on site to ascertain presence of this protected species in the locality.
16. In respect of condition 26 - the applicant is advised to review the EA's full consultation response dated 16 Feb 2015 for guidance.

**In the event that a satisfactory legal agreement has not been completed by 14 May 2015, the Executive Head of Regulatory be authorised to REFUSE for the following reasons:**

1. The proposal fails to provide an adequate provision of affordable housing, and as such would not deliver a development, which would meet the housing requirement of all sectors of the community. The application is therefore contrary to the aims and objectives of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.
2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in 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).