

**LOCATION:** LAND SOUTH OF 24-46 (EVENS), KINGS ROAD, AND 6 & 9 ROSE MEADOW, WEST END, WOKING, GU24 9LW

**PROPOSAL:** Outline Application for 84 dwellings (including 8 one bedroom flats, 34 two bedroom houses, 28 three bedroom house and 14 four bedroom houses) with access from Rose Meadow. Access only to be considered. (Additional info rec'd 11/09/2014). (Additional info rec'd 09/10/2014), (Additional info rec'd 22/10/14), (Additional in rec'd 06/11/14).

**TYPE:** Outline

**APPLICANT:** The William Lacey Group Ltd

**OFFICER:** Duncan Carty

**RECOMMENDATION: If the Council had been the determining authority, it would have REFUSED permission**

## 1.0 SUMMARY

- 1.1 The current outline application relates to the erection of 84 dwellings on land to the south of Kings Road and Rose Meadow in West End with access from Rose Meadow. The proposal relates to the approval of the access only.
- 1.2 The current application is the subject of a valid non-determination appeal that has been received by the Planning Inspectorate. The applicant has the right to make a non-determination appeal after the expiry of the statutory time limit or expiry of an extension of time agreement. The Planning Inspectorate then becomes the determining authority. However, it is still necessary for the Council to confirm what it would have determined if it had been the determining authority.
- 1.3 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix, crime and the Thames Basin Heaths Special Protection Area, no objections are raised. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage. However, it is considered that the site should not be released for housing at this time as this would be contrary to the adopted development plan and an objection is raised on these grounds. As such, the Council would have refused this proposal if it had been given the opportunity to determine this application.

## 2.0 SITE DESCRIPTION

- 2.1 The application site relates to agricultural land to the south of Kings Road and Rose Meadow on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls from north to south and the majority of trees are located to site boundaries with a line of trees running through the site from north to south which marks a historic boundary between two fields. The River Bourne lies south of the application site with a small part of the site close to the south boundary falling within the floodplain (Zone 2). Part of a historic (pre-war) landfill site lies within the south east corner of the site.
- 2.2 The site measures 3.51 hectares in area. Land to the south and east of the application site falls within the Green Belt.

### **3.0 RELEVANT HISTORY**

- 3.1 SU/06/0879 Outline application for the erection of 12 semi-detached and 10 detached dwellinghouses following the demolition of four detached dwellinghouses (means of access to be determined) at 40-48 Kings Road (which includes part of the application site). Refused permission in January 2007 and subsequent appeal dismissed in January 2007.

The application was refused for the following reasons:

1. Inappropriate, piecemeal and premature release of part of a housing reserve site and encroachment into countryside [agreed by the Inspector].
2. Cramped form and layout of development out of keeping with pattern of development in the locality [agreed by the Inspector].
3. Impact on residential amenities of adjoining occupiers [not agreed by Inspector].
4. Density of development and means of access would result in unacceptable level of activity in Kings Road [not agreed by Inspector].
5. Impact on the SPA [agreed by the Inspector].
6. Absence of a flood risk assessment [not agreed by Inspector]
7. Absence of and tree survey/report [agreed by the Inspector].

### **4.0 THE PROPOSAL**

- 4.1 The current proposal relates to the erection of 84 dwellings with its proposed access from Rose Meadow. The housing includes 8 one bed, 34 two bed, 28 three bed and 14 four bed units, with 40% affordable provision, split between intermediate and socially rented housing. 200 car spaces are proposed. The proposal relates to the approval of the access only.
- 4.2 The application is in an outline form with only the access to be determined at this stage. The sole access would be direct from the southern end of the highway at Rose Meadow. Rose Meadow is a short cul-de-sac serving 8 dwellings. The proposal would increase the number of dwellings using this access to 92 dwellings, which access onto Kings Road and the wider highway network. A schematic layout has been provided which indicates a form of development for this proposal which arranges the housing around a cul-de-sac form of development. Land towards the south boundary would provide amenity land including a play area.
- 4.3 The application has been supported principally by:
- Planning and Design and Access Statements;
  - Transport Assessment and Travel Plan; and
  - Housing Need and Supply Report (received on 1 April 2015).
- Other provided reports include:
- Flood Risk Assessment;
  - Housing Report;
  - Noise Assessment;
  - Tree Report;
  - Ecological Assessment;
  - Heritage Assessment and Landscape Visual Impact Assessment; and
  - Community Consultation Event Statement.
- 4.4 The Housing Need and Supply Report is a response to the publication of the Council's Housing Needs Supply Paper in February 2015. The applicant has indicated that the paper is flawed and relies upon a level of housing demand (about 190 dwellings per annum) which is derived from the level set out in the South East Plan 2009 (now revoked) and as set out in the Core Strategy. The applicant also indicates that the HLSP includes development proposals which they consider are not deliverable within the five year timeframe. The applicant considers that the HLSP should reflect the level of housing demand (about 340 dwellings per annum) that is set out in the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) [SHMA], and has backed this approach with recent appeal decisions and case law relating to various sites located outside of this Borough. This, in their opinion, would indicate that a five year supply (plus buffer) for the Borough is not achievable and that the site should now be released for housing. In addition, the applicant has indicated that the adoption of the Core Strategy in February 2015 (just prior to the NPPF coming into force) and its reliance

on pre-NPPF national policy makes these policies out-of-date. The applicant considers that the presumption in favour of sustainable development should be applied to this development which should be approved without delay.

- 4.5 The assessment in Paragraph 7.0 below has taken into consideration the content of these reports provided by the applicant.

## 5.0 CONSULTATION RESPONSES

- |      |                                   |  |
|------|-----------------------------------|--|
| 5.1  | County Highway Authority          | No objections.   |
| 5.2  | Environmental Services            | No objections.   |
| 5.3  | Surrey Police                     | No objections.   |
| 5.4  | Surrey Wildlife Trust             | No objections.   |
| 5.5  | Natural England                   | An objection is raised on a lack of SANG capacity to accommodate this proposal [ <i>See Paragraph 7.13</i> ].  |
| 5.6  | Environment Agency                | No objections.   |
| 5.7  | Archaeological Officer            | No objections.   |
| 5.8  | Arboricultural Officer            | No objections.   |
| 5.9  | Surrey County Council (Education) | Payment towards education provision is required.   |
| 5.10 | West End Parish Council           | An objection is raised on the grounds that the site falls outside of the settlement boundary, flood risk, local infrastructure, ecology and potential loss of trees. The site exceeds the 20 units expected for West End within the Core Strategy. |

## 6.0 REPRESENTATION

At the time of preparation of this report, no representations in support have been received and 184 letters of objection, including one from the West End Action Group and one petition (with 635 signatures), have been received which raise the following issues:

### 6.1 Principle

- Development is not needed and is of a size beyond local needs (20 units as set out in the Core Strategy) [*See Paragraph 7.5*]
- Release of land (pre-2025) contradicts local plan policy (Countryside beyond the

Green Belt/housing reserve site) and Housing and Supply Paper 2015-2020, and is pre-mature and unnecessary [See Paragraph 7.5]

- Adequate housing to be provided at other sites (Brookwood/Deepcut) [*Officer comment: Brookwood falls outside of this Borough and would not contribute to the Council's housing delivery requirements. In all other respect, please see Paragraph 7.5*]
- West End has provided its fair share of housing in the past (it has doubled in size since the 1980's) [*Officer comment: This is not a reason to refuse this application*]
- The development should not be provided before the original bypass is provided [*Officer comment: The bypass provision has been long deleted and the site remains a housing reserve site*]
- Use of green field (rather than brown field) sites is against central government advice [See Paragraph 7.5]
- Cumulative impact and un-co-ordination with other developments at Dyckmore (SU/14/0869), Malthouse Farm (SU/15/0445) and Land north of Beldam Bridge Road (SU/14/0594) [*Officer comment: Each application has to be determined on its own merits*]
- Destruction of Green Belt land [*Officer comment: The land is not Green Belt*]
- Land has been/should be returned to Green Belt [*Officer comment: The land has not been re-defined as Green Belt*]

## 6.2 Highway and transportation matters

- Access via Kings Road and Rose Meadow is not designed to take the level of traffic that would be provided for the development. Proposal would therefore adversely affect highway safety made worse by poor visibility at road junctions, lack of footways on these roads and limited street lighting as well as restrictions for emergency traffic, particularly due to the level of current on-street parking [See Paragraph 7.6]
- Impact on traffic congestion and highway safety on local roads and at local road junctions (Kings Road – Beldam Bridge Road road junction, Beldam Bridge Road – Fellow Green road junction, A322 Guildford Road – Fellow Green roundabout and over the single lane Beldam Bridge) and at school rush hour. Local roads are gridlocked when highway maintenance work is undertaken in vicinity [See Paragraph 7.6]
- Restrictions to use of private road (Rose Meadow) due to provision of access for this development its use for street parties, children playing, etc [*Officer comment: This would not be a reason to refuse this application*]
- Loss of on-street parking (Rose Meadow) due to provision of access for this development [See Paragraph 7.6]
- Access from private roads with a weight restriction and impact on road surface [*Officer comment: This is a private matter*]

- Previous promises of signage to limit heavy vehicles on private road (Kings Road) [*Officer comment: This is a County Council matter*]
- One access road is insufficient for development, particularly for emergency vehicle access if there were to be road congestion on Rose Meadow due to the level of on-street parking [*See Paragraph 7.6*]
- The Fellow Green roundabout is at near traffic capacity and the proposal (cumulatively with other proposals) will exceed capacity [*See Paragraph 7.6*]
- Creation of more rat-runs through the West End village [*See Paragraph 7.6*]
- TRICS modelling for predicting traffic generation does not take into consideration high car ownership in local area and therefore additional trips are likely [*See Paragraph 7.6*]
- Limited availability of commuting to London by rail [*See Paragraph 7.6*]
- Inadequate car parking proposed for this development [*See Paragraph 7.6*]

### 6.3 Character reasons

- Loss of trees (including ancient woodland), fields and hedges [*Officer comment: Ancient woodland would not be affected by the proposal. In all other respects, see Paragraph 7.7*]
- Ruining beautiful countryside and loss of rural/tranquil character [*See Paragraph 7.7*]
- Loss of green space/gap to Bisley/Chobham and resulting coalescence of villages [*See Paragraph 7.7*]
- Impact on, and suburbanisation of, village character [*See Paragraph 7.7*]
- Impact on the design and appearance of Rose Meadow [*See Paragraph 7.7*]
- Not in keeping with Kings Road development [*See Paragraph 7.7*]
- Development is too large in scale [*See Paragraph 7.7*]
- Density (36 dph) above the general density of development in West End [*See Paragraph 7.7*]

### 6.4 Residential amenity

- Impact on residential amenities [*See Paragraph 7.8*]
- Increased noise and air pollution from traffic [*See Paragraph 7.8*]
- Increased noise and dust pollution from construction and associated traffic

*[Officer comment: If minded to approve, a method of construction including a limitation on hours of construction and a method to control dust could be imposed. In addition, there are separate controls on noise and dust under environmental health legislation]*

- Increased light pollution [*See Paragraph 7.8*]
- Loss of privacy from use of private road (Rose Meadow) as an access for this development from increased activity (walking, cycling etc.) to front gardens and front windows of existing residential properties [*Officer comment: This would not be a reason to refuse this application*]
- Stress to local residents from construction process and later noise and air pollution [*Officer comment: This is not a reason to refuse this application*]
- Inadequate information received about impact on road noise to local residents [*Officer comment: This has subsequently been received. See Paragraph 7.8*]
- Proposal would be in direct contravention of the European Convention on Human Rights allowing existing residents to enjoy the current peace, tranquillity and rural aspect of the area [*Officer comment: See Page 2 of the Committee Agenda. There is considered to be no potential conflict with the Human Rights Act*]

#### 6.5 Other matters

- Loss and destruction of wildlife and their habitats (birds (including buzzards, sparrow hawks, owls, red kites, woodpeckers, pheasants and herons), deer, hedgehogs, badgers, bats, rabbits, newts, frogs, reptiles, toads, bees and foxes) [*See Paragraph 7.9*]
- Impact on archaeology including Roman road under site [*See Paragraph 7.10*]
- Increased risk of flooding with proposed dwellings on a high risk floodplain and area with a high water table [*See Paragraph 7.11*]
- Impact on drainage – proposed mitigation will not be sufficient [*See Paragraph 7.11*]
- Impact on drainage from the highway (Rose Meadow) which currently runs into the application site [*See Paragraph 7.11*]
- Impact on property value if house floods after development is built [*Officer comment: The impact on property value is not a planning matter. However, in relation to flood risk, please see Paragraph 7.11*]
- Unsustainable development by reason of a worsening of existing infrastructure deficiencies/Lack of infrastructure to accommodate increased population – local doctors' surgery (impacting on hospital A&E departments), schools, village amenities (shops, playing fields, tennis courts, etc.) and developers contributions would not fund sufficient improvements to this infrastructure [*See Paragraph 7.12*]
- Increase in crime and anti-social behaviour [*See Paragraph 7.14*]
- Impact on the SPA [*See Paragraph 7.15*]

- Impact on Brentmoor SSSI [*Officer comment: The application site is a minimum of 0.9 kilometres from the SSSI and the direct impact from this development on that site is negligible. However, this site forms a part of the SPA, and in terms of its impact on that status of this land, please see Paragraph 7.15*]
- Proposed SANG (at Heather Farm) is no to the benefit of local residents [See Paragraph 7.15]
- De-valuation of property value [*Officer comment: This is not a planning matter*]
- Developer greed [*Officer comment: This is not a material planning consideration*]
- Digging up private road, gardens and driveways to provide utilities [*Officer comment: This is a private matter*]
- Management company upkeep the road (Rose Meadow) – who will undertake this role if the development is built? [*Officer comment: This is a private matter*]
- No improvement on earlier refused scheme (SU/06/0879) [*Officer comment: Each application is considered on its own merits*]
- Health and safety issues from locating childrens' play area close to attenuation pond [*Officer comment: The application is in an outline form and the layout is not under consideration*]
- Impact on air quality by increased use of Kings Road which has previously been repaired with silica and asbestos and increased carbon dioxide emissions [*Officer comment: This is an Environmental Health issue*]
- Impact on micro-climate [*Officer comment: This would not be a reason to refuse this application*]
- Timing of development proposals [*Officer comment: Beyond the time limit to implement, this is not a matter under the control of the Local Planning Authority*]
- Against the wishes of the local community [*Officer comment: This is not a reason, in itself, to refuse this application*]
- Lack of recognition of/progress for a village design statement [*Officer comment: This would not be a reason, in itself, to refuse this application*]
- Loss of village identity and community spirit [*Officer comment: This would not be a reason to refuse this application*]

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The application is subject to a non-determination appeal which has been submitted due to the fact that the Council has not determined the application within the statutory (13 week) target date. As such, the assessment below is related to how the Council would have assessed the application if it were in a position to determine this application. The application site is located within a site which has been a housing reserve site, adjoining the settlement of West End, but defined as



Countryside (beyond the Green Belt).

- 7.2 As such, the National Planning Policy Framework and its associated Planning Practice guidance as well as Policies CP1, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and Policy H8 of the Surrey Heath Local Plan 2000 (as saved) are relevant. In addition, advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2015-2020 (February 2015).
- 7.3 The application is in an outline form which seeks the approval of the access only. However, it is considered that all the following matters need to be considered. It is considered that the main issues to be addressed in considering this application are:
- Principle of development;
  - Impact on traffic generation, parking capacity and highway safety;
  - local character, trees and hedgerows; and
  - Impact on residential amenity.
- 7.4 Other matters include:
- Impact on ecology;
  - Impact on archaeology;
  - Impact on land contamination, drainage and flood risk;
  - Impact on local infrastructure;
  - Impact on affordable housing provision and housing mix;
  - Impact on crime;
  - Open space provision; and
  - Impact on the Thames Basin Heaths Special Protection Area.

## **7.5 Principle of development**

### Spatial strategy

- 7.5.1 Paragraph 17 of the NPPF sets out the core land-use planning principles. This includes the need to "*recognise the intrinsic character and beauty of the countryside*" and "*encourage the effective use of land by reusing land that has been previously developed (brownfield land)*". Policy CP1 of the CSDMP sets out the spatial strategy for the Borough and acknowledges that new development in the Borough will come forward largely from the redevelopment of previously developed land in the western part of the Borough. This accords with the identification of that area as a part of the Western Corridor/Blackwater valley sub-regional growth area

and identification of Camberley as a secondary town centre which is expected to accommodate major developments. Development in this part of the Borough also has the best access to local services and is most likely to make use of previously developed land.

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

#### Housing supply

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

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

- *use their evidence base to ensure that their Local Plan meet the full, objectively needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in [the NPPF], including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements within an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;..."*

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

7.5.5 Paragraph 49 of the NPPF indicates that:

*"Housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot*

*demonstrate a five-year supply of deliverable housing sites."*

Without the supply of deliverable housing sites, local policies on housing supply would be considered to be out-of-date and development which is considered to be sustainable (as defined in the NPPF) would be considered to be acceptable. It is considered that for the proposed development, when balancing the clear social and economic benefits with any potential environmental disbenefits (see Paragraph 7.7 below), the proposal would be deemed to sustainable development (as defined in the NPPF).

- 7.5.6 The application site falls within the defined Countryside (beyond the Green Belt) but also forms a part of a housing reserve site as previously defined in Policy H8 of the Surrey Heath Local Plan 2000 (as saved). The Inspector into the Core Strategy did not delete this housing reserve site but has indicated that they would need to be reviewed through a sites allocation (SPD) document, which is currently at an early stage.
- 7.5.7 The Council has provided a Five Year Housing Land Supply Paper 2015-2020 in February 2015 (HLSP) which indicates that there is an available 8 year supply of housing, which demonstrates the meeting of the five year supply (plus buffer) target, which is clearly a different position to that set out in Paragraph 7.5.6 above, and has been achieved through the inclusion of Class C2 care home units, the increased development activity (due to the improved economic climate) and the number of office to residential conversions. This would also lead to the conclusion that the application site should not come forward for housing at this time. As indicated in Paragraph 4.4, the applicant has responded to this paper by indicating that the five year supply requirements, as set out in Paragraph 7.3.4 above, cannot be met and that the presumption in favour of sustainable development should be applied to this development which should be approved without delay.
- 7.5.8 The Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA) has been provided to develop an up-to-date evidence base for the housing market area to develop the evidence of a full objectively assessed needs for market and affordable housing, as required by Paragraph 47 of the NPPF (see Paragraph 7.5.4 above). The SHMA is at an early stage and further work is required by the Council to assess whether revisions to the housing target set out in Policy CP3 of the CSDMP are required. In the absence of this work, it is considered that the housing delivery policy set out in Policy CP3 of the CSPMP should be given much greater weight than the SHMA.
- 7.5.9 Moreover, the Inspector into the Examination in Public into the core strategy concluded that due to the impact of the SPA on housing delivery and the need to provide avoidance measures to mitigate the impact of (net) residential development within the Borough, the Council did not have to demonstrate a rolling five year housing land supply. The Inspector in his report indicated:

*"The proposed revisions to Policy CP3's supporting text include a table showing anticipated phasing. This shows a five year housing land supply would not be provided - an outcome that is not unexpected given the difficulty of providing SANG has seriously constrained housing delivery in the Borough in recent years...the resulting strategy represents a pragmatic attempt to address a real and pressing local constraint on housing delivery...On balance, I am satisfied that the*

*circumstances described above justify departing from national policy in respect of this matter."*

The Inspector acknowledged that the Council, at that time, could not meet the required five year housing land supply (without buffer) as set out in the national policy requirements at that time, but considered that the local constraint to housing delivery could lead to an acceptable departure from national policy on housing delivery.

7.5.10 Paragraph 119 of the NPPF, however, indicates that *"the presumption in favour of sustainable development (paragraph 14 [of the NPPF]) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* As indicated in Paragraph 7.13.1 below, the site falls within 5 kilometres of the SPA, for which an appropriate assessment would be required under the Birds Directive would be undertaken. As such, whilst Paragraph 14 of the NPPF indicates that sustainable development should be granted, where relevant policies are out-of-date, which has been suggested by the applicant, it also indicates that permission should not be granted where specific policies in the Framework indicate that development should be restricted. It is considered that with the Birds Directive restricting residential development, where there is a net gain of units within 5 kilometres of the SPA (for which the whole of the Borough is so affected), it is considered that the presumption in favour of sustainable development, as set out in Paragraph 14 of the NPPF, does not apply for the current proposal.

7.5.11 It is therefore considered that the proposed development, by providing residential units in a site designated as Countryside (beyond the Green Belt) on part of a housing reserve site (which currently is not expected to be needed prior to 2026), would result in the release of land for development that would currently conflict with the spatial strategy for the Borough which seeks to firstly concentrate development in the western part of the Borough and settlements areas on previously developed land.

7.5.12 At this time the release of this land would therefore be harmful to the intrinsic characteristics of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CP1 and CP3 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

## **7.6 Impact traffic generation, parking capacity and highway safety**

7.6.1 The proposal would provide a sole access through Rose Meadow a short cul-de-sac serving 11 dwellings. The proposal would increase the number of dwellings using this access to 95 dwellings, which access onto Kings Road and the wider highway network. The County Highway Authority has raised no objections to the proposal on traffic generation and highway safety grounds. The Authority has indicated:

*"The traffic modelling submitted with both is application [and SU/14/0594] looked at traffic impacts of both development sites both individually and in combination on the A322 Guildford Road/Kerria Way/Fellow Green roundabout.*

*The modelling demonstrated that the junction, in its current form, is operating close to capacity.*

*The modelling identified that the existing junction arrangement would in the future, suffer from queuing and delays on both the A322 approaches, particularly on the A322 north arm of the roundabout. Both developers have put forward a scheme to provide an improvement to the capacity and the operation of both arms of the junction.*

*It is considered by the Highway Authority that the scheme put forward would provide an improvement to the future queuing and delays that the existing junction would suffer from which was identified by the modelling assessment. It is considered that this improvement scheme should be delivered through the CIL process.”*

The County Highway Authority has confirmed that this scheme is not required to make the current scheme acceptable. As such, it does not need to be delivered under this application and such details do not form a part of this application. The County Highway Authority has also not raised any objections on the highway safety issues raised by an increased use of the general local road network, including its junctions.

7.6.2 The details of layout are, as indicated above, a reserved matter but an indication that 200 parking spaces would be provided to serve this development. This level of parking would meet parking standards and no objections are therefore raised on these grounds.

7.6.3 The condition of the road surface on Kings Road, particularly between Rose Meadow and A322 Guildford Road, is poor. In this respect the County Highway Authority has advised:

*“To promote walking and cycling and to assist pedestrians accessing the bus stops and local facilities the surface of Kings Road [between Rose Meadow and A322 Guildford Road] which is a privately maintained public highway should be improved for future users. Details of the highway requirements necessary for the inclusion in any application seeking approval of reserved matters may be obtained from the [County Highway Authority].*

*[As] Kings Road is a privately maintained road, ...therefore it is the responsibility of the residents who front the road to maintain it for suitable usage for all users. However, the Highway Authority note that the condition of Kings Road is less than ideal and attractive than it could be for users. The Highway Authority would therefore welcome the developer to enter into discussions with the residents to provide an improvement.”*

The County Highway Authority has confirmed that the poor surface of Kings Road, particularly between Rose Meadow and A322 Guildford Road, and the effect of increased traffic on this highway is not a reason to refuse this application. As such, no objections are raised on these grounds, with the proposal complying with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

## 7.7 Impact on local character, trees and hedgerows

- 7.7.1 Paragraph 7.5.11 above already recognises that unless there is a clear proven need to release countryside for housing, the intrinsic characteristics of the countryside should be protected for its own sake. However, on the assumption that this land has to be released then the following conclusions can be drawn on the merits of the proposal.
- 7.7.2 The proposal would result in the provision of housing on a greenfield site, which would extend the effective settlement boundary into the defined countryside. This would have some impact on the rural character of the site, with the loss of the fields to residential development. However, this effect would not be so significant an impact, noting the quality of the landscape, the site topography, the level of boundary screening, particularly to the south and east boundaries of the site (adjoining the Green Belt), and the limited views of the site that would be afforded from the open countryside beyond. No objections are raised to the impact of the proposal on the rural character of the area.
- 7.7.3 The minimum gap between the settlements of West End and Bisley is 370 metres (at the A322 Guildford Road). The current proposal would be located a minimum of about 450 metres from the settlement of Bisley. It is also noted that the remainder of the land between these settlements falls within the Green Belt. As such, it is not considered that the development proposal would result in the loss of a strategic gap between, or a coalescence of, settlements.
- 7.7.4 As indicated above, the proposed layout is a reserved matter but the schematic layout provided with this application indicates how the development could be provided. Within this layout, it would appear that there would provide some spaciousness within the development providing gaps between dwellings and reasonably sized rear garden areas to serve the proposed residential properties.
- 7.7.5 The proposal would provide a density of development of about 24 dwellings per hectare which compares with an average of between 5 and 20 dwellings per hectare for this part of the West End settlement. Whilst matters of design and massing are a reserved matter, taking into consideration the schematic layout (which indicates that a layout of this density could be provided without detriment to local character, as indicated in Paragraph 7.4.3 above), and the best use of land, no objections are raised to the proposal in terms of its impact on the character of this part of the West End settlement.
- 7.7.6 There a number of significant trees at the site boundaries (particularly to the south and east boundaries) and the schematic layout has indicated that the proposal would not result in the loss of these trees. With the exception of a row of trees running from north to south between the west and east fields, there are no significant trees within the application site. The schematic layout indicates a layout which would retain the majority of these trees. The Council's Arboricultural Officer has indicated that *"the current proposals and layout has been led by the arboricultural guidance provided [with this application] which will limit the impact on the landscape profile of the area and which can, with conditions, be mitigated...I would therefore raise no objections to the proposals at this stage."* It is therefore considered that the proposal would not have an adverse impact on trees.

7.7.7 There are no significant hedgerows within the site and all such significant vegetation is located at the site boundaries. Noting that layout is a reserved matter, it is not considered that the proposal is therefore likely to have any adverse impact on hedgerows and no objections are therefore raised on these grounds.

7.7.8 The proposal is considered to be acceptable on character grounds, in this respect, complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **7.8 Impact on residential amenity**

7.8.1 Details of layout, design and built form would be reserved for a future application. The schematic layout indicates that the nearest proposed properties to 6 and 9 Rose Meadow would be in line with these properties, a relationship for which the Council is unlikely to raise any objections. The site is positioned some distance from any other residential property and no objections are therefore raised to the impact for the development on residential amenity grounds.

7.8.2 The proposal would lead to an increase in traffic noise from increased movements on adjoining streets, especially Rose Meadow. In this respect, the applicant has provided an acoustic report to which the Council's Senior Environmental Health Officer has confirmed that whilst the increase in road noise will be noticeable from the most affected houses in Rose Meadow, the level of increase would not be sufficient to make any significant impact on residential amenity. No objections are therefore raised on these grounds.

7.8.3 The current proposal in its outline form is therefore considered to be acceptable on residential amenity grounds, with the proposal complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **7.9 Impact on ecology**

7.9.1 The proposal is supported by an ecological report which included details regarding bats, badgers, birds and reptiles. This report was appended with a bat activity and preliminary roost assessment of all trees within the site and a water vole survey. The ecological value of the site is diminished because of the annual harvesting of hay. The Surrey Wildlife Trust has confirmed that they raise no objections to the proposal on ecological grounds. As such, no objections are raised on such grounds, with the proposal complying, in this respect, with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

## **7.10 Impact on archaeology**

7.10.1 The proposal has been supported by an archaeological assessment which has concluded that the site has a low archaeological potential and that the projected lines of possible roman roads whose very existence is still conjectural. The Surrey Archaeological Officer concurs with this view and indicates that the archaeological work is not required prior to the determination of this application, and these matters could be considered by condition.

The proposal is considered to be acceptable in terms of its impact on archaeology, complying with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

### **7.11 Impact on land contamination, drainage and flood risk**

- 7.11.1 There is evidence from the County Council that the south east corner of the site (about 13% of the application site area) formed a (pre-war) landfill site. The applicant has provided some initial survey of this area which did not find any land contamination. The Senior Environmental Health Officer has indicated that *“from the trial pit results it seems that at those locations and depth there were no fill materials identified. It would seem prudent in the circumstances if permission is to be granted to impose a condition that addresses any unforeseen contamination that may arise...”* The Environment Agency concur with this view and would recommended that infiltration SuDS are not provided, where there is a risk from contamination.
- 7.11.2 The Council’s Drainage Engineer has indicated that the Flood Risk Assessment submitted with the application is acceptable in principle. He has suggested details need to be provided but these would normally be provided at condition stage.
- 7.11.3 The south part of the site is adjacent to the Bourne and (for about 6% of the application site area) falls within the (Zone 2 and Zone 3) areas of medium and high flood risk (1 in 1000 year annual probability of a fluvial flood event, or more frequent). Whilst the proposed layout is a reserved matter, the proposed schematic layout indicates that the proposed development would not be built within this floodplain. The Environment Agency has raised no objections on flood risk grounds, subject to no residential development being built in this flood risk area.
- 7.11.4 Following, the Ministerial Statement in November 2014, Surrey County Council became the Lead Local Flood Authority (LLFA) for the Borough from April 2015. As this application was received before 15 April 2015, the LLFA did not need to be consulted. However, any major applications determined after 6 April 2015 still need to consider sustainable drainage. With details of layout being a reserved matter, a drainage strategy would be required at that stage. No objections are therefore raised to the proposal on surface water grounds.
- 7.11.5 The proposed is considered to be acceptable on these grounds complying with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

### **7.12 Impact on local infrastructure**

- 7.12.1 Surrey Heath’s Community Infrastructure Levy (CIL) Charging Schedule was adopted by the Full Council in July 2014. As the CIL charging schedule came into force in December 2014, an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential development where there is a net increase in residential floor area, the development is CIL liable.
- 7.12.2 The CIL charging schedule includes payments, which do not need to be relevant to the development proposal in all cases, towards SANG, open space, local/strategic transport projects, play areas and equipped spaces, indoor sports, community



facilities (e.g. libraries and surgeries), waste and recycling, and flood defence/drainage improvements. This can include highway improvements to benefit the local highway network.

- 7.12.3 Improvements to education do not form part of the CIL scheme and there is no mechanism to collect contributions from development for such needs. The impact of the proposal on local education and whether a contribution towards such improvements has to be separately assessed. In this case, Surrey County Council have advised a payment of £239,965 is required for primary education (none for secondary education) but, to date, no justification or details regarding the project to which this proposal should contribute has been provided. Consequently in the officers' opinion, requesting this contribution would not comply with the tests set out in Paragraph 204 of the NPPF.
- 7.12.4 At the time of writing of this report, the required CIL forms were submitted and the Council was able to calculate the liable sum, which is estimated to be about £1.125 million. CIL is a land charge that is payable upon commencement of works. As such, no objections are raised to the proposal on these grounds, with the proposal complying with Policy CP12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

### **7.13 Impact on affordable housing provision and housing mix**

- 7.13.1 Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 would require the provision of 40% affordable housing (34 units) within the development, for which the applicant has confirmed their agreement. This provision would need to be secured by a unilateral undertaking and this has not been provided to date but can be provided at the reserved matter stage. No objection is therefore raised on these grounds with the proposal complying with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.
- 7.13.2 Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012 would require the provision of a mix of housing. The proposal would result in a larger proportion of four bedroom plus market homes (i.e. 5 four bed (plus) in place of three bedroom homes) than the policy requirement. The applicant has indicated that there is a deficit of demand relative to supply particularly for larger housing units (4 bedrooms plus) and consider that the proposed adjustment to the policy compliant mix on this scheme is therefore appropriate under these circumstances. The proposal would also provide a reduced number of smaller affordable units (i.e. by 5 one bed units). Noting its location a reduction in the number of smaller affordable units is considered to be acceptable in this case. No objections are therefore raised to the proposed housing mix with the proposal complying with Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012.

### **7.14 Impact on crime**

- 7.14.1 Surrey Police have confirmed that they do not have *“any major concerns regarding the relationship of design of this development and security”* and make suggestions about improving the juxtaposition of the play areas with residential properties, the details of road surfacing and parking layout which can be considered at the

details/conditions stages. No objections are therefore raised on these grounds with the proposal complying with the National Planning Policy Framework.

## **7.15 Open space provision**

7.15.1 Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires the provision of open space (including play space) within new residential developments to meet the needs of future residents. The schematic layout indicates the position of open/play space proposed towards the south boundary of the site. However, details of layout are a reserved matter. As such, no objections are raised to the proposal on these grounds with the proposal complying with Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **7.16 Impact on the Thames Basin Heaths Special Protection Area**

7.16.1 The application site falls about 0.8 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the South East Plan 2009 (as saved) seeks to protect the ecological integrity of the SPA from recreational pressure, through increased dog walking and an increase in general recreational use, which occurs from the provision of new (net) residential development. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of contributions towards Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA.

7.16.2 As indicated in Paragraph 7.12.2 above, the CIL charging schedule incorporates SANGS funding. Legal advice has been taken which has concluded that it is not necessary to consider whether there is an availability of SANG capacity to accommodate this development at the time of the decision. As such, the release of SANG capacity before the implementation of any development proposal can be conditioned and such a condition can meet the tests set out in The Conservation of Habitats and Species Regulations 2010. No objection is therefore raised to the proposal on these grounds.

7.16.3 The applicant has put forward options of available SANG capacity at Heather Farm and Bisley Common. The Heather Farm SANG is controlled by Woking BC and a legal agreement with that Council would be needed. The Bisley Common SANG has available capacity. It is therefore concluded that, in any case, there are options available for the current proposal to mitigate its impact on the SPA by contributing to SANG development in the local area.

7.16.4 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution of £48,392 is required. This contribution has not been received to date, or a legal agreement completed to secure this funding. However, this matter can be dealt with at the reserved matter stage and no objections are raised on these grounds.

7.16.5 The current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

## **8.0 CONCLUSION**

- 8.1 No objections are raised to the impact of the proposal on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix, crime and the Thames Basin Heaths Special Protection Area. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage.
- 8.2 However, it is considered that the site should not be released for housing at this time and an objection is raised on these grounds. As such, the Council would have refused this proposal if it had been given the opportunity to determine this application.

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

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

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

## **11.0 RECOMMENDATION**

If the Council had been the determining authority, it would have **REFUSED** permission for the following reason:

1. The proposal by reason of being sited within the Countryside beyond the Green Belt, in the eastern part of the Borough, would result in the release of land for development that would currently conflict with the spatial strategy

for the Borough which seeks to firstly concentrate development in the western part of the Borough and settlements areas on previously developed land. At this current time the release of this land would therefore be harmful to the intrinsic characteristics of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CP1 and CP3 (iii) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Informative(s)

1. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.