

**LOCATION:** LAND NORTH OF, BELDAM BRIDGE ROAD, WEST END, WOKING, GU24 9LP

**PROPOSAL:** Outline Application for the erection of up to 85 dwellings with new access and change of use of land to provide publicly accessible recreation space (SANG), car parking, landscaping and open space (details of access only to be agreed). (Additional info rec'd 15/09/14), (Additional info rec'd 23/09/14).

**TYPE:** Outline

**APPLICANT:** Taylor Wimpey UK Ltd.

**OFFICER:** Duncan Carty

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The current outline application relates to the erection of up to 85 dwellings on land to the north of Beldam Bridge Road and provision of a Site of Alternative Natural Greenspace (SANG) in West End. The proposal relates to the approval of the access only.
- 1.2 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 and an objection is raised on these grounds. In addition, a legal agreement has not been completed to date concerning the SANG delivery. As such, the application is recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The housing part of the site relates to former nursery land to the north of Beldam Bridge Road on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls gently from north to south and the majority of the significant trees are located to site boundaries of this site. This site has previously been used as a production tree nursery but is now redundant stock land. The land has not been used for about 10 years and is now in a poor condition. The SANG site lies to the north and east of the housing site within the Green Belt. This is predominantly wooded with grassland glades.

- 2.2 The housing site measures 2.4 hectares and the SANG site measures 12.2 hectares in area. Land to the south and east of the proposed housing site, including the SANG proposal, falls within the Green Belt. The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency).

### **3.0 RELEVANT HISTORY**

- 3.1 None.

### **4.0 THE PROPOSAL**

- 4.1 The current proposal relates to the erection of up to 85 dwellings with its proposed access from Beldam Bridge Road. The access would be provided at roughly the midpoint of the frontage onto Beldam Bridge Road, east of the road junction with Kings Road. The exact amount and mix of dwelling units has not been defined under this application; only that the scheme would provide for up to 86 units. 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. However, 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.
- 4.3 The application has been supported principally by:
- Planning and Affordable Housing Statement;
  - Design and Access Statement;
  - Transport Statement and Framework Travel Plan; and
  - Housing Land Supply Report (received on 2 April 2015).

Other provided reports include:

- SANG Delivery Document and Management Plan;
- Flood Risk Assessment and Preliminary Surface Water Drainage Strategy;
- Noise Assessment;
- Tree Report;
- Ecological Appraisal;
- Preliminary Services Appraisal;
- Cultural Heritage Assessment and Landscape Visual Appraisal; and
- Statement of Community Involvement.

Addendums or revisions to the Traffic Report, Flood Risk Assessment and the SANGS Delivery Document and Management Plan were subsequently submitted, following consultee responses.

- 4.4 The Housing Land 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, this buffer should amount to 20% 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 subject to provision of a noise report which has now been received.                                   |
| 5.3 | Surrey Police            | No objections.                                                                                                      |
| 5.4 | Surrey Wildlife Trust    | No objections.                                                                                                      |
| 5.5 | Natural England          | No objections, subject to the completion of a legal agreement to secure management/ownership of SANG in perpetuity. |
| 5.6 | Environment Agency       | No objections.                                                                                                      |
| 5.7 | Archaeological Officer   | No objections.                                                                                                      |

- |      |                                   |                                                                                                                                                                                                                                                    |
|------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.8  | Arboricultural Officer            | No objections (verbal).                                                                                                                                                                                                                            |
| 5.9  | Drainage Engineer                 | 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, one representation in support has been received (making no specific comments) and 165 representations, including one from the West End Action Group and one petition (with 635 signatures) raising an objection have been received which raise the following issues:

### 6.1 Principle

- Combined impact with other proposals [*Officer comment: Each application is to be determined on their own merits*]
- Other sites should be developed instead [*see Paragraph 7.5*]
- Amount of houses is in excess of the core strategy requirement (20 houses) [*see Paragraph 7.5*]
- Impact on Green Belt status of land [*Officer comment: The housing site is within the Countryside (beyond the Green Belt)*]
- West End does not need any more housing and has provided its fair share of housing in the past [*see Paragraph 7.5*]
- Development proposal is premature, opportunistic and inappropriate [*see Paragraph 7.5*]
- Adequate provision of housing will be provided elsewhere at Princess Royal Barracks (Deepcut) and Brookwood Farm [*Officer comment: The Brookwood Farm site falls outside of the Borough and assist in meeting the Borough's own housing requirements Also see Paragraph 7.5*]
- Development is proposed before sites allocation document is published [*see Paragraph 7.5*]
- Non-conformity with NPPF policy on sustainable development [*see Paragraph 7.5*]

- Site should be returned to Green Belt, particularly now the bypass proposal has been deleted [*Officer comment: This can only be undertaken through a Green Belt boundary review*]
- Development exceeds limit set out in the “Future of West End – Guidelines from Residents” Steering group report of 2011 [*Officer comment: This is not an adopted policy document*]
- Reserve site should have lost that status when the bypass proposal was deleted [*see Paragraph 7.5*]

## 6.2 Highway and transportation matters

- Impact on road infrastructure [*see Paragraph 7.6*]
- Increased traffic resulting in traffic congestion and increased risk of accident at local road junctions and wider road network [*see Paragraph 7.6*]
- Dangerous access onto a bend in a narrow, winding road [*see Paragraph 7.6*]
- Parking for SANG would be used as overspill housing [*see Paragraph 7.6*]
- No footpath access at proposed road junction and poor footpath links in the area [*Officer comment: Such details would be a reserved matter*]
- Increased use of rat-runs [*see Paragraph 7.6*]
- Use of Kings Road as a cut through would be higher than estimated [*see Paragraph 7.6*]
- TRICS should not be relied upon for assessing traffic impacts. It uses standardised data and will not reflect the higher car ownership levels on the area [*see Paragraph 7.6*]
- Development would increase car-use [*see Paragraph 7.6*]
- Unsustainable location with a lack of facilities (employment and shops) [*see Paragraph 7.6*]
- Conflict of proposed access with that proposed under application SU/14/0451 (three houses at land south of Beldam Bridge Road) on the opposite side of the road) [*see Paragraph 7.6*]
- Garages would not be used for car parking [*Officer comment: Such details/control would be a reserved matter*]
- Insufficient public parking [*see Paragraph 7.6*]

## 6.3 Character and Green Belt reasons

- Impact on the character of the village [*see Paragraph 7.7*]
- Loss of gap between, or merging of, settlements [*see Paragraph 7.7*]

- Loss of trees and hedges [see *Paragraph 7.7*]
- Tree Preservation Order should be imposed on all trees on the site [see *Paragraph 7.7*]
- View of development would be more visible (from Benner Lane) in the winter [Officer comment: *The loss of a view is not a material planning matter*]
- Destruction of rural land [see *Paragraph 7.7*]
- Height of proposed houses [Officer comment: *Scale is a reserved matter*]
- Standard design and layout would be provided to form an anonymous estate [Officer comment: *Appearance and layout are reserved matters*]
- Density of development would be out of keeping [Officer comment: *Layout is a reserved matter. Also, see Paragraph 7.7*]
- Overbearing size of development [see *Paragraph 7.7*]
- Destruction of ancient fields and woodland [see *Paragraph 7.7*]
- The SANG will not be open countryside, being more akin to a local park which would be more in keeping with suburbia than a village [see *Paragraph 7.7*]
- Impact on local character/streetscene [see *Paragraph 7.7*]
- Impact of SANG on the Green Belt [see *Paragraph 7.7*]

#### 6.4 Residential amenity

- Increase in noise from development and increased traffic [see *Paragraph 7.8*]
- Increased pollution (dust, fumes) [see *Paragraph 7.8*]
- Increased light pollution [see *Paragraph 7.8*]
- Scant information received on road noise [Officer comment: *This has subsequently being received*]
- Impact on Human Rights [Officer comment: *See Page 2 of the Committee Agenda. There is considered to be no potential conflict with the Human Rights Act*]
- Overbearing impact on, and loss of privacy to, adjoining residential properties [Officer comment: *Layout, appearance and scale are reserved matters*]

#### 6.5 Other matters

- Impact on wildlife and their habitats – stag beetles, bees, bats, buzzards, sparrowhawks, hedgehogs, red kites, deer, newts, hobbies, owls, herons, squirrels, lesser spotted woodpeckers, rabbits, snakes and frogs. Animals cannot be translocated because they are territorial [see *Paragraph 7.9*]
- Impact of SANG development on local ecology [see *Paragraph 7.9*]

- Impact on water table, drainage (including local ditches, dirty water/run-off) and flooding [see Paragraph 7.11]
- Impact on the floodplain (Zone 2 – medium risk) [*Officer comment: The site does not fall within the floodplain, it falls within a Zone 1 low risk area*]
- Loss of trees will have an adverse effect on drainage/flood risk [see Paragraph 7.11]
- Pond/swale will result in increased flood risk downstream [see Paragraph 7.11]
- Impact on local infrastructure (school places, doctors) which is unsustainable [see Paragraph 7.12]
- Homes will not be for local people only commuters [see Paragraph 7.13]
- Increase in crime (burglaries, anti-social behaviour and vandalism) [see Paragraph 7.14]
- It is not necessary for the SANG path to be located so close to mutual boundaries [*Officer comment: If minded to approve, these details would be a reserved matter. Also see Paragraph 7.16*]
- SANG would be lost if bypass proposal is resurrected [*Officer comment: This road proposal has been deleted. See Paragraph 7.16*]
- SANG is not required (there is plenty of open space around the village) if it is to support this proposal [see Paragraph 7.16]
- SANG has been identified as a habitat for some protected birds, but this would be compromised by disturbance from dog walking [see Paragraph 7.16]
- SANG proposal should provide a reasonable leisure facility, not just a facility for walkers/dog walkers [see Paragraph 7.16]
- Impact on Brentmoor SSSI/SPA [*Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. Also, see Paragraph 7.16*]
- No guarantee that the SANG land will not be developed in the future [*Officer comment: This is not for consideration under this proposal*]
- Planned recreational area is not in a safe location [*Officer comment: Layout is a reserved matter*]
- Impact on local services (sewerage, water and power) [*Officer comment: This is not a material planning matter*]
- Development needs to set-aside land for SANG – money, if this were not in West End, could be diverted elsewhere e.g. schools [*Officer comment: SANG mitigation affects net residential development in the whole of the Borough*]
- Impact on child safety and personal health [*Officer comment: This is not a relevant planning matter*]

- Queries where money from land sale would be going [*Officer comment: This is not a relevant planning matter*]
- Level of opposition (85%) from an exit poll which followed the public consultation for the proposal [*Officer comment: This is noted but is not, in itself, a relevant planning matter*]

## 7.0 PLANNING CONSIDERATIONS

- 7.1 The housing part of 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). The SANG part of the proposal falls within 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 access on highway safety;
  - local character, Green Belt, 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 dis-benefits (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 7.5.9 below, 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 of access on highway safety**

7.6.1 The proposal would provide a sole vehicular access for the development from Beldam Bridge Road. The access would be provided from the inside of a bend in the road. The County Highway have suggested conditions regarding access details, including visibility requirements and footway provision, and a speed reduction scheme to reduce the speed on Beldam Bridge Road (in the immediate vicinity of the proposed access) from 40 to 30 miles per hour. 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 this application [and SU/14/0532] 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, suffers 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 and the level of parking to be provided would be considered at this stage. No objections are therefore raised on these grounds at this stage.

7.6.3 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, Green Belt, 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 former forestry land to residential development. However, this effect would not be so significant an impact, noting the poor 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 public highway, Beldam Bridge Road), and the very 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 765 metres from the settlement of Bisley. The site is also about 2.8 kilometres from the edge of the Green Belt settlement of Chobham. It is also noted that the remainder of the land between these settlements falls within the Green Belt, with the exception of the application site for SU/14/0532. 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 up to 30 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 nearest residential property to the residential development proposal is Thurdon, which fronts Beldam Bridge Road to the north west flank has a long depth (about 150 metres) which abuts the application site. The schematic layout shows a proposed dwelling to be built in line with this property, with other properties behind with rear gardens facing this boundary, relationships which would be acceptable in principle. Oak Farm House and Briar House lie close to the SANG part of the site. However, noting the limited impact of the change of use no material impact on the residential amenity of these properties is envisaged. 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 at this stage.

7.8.2 The proposal would lead to an increase in traffic noise from increased movements on adjoining streets. 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, 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, newts, birds, badgers and reptiles. This report was appended with a bat activity and preliminary roost assessment of all trees within the site and a local newt survey. 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. The Surrey Archaeological Officer indicates that the level of archaeological remains unknown but indicates that any further 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 drainage and flood risk**

- 7.11.1 The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency). The Flood Risk Assessment submitted with the application confirms this fact and that there has been no known flood event at the site. The Environment Agency has raised no objections on these grounds.
- 7.11.2 The Flood Risk Assessment submitted with the application indicates that *"the low permeability of substrata means that it is not possible to employ filtration techniques on the site. It is therefore proposed to utilise source control by incorporating porous paving in hardstanding areas with storage beneath, connected to a positive pipe network within the development road system. The network would discharge via an open swale to a riparian ditch along the east boundary. Additionally, water butts will be used to collect rainwater from roofs. This will help reduce total run-off from the development."* The Council's Drainage Engineer has indicated that the Flood Risk Assessment is acceptable in principle. He has suggested details need to be provided but these would normally be provided at condition stage.
- 7.11.3 Following the Ministerial Statement in November 2014, Surrey County Council became the Lead Local Flood Authority 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.
- 7.11.4 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 SANGS (unless, as in this case, a SANGS is proposed), 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 £350,064 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 The required CIL forms have been submitted. However, with no confirmation of the number and size of the proposed dwellings, an estimate of liability cannot be made at this stage. 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 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 which is not defined at this stage. At this stage, no objections are therefore raised to the proposed housing mix 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. Noting the size of the site, the proposal would be able to accommodate such facilities. However, details of layout are a reserved matter.

As such, no objections are raised to the proposal on the grounds with the proposal complying with Policy DM16 of the Surrey Heath Core Strategy and Development



Management Policies 2012.

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

7.15.1 The application site falls about 0.75 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 Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA.

7.15.2 As indicated in Paragraph 7.12.2 above, the CIL charging schedule incorporates SANGS funding, except where a SANGS is proposed under the same (or linked) development. In this case a SANGS is proposed (on adjoining land) as a part of the overall proposal. The main (minimum) requirements for the provision of a 12.2 hectare SANGS are:

- A parking area;
- A 2.3-2.5 kilometre circular walk;
- Paths must be easily used and well maintained but should remain unsurfaced;
- SANGS should be perceived as semi-natural spaces;
- Access should remain largely unrestricted so that dogs can be exercised off the lead; and
- The SANGS should be provided in perpetuity with management (back-up) fund provided and step-in rights provided if the SANGS management should fail.

A parking area for 12 cars is proposed and a circular walk to meet the specifications can be provided within the SANGS proposal site. The SANGS would be perceived as a semi-natural space and the existing path ways are unsurfaced. Natural England has raised no objections subject to the completion of a legal agreement to cover the management of the SANGS in perpetuity, provision of a maintenance fund and to include a step-in clause provided if the SANGS management should fail. Such a legal agreement has not been secured to date and an objection on these grounds is there raised to the proposal.

7.15.3 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 is required. This contribution has not been received to date, and cannot be calculated where the number and size of dwellings is not provided. However, this matter can be dealt with at the reserved matter stage and no

objections are raised on these grounds.

- 7.15.4 Without a legal agreement (as required under the terms set out in Paragraph 7.15.2 above), the current proposal is considered to be unacceptable 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 the lack of a legal agreement for the SANG delivery is unacceptable, for the reasons set out in Paragraph 7.15.2 above, and an objection is raised on these grounds. As such, the application is recommended for refusal.

## **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**

**REFUSE** permission for the following reasons:

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.
  
2. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply 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 advice in the Thames Basin Heaths Special Protection Area SPD 2012. The proposal would also fail to comply with the Habitats and Species Regulations 2010 and the National Planning Policy Framework. The proposal would not be able to adequately secure the delivery and future maintenance of the Site of Alternative Natural Green Space (SANGS) in perpetuity and as such would have an adverse impact on the integrity of the Thames Basin Heaths Special Protection Area.