

**LOCATION:** LAND NORTH EAST OF MALTHOUSE FARM 70, BENNER LANE, WEST END, WOKING, GU24 9JG

**PROPOSAL:** Erection of residential development to provide 95 dwellings (including 5 one bed, 25 two bed, 32 three bed and 33 four bed units) with vehicular/pedestrian accesses, parking, landscaping and open space. (Addl informatinon recv'd 24/8/15)

**TYPE:** Full Planning Application

**APPLICANT:** Southern Heritage Developments Ltd.

**OFFICER:** Duncan Carty

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The current planning application relates to the erection of 95 dwellings on predominantly agricultural land to the north and east of Malthouse Farm to the east of Benner Lane in West End. The proposal would be located on part of a housing reserve site, and would adjoin the settlement of West End.
- 1.2 In terms of the impact on local character and the setting of a listed building (Malthouse Farm and its associated listed granary), hedgerows, residential amenity, ecology, archaeology, local infrastructure, housing mix and crime, no objections are raised. Comments are awaited in relation to the impact of the proposal on traffic generation, parking, highway safety, and drainage/flood risk.
- 1.3 Whilst there is currently no SANG capacity assigned to this development, following the legal advice taken for other similar schemes, this can be dealt with by a "Grampian" condition and an objection is not raised on these grounds. 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. There is no legal agreement in place to provide affordable housing and a SAMM contribution, and objections are also therefore raised on these grounds. Insufficient information has also been provided to date to demonstrate that the proposal would not have an adverse impact on trees. As such, the proposal is recommended for refusal.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site relates to predominantly agricultural land north and east of Malthouse Farm. Malthouse Farm is a Grade II listed 16<sup>th</sup> Century timber framed dwelling, which was re-fronted in the 17<sup>th</sup> Century, having a Georgian front elevation. The site also includes a part of the rear garden of Malthouse Farm. The site lies to the east of Benner Lane in West End on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site.
- 2.2 The land falls from north to south and the majority of trees are located to site boundaries, providing significant screening particularly to the north west and north east corners and the south and (part of the) east boundaries of the site with a line of trees running through the site from north to south which marks a historic boundary between two fields.

- 2.3 The north boundary of the site is with the unadopted lane, Fairfield Lane, with some residential properties on the north side of the lane facing the application site. These residential properties are detached properties, principally two storey in height, and are in two groups, split by a pocket woodland in a gap, roughly centrally located, between these houses. To the west are four properties located closer to the road junction with Benner Lane. To the east end, and on the north side of the lane, there are three residential properties, a detached property with a pair of semi-detached properties, with a farm (Laurel Farm) located behind. The land on the north side of Fairfield Lane retains its rural character.
- 2.4 The west boundary of the site is, except where the site wraps around the rear of the Malthouse Farm plot, with Benner Lane. Residential properties on the west side of this highway face the application site. The residential properties are principally two storey and are a mix of detached and semi-detached properties, set closer together and reflecting its settlement character.
- 2.5 The residential properties facing the application site have been built principally through plot division from Victorian to recent times with consequently a range of sizes, designs and using a range of materials.
- 2.6 The south boundary of the site is with Holy Trinity C of E Primary School, with its car park, playground and playing field behind, and the east boundary is predominantly with the residential property Fairfield. Fairfield is one of a small group of four dwellings located on the south side of Fairfield Lane, with very long (130 metre plus) rear gardens.
- 2.7 The site measures 4.93 hectares in area, and adjoins further housing reserve land to the east and south. The Green Belt lies to the north of the application site and the settlement of West End to the west. The application site lies within an area of low flood risk (Zone 1).

### **3.0 RELEVANT HISTORY**

- 3.1 There is no relevant planning history for this site.

### **4.0 THE PROPOSAL**

- 4.1 The current proposal relates to the erection of 95 dwellings with two accesses proposed from Benner Lane. The housing includes 5 one bed, 25 two bed, 32 three bed and 33 four bed units, with 40% affordable provision. A total of 213 car spaces (including garages spaces) are proposed.
- 4.2 There would be two vehicular accesses direct from Benner Lane, either side of the Malthouse Farm plot. A pedestrian access would be provided to Fairfield Lane. Open space (including a play space) would be provided to the rear of the Malthouse Farm plot fronting onto a spine road for the development. Part of the open space would be provided on the part of the existing rear garden for that property. The dwellings would be arranged within short cul-de-sacs or fronting onto this spine road, predominantly on the opposite side from the open space.

- 4.3 The proposed houses would be located a minimum of about 30 metres to the north and 40 metres to the south of this listed building. There would also be a gap of over 115 metres between the rear of the listed building and the nearest houses (on the opposite side of the spine road for the proposed development) and a gap of over (a minimum of) 50 metres between new houses would be provided to the rear.
- 4.4 The application has been supported principally by:
- Planning and Affordable Housing Statements;
  - Design, Access and Sustainability Statement;
  - Transport Assessment;
  - Housing Need and Supply Report (received on 1 April 2015).
  - Surface Water Drainage Statement and Flood Risk Assessment;
  - Housing Report;
  - Noise Assessment;
  - Arboricultural Impact Assessment;
  - Ecological Assessment;
  - Heritage Assessment and Historic Environment Desk Based (archaeological) Assessment; and
  - Statement of Community Involvement.
- 4.5 The Planning and Affordable Housing Statement includes a response to the publication of the Council's Housing Needs Supply Paper in February 2015. The applicant has indicated that the paper 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 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.
- 4.6 The assessment in Paragraph 7.0 below has taken into consideration the content of this report provided by the applicant.

## **5.0 CONSULTATION RESPONSES**

- 5.1 County Highway Authority No comments received to date. Any received comments will be reported to the Committee.

|      |                                   |  |
|------|-----------------------------------|--|
| 5.2  | Environmental Services            | No objections.   |
| 5.3  | Surrey Wildlife Trust             | No objections.   |
| 5.4  | Natural England                   | An objection is raised on a lack of SANG capacity or the level of SAMM contribution to accommodate this proposal [See <i>Paragraph 7.13</i> ].   |
| 5.5  | Environment Agency                | No objections.   |
| 5.6  | Surrey County Council (LLFA)      | Further details requested.   |
| 5.7  | Archaeological Officer            | No objections.   |
| 5.8  | Arboricultural Officer            | An objection is raised on the provision of insufficient arboricultural information (verbal).   |
| 5.9  | Surrey County Council (Education) | Contributions towards primary and secondary education requested.   |
| 5.10 | Conservation Adviser              | An objection is raised on the impact on the setting of a listed building (Malthouse Farm).   |
| 5.11 | West End Parish Council           | An objection is raised on the grounds that the site falls outside of the settlement boundary and the impact on the countryside, local infrastructure, ecology and overdevelopment (next to the Green Belt). The Borough is meeting its five year (plus buffer) housing target and the site does not need to be released for housing. |

## 6.0 REPRESENTATION

At the time of preparation of this report, 4 representations in support have been received and 200 letters of objection, including one from the West End Action Group and one from the Governors of the Holy Trinity School with two petitions (with 16 signatures and 1023 signatures). The main reasons for objection are summarised below:

### 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, opportunistic and unnecessary [See *Paragraph 7.5*]
- Adequate housing to be provided at other sites (Brookwood/Longcross/Bisley/Deepcut) [Officer comment: *Brookwood and Longcross fall 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*]

- Brownfield development/converting existing buildings should be undertaken before greenfield development [See Paragraph 7.5]
- Cumulative impact and un-co-ordination with other developments at Land south of Beldam Bridge Road (SU/14/0451), Land south of Kings Road/Rose Meadow (SU/14/0532) and Land north of Beldam Bridge Road (SU/14/0594) [Officer comment: Each application has to be determined on its own merits]
- Destruction/loss of Green Belt land [Officer comment: The land is not Green Belt]
- Land should be returned to Green Belt, particularly following the cancellation of the bypass [Officer comment: The land has not been re-defined as Green Belt]
- No presumption in favour of sustainable development for the proposal because of its proximity (i.e. within 5 kilometres) of the SPA and an appropriate assessment is required [See Paragraph 7.5]
- Site should be used for other (health/education/SANG/agricultural) purposes [Officer comment: It is for the Council to determine the proposal in front of them]

## 6.2 Character and Conservation reasons

- Impact on listed buildings (Malthouse Farm and granary) [See Paragraph 7.6]
- Impact on conservation area [Officer comment: the application site and its surrounds do not form a part of any Conservation Area]
- Loss of building of architectural interest [Officer comment: An outbuilding is to be demolished to the rear but this building has no architectural interest]
- The same reason for refusal for Inglenook should apply to the current proposal [Officer comment: Each application is determined on its own merits]
- Impact on historic character of the village and conservation [See Paragraph 7.6]
- Loss of trees, fields and hedges [See Paragraph 7.6]
- Impact on rural character and loss of rural/tranquil character [See Paragraph 7.6]
- Loss of green space/gap to Chobham and Bisley resulting coalescence of villages and beyond (Woking/Knaphill) [See Paragraph 7.6]
- Impact on, and suburbanisation of, village character [See Paragraph 7.6]
- Development is too large in scale [See Paragraph 7.6]
- Over dominant impact [See Paragraph 7.6]
- Cramped nature of the proposed development, out of character with nearby properties [See Paragraph 7.6]
- Need to avoid town cramming [See Paragraph 7.6]

### 6.3 Residential amenity

- Impact on residential amenities [See Paragraph 7.7]
- Increased noise and pollution from traffic [See Paragraph 7.7]
- 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*]

### 6.4 Highway and transportation matters

- Access to the site is adjacent to a school and traffic will conflict with school traffic as well as restrictions for emergency and other traffic, particularly due to the level of current on-street parking and narrowness of the public highway [See Paragraph 7.8]
- Impact on traffic congestion and highway safety on local roads and at local road junctions (A319 Bagshot Road – Benner Lane road junction, Beldam Bridge Road – Fellow Green – Benner Lane road junction, High Street – Windlesham Road – Streets Heath road junction and A322 Guildford Road – Fellow Green roundabout) particularly at school rush hour times. [See Paragraph 7.8]
- Increased use of rat-runs through the West End village and other local roads [See Paragraph 7.8]
- Increased traffic (vehicular/pedestrian) through West End [See Paragraph 7.8]
- 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 7.8]
- Limited availability of commuting by rail [See Paragraph 7.8]
- Poor local bus service [See Paragraph 7.8]
- Inadequate car parking proposed for this development with the parking standard not met [See Paragraph 7.8]
- Traffic impact during construction [*Officer comment: This would not be a reason, in itself, to warrant the refusal of this application*]
- Impact of extra traffic on poor road surface (Benner Lane)[*Officer comment: This would not be a reason, in itself, to warrant the refusal of this application*]
- Cumulative traffic impact with other developments (SU/14/0532, SU/14/0451 and SU/14/0594) [See Paragraph 7.8]
- Impact on private roads (Kings Road and Streets Heath) [*Officer comment: This would not be a reason, in itself, to warrant the refusal of this application*]

### 6.5 Other matters

- Loss and destruction of wildlife and their habitats (birds (including buzzards, sparrow hawks, owls, red kites, woodpeckers, cuckoos and herons), deer, hedgehogs, badgers, bats, dormice, shrews, newts, frogs, reptiles, toads, bees and foxes) [See Paragraph 7.9]
- Impact on archaeology/inadequate archaeological assessment [See Paragraph 7.10]

- Impact on drainage particularly with watercourses which run across the site and high water table – proposed mitigation will not be sufficient [See Paragraph 7.11]
- Impact on ground stability [*Officer comment: This would not be a reason to refuse this application*]
- 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, schools (including a lack of places), sewers, water, power (including electricity), village amenities (including shops (such as pharmacies), etc.) with no indication of any planned investment by the borough or County Councils [See Paragraph 7.12]
- New residents will have preference for school places at adjacent school (Holy Trinity School) over existing residents due to catchment [*Officer comment: this would not be a reason to refuse this application*]
- Large dwellings proposed will not be affordable and development is not linked to local needs, such as the requirements of the elderly (e.g. bungalows) [See Paragraph 7.13]
- Concern that housing will be bought by investors inflating houses prices [See Paragraph 7.13]
- Increase in crime and anti-social behaviour [See Paragraph 7.14]
- Impact on the heathland and other nature conservation sites [See Paragraph 7.15]
- Developer greed [*Officer comment: This is not a material planning consideration*]
- Against the wishes of the local community [*Officer comment: This is not a reason, in itself, to refuse this application*]
- Lack of recognition of 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*]
- Impact on local property prices which are inflated due to catchment for popular secondary school (Gordons School) which will not make the properties affordable nor have any benefit to local community [*Officer comment: This would not be a reason to refuse this application*]
- Impact of noise and dust on children at adjoining school [*Officer comment: If minded to approve, a method of construction including the approval of details to dampen dust and noise during construction could be imposed. In addition, there are separate controls under environmental health legislation*]

- Site security during construction [*Officer comment: If minded to approve, a method of construction including the approval of details to secure the site during construction could be imposed. In addition, there are separate controls under health and safety legislation*]

Three of the letters of support make no specific comments however, the fourth letter of support raises no objections, considering the proposal to be well thought out and an attractive development, subject to:

- 6.6
- More evidence concerning the impact of the proposal on traffic/parking on Benner Lane particularly at school drop off and pick up;
  - Assistance from the developer to the community particularly with the increased school demand; and
  - The medical centre will need to be expanded to take extra patients.

## 7.0 PLANNING CONSIDERATIONS

- 7.1 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 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 It is considered that the main issues to be addressed in considering this application are:
- Principle of development;
  - Impact on local character, conservation, trees and hedgerows;
  - Impact on residential amenity; and
  - Impact on traffic generation, parking capacity and highway safety .
- 7.4 Other matters include:
- Impact on ecology;
  - Impact on archaeology;
  - Impact on drainage and flood risk;
  - Impact on local infrastructure;
  - Impact on affordable housing provision;
  - Impact on housing mix;



- 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), subject to Paragraph 7.5.10 below.

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 as a starting point 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 on local character, conservation, trees and hedgerows**

7.6.1 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.

### Impact on the countryside

7.6.2 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 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, 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 general rural character of the area.

- 7.6.3 The proposal would provide four residential units (Plots 7-10) which principally face the pocket woodland to the north of Fairfield Lane. These properties would be detached properties, with gaps maintained between, and would be set back behind a proposed landscaped belt, which would enhance the existing hedge at this boundary, and would provide an acceptable relationship with this open land. The remaining properties nearest to the north boundary of the site, are either side on to (Plot 1 and 6, to the west) or whose rear gardens (Plots 29-31, to the east) face this boundary. At these points, there is a substantial tree and vegetation screen which would significantly reduce any visual impact of these properties.
- 7.6.4 The proposed residential properties bounding the east and south boundaries would also be side on or have rear gardens facing these boundaries. As indicated in Paragraph 2.2 above, these boundaries are predominantly well screened with trees and other vegetation which significantly reduces the impact on the land beyond.
- 7.6.5 The minimum gap between the settlements of West End and Chobham is about 2.2 kilometres. The current proposal would be located a minimum of about 2 kilometres from the settlement of Chobham. It is also noted that the vast majority of 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.

#### Impact on conservation

- 7.6.6 Paragraph 132 of the NPPF indicates that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”* Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 reflects national policy.
- 7.6.7 In this case, it is the setting that is affected by the proposed development. The Council’s Conservation Adviser raises an objection on the proposal indicating that *“the proposal will surround Malthouse Farm and subsume it into an overly suburban development. This suburban character will confuse the significance of Malthouse Farm and harm its special interest. It will no longer appear in isolation and in contrast to the existing development and the remaining understanding and appreciation of its relationship with the land will be greatly reduced.”*
- 7.6.8 Paragraph 8.29 supporting Policy H8 of the Surrey Heath Local Plan 2000 (as saved) indicates that any future release of the housing site would be subject to the need to take *“account of the need to protect the setting of Malthouse Farmhouse, a Grade II listed building...”* However, the reserve site includes the whole of the application site, and there is not an “in principle” objection to housing on this site (subject to Paragraph 7.5 above) and the Conservation Officer has confirmed that the level of harm is not substantial. Significant gaps are to be retained between the built development and Malthouse Farm, as outlined in Paragraph 4.3 above. Paragraph 134 of the NPPF confirms that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal,...”* In this case, due to the adopted local plan position and levels of separation between the Malthouse Farm and the proposed dwelling, it is considered that the proposal is acceptable on these grounds.

7.6.9 The 17<sup>th</sup> Century granary within the residential curtilage of Malthouse Farm is Grade II listed for group value only. Whilst, this building would be closer to the nearest proposed residential property located to the rear of a collection of buildings within this residential curtilage, its importance (and therefore significance) is much less than the listed farmhouse. As such, the proposal would not have a significant impact on the setting of this listed structure.

Impact on settlement character

7.6.10 Section 2 of this report provides a site appraisal of the surrounding area. It is therefore necessary to consider whether the layout, massing, scale, density and design of this development will integrate into the existing local context and promote local distinctiveness in accordance with the NPPF and Policies CP2(iv) and DM9(ii) of the CSDMP.

7.6.11 The proposal would provide a variety of dwellings with a traditional design with a range of styles and materials. The applicant in the design statement has indicated that *"the dwellings...are traditionally proportioned with sliding sash fenestration with pitched roofs. The dwellings include a range of features including: front entrance porches, contrasting window detailing, chimneys, horizontal banding, bay windows and front gables."* The proposal would provide individually designed buildings, at a predominantly two storey height and using different materials to reflect the variety of dwellings within the adjoining settlement. No objections are raised to the proposed design of the residential dwellings.

7.6.12 There would be six residential properties (Plots 1-3 and 18-20), located close to the north access point, facing Benner Lane. These properties would be set back behind the existing tree screen at this boundary and noting the set back and gaps between these dwellings, would have an acceptable relationship with the residential properties which face this part of the application site. There would be five residential properties, located close to the south access point, four of which (Plots 84-87) would face, and one (Plot 83) would be side onto, Benner Lane. Plots 84-87 would be partly obscured by and set back behind existing trees. The proposed dwellings would be narrower semi-detached dwellings. However, these properties would face residential properties which are located within narrower plots, some of which are also semi-detached, and this relationship is therefore considered to be acceptable. Plot 83 has a dual aspect, with a detailed elevation facing Benner Lane and set back, also with an acceptable relationship with the dwellings on the opposite side of Benner Lane.

7.6.13 A block of five one bed flats (Plots 73-77) are proposed to be provided. These are to be located close to the south boundary (with Holy Trinity C of E Primary School). This building would be domestic in scale, being two storey (with accommodation in the roof) and narrower than the terraced block adjoining (Plots 69-72) and opposite (Plots 46-49) this flatted block. No objections are raised to this element of the proposal on character grounds.

7.6.14 The current proposal would provide a series of short cul-de-sacs all accessed from a spine road which loops through the site, with two separate accesses onto Benner Lane, north and south of Malthouse Farm. The general road layout of the adjoining part of West End, is predominantly connecting residential roads with some short cul-de-sacs, and no objections are raised to the proposed layout on character grounds.

7.6.15 The proposal would provide a density of development of about 20 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 the proposal would provide an area of open space which indicates that density would clearly be higher, it is considered that the proposal by providing a spacious development with gaps between properties could be provided without

detriment to local character, as indicated in Paragraph 7.6.8 above, and the proposal contributes to 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.

- 7.6.16 It is considered that the proposal would provide a form of development which would integrate with the adjoining settlement, and would improve the character and quality of the area. The use of a variety of house designs, materials and sizes would reflect the variety of housing within the adjacent settlement and would promote local distinctiveness. As such, no objections are raised to the development on these grounds.

#### Impact on trees and hedgerows

- 7.6.17 There a number of significant trees at the site boundaries (particularly to the south and east boundaries) and the 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 layout indicates a layout which would retain the majority of these trees. However, the Council's Arboricultural Officer has raised concerns that the tree report has not fully explained how the development would be constructed with adequate safeguards to retain the most significant trees on or immediately adjacent to the site. It is therefore considered that it has not been demonstrated that the proposal would not have an adverse impact on trees. An objection is therefore raised on these grounds.

- 7.6.18 With the exception of the old field boundary indicated in Paragraph 7.6.13 above, there are no significant hedgerows within the site and all such significant vegetation is located at the site boundaries. However, noting the proposal layout, 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.

- 7.6.19 It is considered that noting the variety of house styles close to the application site and the different characteristics of the adjoining settlement and countryside, the proposal would provide a scheme which integrates with these surroundings and improves the quality of the character and promotes local distinctiveness. In addition, the proposal would not have an adverse impact on the setting of the listed building, Malthouse Farm. The proposal is therefore considered to be acceptable on general character grounds, in this respect, complying with Policies DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012. However, an objection is raised on tree grounds, with the proposal, in this respect, failing to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

#### **7.7 Impact on residential amenity**

- 7.7.1 The proposed dwellings would principally be of a two storey height. Any larger buildings, i.e. at a two storey height with accommodation in the roof limited to plots (6, 27, 38 and 73-77) are located some distance from boundaries with existing residential properties.

- 7.7.2 The front wall of the dwellings in Fairfield Lane facing the application site are located a minimum of about 20 metres from the nearest dwelling in the proposed development. The front wall of the dwellings in Benner Lane facing the application site are located a minimum of about 29 metres from the nearest dwelling in the proposed development. These levels of separation are considered to be acceptable. As indicated in Paragraph 7.6.2, there is significant screening to the majority of east boundary of the site, which partly forms the boundary with Fairfield. All of the residential properties facing this boundary are either side on (Plots 31, 41 and 42) or have rear gardens which face this boundary (Plots 32-35). The properties side on would be positioned adjacent to significant vegetative screens on

this mutual boundary with adequate separation (about 20 metre deep rear gardens) for the remainder of the dwellings proposed to abut this boundary, which would provide an acceptable relationship with this adjoining residential property.

- 7.7.3 The levels of separation between Malthouse Farm and the nearest residential properties, as indicated in Paragraph 4.3 above, are also considered to be acceptable. The rear wall of the converted stables at Malthouse Farm (previously converted into a residential dwelling) would be over 20 metres from the rear wall of the nearest proposed residential dwelling [Plot 91], which is an acceptable level of separation.
- 7.7.4 The proposal would lead to an increase in traffic noise from increased movements on adjoining streets, especially Fairfield Lane and Benner Lane. 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.
- 7.7.5 The current proposal 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.

## **7.8 Impact on traffic generation, parking capacity and highway safety**

- 7.8.1 The proposal would provide two vehicular accesses to the site, from Benner Lane. The proposal would increase the number of dwellings using the local highway network by 95 dwellings. The transport assessment provided by the applicant indicates that there are no adverse transport impacts as a result of the proposal that require mitigation but the proposal is supported by a travel plan to reduce car dependency and support the use of non-car modes of travel. The comments of the County Highway Authority are awaited and any formal comments will be updated to the Committee.
- 7.8.2 The current proposal would provide 213 parking spaces to serve this development. This level of parking would meet parking standards and no objections, subject to the comments of the County Highway Authority, are therefore raised on these grounds.
- 7.8.3 As such, and subject to the formal comments of the County Highway Authority, 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.

## **7.9 Impact on ecology**

- 7.9.1 The proposal is supported by an ecological report which included details regarding bats, badgers, amphibians, birds, invertebrates and reptiles. This report included a bat activity and preliminary roost assessment of all trees within the site and an amphibian survey (for nearby pond). 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 including any impact on 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 drainage and flood risk**

7.11.1 The application site falls within an area of low flood risk and a flood risk assessment was submitted with this application. The Environment Agency has raised no objections on flood risk grounds.

7.11.2 Following, the Ministerial Statement in November 2014, Surrey County Council became the Lead Local Flood Authority (LLFA) for the Borough from April 2015 and major applications determined after 6 April 2015 need to consider sustainable drainage before determination. The LLFA has indicated that further details are required. However, these details have not been received to date and the comments of the LLFA in relation to this position are awaited. No objections are therefore raised to the proposal on sustainable drainage grounds, subject to the comments of the LLFA.

7.11.3 The proposed is considered to be acceptable on these grounds, subject to the comments of the LLFA, 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 £360,909 is required for primary education and £408,736 for secondary education (totalling £769,645) 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 £1.423 million (if the proposal contributes towards SHBC SANG) and £0.614 million (if the proposal were to contribute towards a private SANG). 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**

7.13.1 Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 would require the provision of 40% affordable housing (40 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 and an objection is therefore raised on these grounds with the proposal failing to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.

### **7.14 Impact on housing mix**

7.14.1 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 family homes which the applicant has indicated in their statement is *"in accordance with the prevailing housing-led character of the area. In addition, the provision of family sized dwellings will complement the majority of the Council's existing supply that comprises a high proportion of smaller sized residential accommodation (e.g. apartment schemes or [Class] C2 use development."* Noting its location, a reduction in the number of smaller 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.

### **7.15 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 layout indicates the position of open/play space proposed towards the south boundary of the site. However, details of layout could be provided by condition (if minded to approve). 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 0.6 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. There is currently insufficient SANG capacity from the available SHBC public SANGs to support the current proposal. 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 It is known that there may be 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. As such, without this secured, an objections is raised on these grounds.
- 7.16.5 The current proposal is considered to be unacceptable in terms of its impact on the SPA, failing 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 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/conservation, hedgerows, residential amenity, ecology, archaeology, local infrastructure, housing mix, crime and SANG. Comments in relation to traffic generation, parking, highway safety and drainage/flood risk are awaited.
- 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. With no legal agreement in place to provide affordable housing and a SAMM contribution, an objection on these grounds is also raised. Sufficient information has not been provided to date to it demonstrate that the proposal would not have an adverse impact on trees. As such, the proposal 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 for the following reason(s):-

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, to secure affordable housing provision, the applicant has failed to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
3. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in addition failing to provide a bespoke SANGS (Suitable Alternative Natural Green Space) solution, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).
4. It has not been demonstrated that the proposed development would not have an adverse impact on the health and life expectancy of the significant trees on and adjoining the application site, detrimental to the character of the area and failing to comply with Policy DM9 (iv) of the Surrey Heath Core Strategy and Development Management Policies 2012.

### Informative(s)

1. Advise CIL Liable on Appeal CIL3