

2015/0590

Reg Date 07/07/2015

Windlesham

LOCATION: HEATHPARK WOOD, HEATHPARK DRIVE,
WINDLESHAM

PROPOSAL: Outline planning permission for the erection up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG). (Details of access only to be agreed). (Additional info received 10.08.2015). (Additional info & amended plan rec'd 02/10/2015). (Additional info recv'd 8.12.15)

TYPE: Outline

APPLICANT: Charles Church Southern Limited & Sentinel Housing Association

OFFICER: Emma Pearman

RECOMMENDATION: REFUSE (unless the legal agreement to secure SANG is resolved by the Committee date - see paragraph 1.2 below)

1.0 SUMMARY

- 1.1 This is an outline application for the provision of up to 140 dwellings on land to the east of Heathpark Drive in Windlesham, and a Site of Alternative Natural Greenspace (SANG) opposite the site on land to the south of Woodlands Road. This outline application considers only the access in detail which is proposed on the northern side of Woodlands Lane. The area of the site where housing is proposed is part of a housing reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000. The remainder of the application site that falls outside of the housing reserve area, where there is no built development proposed is within the Green Belt.
- 1.2 The access is considered to be acceptable with the County Highways Authority raising no objection. Whilst the rest of the development is only indicative at this stage, the proposal is considered to be acceptable in terms of the impact on Green Belt, local character, trees, residential amenity, parking and access, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, affordable housing and housing mix. This is subject to conditions and further detail to be considered at reserved matters stage. However, Natural England has maintained its objection until the management of the SANG area is secured through legal agreement. A legal agreement is also required to secure affordable housing. As such the application is recommended for refusal, unless this is resolved by the Committee date.

2.0 SITE DESCRIPTION

- 2.1 The site extends to 20.13 hectares in total and is located to the east of Windlesham, outside but adjacent to the settlement boundary, to the north and

south of Woodlands Lane. The northern part of the site extends to 10.75 ha and is adjacent to Heathpark Drive to the west, Chertsey Road to the north and Woodlands Lane to the south. It borders open land to the west and the curtilage of some residential properties with the M3 beyond. This part of the site comprises coniferous plantation woodland with semi-natural woodland along some edges. Approximately 7.8ha of this land immediately north of Woodlands Lane falls within the housing reserve site as identified by the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and saved Policy H8 of the Surrey Heath Local Plan 2000.

- 2.2 The southern part of the site extends to 9.38ha and is open greenfield land, split into two by Scutley Lane. It borders Woodlands Lane to the north-east and the M3 motorway along the southern boundary. The western boundary borders the curtilage of residential properties and some open land.

3.0 RELEVANT HISTORY

- 3.1 The part of the site that is identified as a Housing Reserve site was originally identified as such in the Surrey Heath Local Plan 1985, which was then carried over to the 1994 plan. It then formed part of the 'Land east of Heathpark Drive' Housing Reserve site identified by Policy H8 in the Local Plan 2000, which has been saved.

- 3.2 15/0884 – Land north of Beldam Bridge Road, West End, Woking – Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space. (Details of access only to be agreed)

Committee resolved to grant 12/2/2016 subject to securing a legal agreement

- 3.3 14/0532 – Land south of 24-46 (evens) Kings Road and 6 & 9 Rose Meadow, West End – Outline application for 84 dwellings (including 8 one bedroom flats, 34 two bedroom houses, 28 three bedroom houses and 14 four bedroom houses) with access from Rose Meadow. Access only to be considered. *[hereafter called the Appeal Decision]*

Refused due to release of housing land being contrary to the adopted CSDMP but allowed on appeal 17/12/15

For a copy of this appeal decision see Annex A of this agenda

4.0 THE PROPOSAL

- 4.1 The proposal is for outline planning permission for up to 140 dwellings and community facilities, with associated landscaping, open space, and parking with a new access created from Woodlands Lane, and the change of use of the land south of Woodlands Lane to provide publicly accessible recreation space (SANG). The part of the site where the dwellings are proposed falls within part of a Housing Reserve site, identified under Policy H8 (saved) of the Surrey Heath Local Plan

2000. To the north of this area between the housing reserve site and Chertsey Road is an area of woodland [northern woodland] which falls within the Green Belt and will remain as woodland with no public access proposed, as ecological enhancements are proposed here. To the south of Woodlands Lane and west of Scutley Lane is the area proposed as SANG (also within Green Belt) which will be publicly accessible. To the east of Scutley Lane bordering the M3 is a triangular shaped area [triangle area] which is not required for SANG purposes and as such is not proposed to have any public access and will provide ecological enhancements.

- 4.2 The exact number, sizes and layout of dwellings would be approved at a later stage. This approval relates to the details of the access only, however an illustrative layout has been provided to indicate how the development could be accommodated. There would be one single point of access to the development provided, on the north side of Woodlands Road, approximately 70m to the east of Heathpark Drive which would be provided with visibility splays suitable for the speed of the traffic.
- 4.3 The application is supported by a series of documents (and updates) and reference will be made to these where applicable in section 7 of this report. This includes, amongst others: a Planning Statement; Transport Assessment; Ecological Appraisal (and additional species reports); a draft Landscape and Ecology Management Plan; Tree and Woodland Report; Arboricultural Impact Assessment; Landscape and Visual Impact Assessment (and Addendum); Air Quality Assessment; Noise Impact Assessment; FRA and Drainage Strategy.

5.0 CONSULTATION RESPONSES

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|-----|----------------------------|--|
| 5.1 | County Highway Authority | No objection, subject to conditions <i>[See Annex B for full copy of response].</i> |
| 5.2 | Environmental Services | No objection, subject to conditions <i>[See Annex C for full copy of response].</i> |
| 5.3 | Natural England | Objection until S106 is secured for SANG management and maintenance in perpetuity, commuted sum and maintenance fund for SANG management, step-in rights for alternative management to take over should management of SANG fail. |
| 5.4 | Surrey Wildlife Trust | No objection, subject to conditions. |
| 5.5 | Environment Agency | No objection, subject to condition. |
| 5.6 | Local Lead Flood Authority | No objection, subject to conditions. |
| 5.7 | Arboricultural Officer | No objection, subject to conditions. |

5.8	Archaeological Officer	No objection, subject to condition.
5.9	Drainage Engineer	No objection, subject to conditions.
5.10	Surrey County Council (Education)	Contribution towards education is required <i>[See Annex D for full copy of response]</i> .
5.11	Surrey County Council (Planning)	No objection.
5.12	West Surrey Badger Group	Objection until a satisfactory method statement is received and approved.
5.13	Thames Water	No objection, subject to condition.
5.14	Affinity Water	No response received.
5.15	North-West Surrey Clinical Commissioning Group	No response received.
5.16	NHS England	No response received.
5.17	SCC Rights of Way	No response received.
5.18	Surrey Bat Group	No response received.
5.19	Windlesham Parish Council	Objection - the road onto which the access leads is not capable of taking the anticipated level of traffic and the proposal will lead to the destruction of wildlife and habitat.
5.20	Surrey Police	No response received.

6.0 REPRESENTATIONS

- 6.1 At the time of preparation of this report, 329 objections have been received, including several from Windlesham Heathpark Wood Group, and two letters in support of the application.
- 6.2 The issues raised in support of the application are as follows:
- Houses are required now *[see section 7.5]*
 - Well-designed layout *[see section 7.8]*
 - Wood not of any great environmental value *[see section 7.8]*
 - Adequate arrangements made to protect wildlife *[see section 7.11]*

- Loss of trees but these can be replaced within gardens [see section 7.8]
- Affordable housing and social housing is needed [see section 7.16]
- Smaller, two-bedroom dwellings are needed [see section 7.16]
- Businesses may benefit from the extra trade [Officer comment: This is considered to be an economic benefit as mentioned in section 7.5].

6.3 The issues raised in objection to the development are as follows:

Housing Need/Principle of Development

- There is sufficient land available in Surrey Heath to meet housing need for next 8 years/an excess of 732 dwellings up to 2020 [see section 7.5]
- There are alternative sites in the borough [see section 7.5]
- Should be fewer houses proposed [Officer comment: Can only consider application as presented]
- Site should not be used unless all other proposed sites have been used up [see section 7.5]
- SHLAA identifies site as developable but within 6-10 year timeframe, only for 30 dwellings and only when significant constraints have been overcome [see section 7.5]
- Previous local plans have required high standard of proof of need for site to come forward [see section 7.5]
- Windlesham only allocated 20 houses in the Core Strategy, some of which have already been built [see section 7.5]
- Site was previously found unsuitable for housing at a public Inquiry in 1999 [see section 7.5 and paragraph 6.4 below]
- Housing figures from SHMA should be tested by an Inspector at a Local Plan Review and not by a planning application [see section 7.5]
- Outcome of the SHMA does not immediately invalidate housing figures in the Local Plan [see section 7.5]
- When it was designated as a reserve site, conservation issues were not as important as they are today; was designated a reserve site such a long time ago no longer relevant [see section 7.5 and section 7.11]
- Reserve sites should only be brought forward through site allocations process [see section 7.5]
- Site is not brownfield and therefore developing it goes against fundamental principles of NPPF [see section 7.5]

- Need for housing should not outweigh other policies in the NPPF including those protecting ecological sites and sites that would affect the SPA [see section 7.5]
- Surrey Heath does not have to meet housing numbers as constrained by SPA and Green Belt [see section 7.5]
- Principle in NPPF in favour of sustainable development does not apply when site falls within 5km of SPA and is therefore restricted by Birds/Habitat Directives. [see section 7.5]
- Why not build on SANG area instead [Officer comment: SANG area is Green Belt and has not previously been identified as suitable for housing]
- Council should challenge the Appeal Decision relating to Land south of Kings Road and Rose Meadow, West End [see section 7.5]
- Council still has a 5-year housing supply despite Appeal Decision [see section 7.5]
- Paragraph 14 of NPPF in favour of sustainable development does not apply because of existence of Policy H8 [Officer comment: this was not the conclusion of the Inspector in the Appeal Decision – see section 7.5].

Character

- Will destroy character of the village/too many houses for village of this size [see section 7.8]
- Will impact on village centre [see section 7.8]
- Other housing developments in Windlesham already changed the character of the village [see section 7.8]
- Houses should not be 2.5 storey, should be 2 storey in keeping with surrounding houses [Officer comment: Design is a reserved matter so not for consideration at this stage]
- High density housing is not in keeping with rest of village [Officer comment: Layout is a reserved matter as discussed in section 7.8].

Residential Amenity

- Loss of trees will add to noise and air pollution from M3 [see section 7.9]
- Additional traffic will add to noise and air pollution [see section 7.9]
- No sound proof fencing being installed between junctions 3 and 2 of M3 [Officer comment: Noise assessment has taken this into account]
- Detrimental effect on quality of life for Heathpark Drive residents [see section 7.9]

- Ruins view from back of some properties at Heathpark Drive [see section 7.9]
- Disruption during construction period [Officer comment: Not a planning consideration]
- Houses too close to motorway; will be too much noise/air pollution for future residents [see section 7.9]
- Air pollution not adequately measured with credible results [see section 7.9]
- Was found unsuitable in 1999 because of air pollution [see section 7.9 and paragraph 6.4 below].

Highways, Parking and Access

- Local roads cannot support the additional cars, will lead to increased congestion especially at rush hours [see section 7.6]
- Will give rise to need for additional car parks and more roads [see section 7.6]
- Village already used as “rat run”; will have safety implications [see section 7.6]
- No off-road parking already for people in Chertsey Road [see section 7.6]
- Construction traffic will have to come through village and Heathpark Drive not over weak bridge in Woodlands Lane [see section 7.6]
- Houses likely to have 2 cars each [see section 7.6]
- Figures look too low in highways assessment [see section 7.6]
- Other developments Longcross/Deepcut/Notcutts/Care home/BOC developments/M3 roadworks/Tank Factory have increased/will add more traffic through Windlesham [see section 7.6]
- Parking in centre of village already difficult [see section 7.6]
- How would travel plan be monitored? [Officer comment: It would be monitored by County Highway Authority]
- Heathpark Drive in particular will be used as cut-through [see section 7.6]
- Entering/leaving development would be hazardous as on a fast road [see section 7.6]
- Width restriction on bridge over M3 already causing more traffic through Heathpark Drive [see section 7.6]
- No public transport suitable for those working in towns or getting to stations [see section 7.6]

- No established cycle routes or structured pattern of footpaths [see section 7.6]
- Footpaths often blocked by parked cars [see section 7.6]
- Is one entrance/exit enough if there was a major incident on site [see section 7.6]
- Unsustainable location [see section 7.6].

Trees

- Should not remove woodland to build houses, should be trying to conserve woodland [see section 7.8]
- Information provided does not fully describe the trees present in the woods [see section 7.8]
- Design allows for potential further development in the woods [see section 7.8]
- Foundations of houses would be too close to tree roots in 10m buffer zone [Officer comment: Layout is a reserved matter so would be considered further at that stage]
- Site covered by Tree Preservation Order [see section 7.8]
- Ancient woodland east of the site will experience adverse impacts due to extra housing and use [see section 7.8]
- Future occupiers may remove trees because of overshadowing [see section 7.8]
- Loss of ancient woodland [Officer comment: No part of Heathpark Wood is 'ancient woodland' which is a specific designation].

Ecology

- Would have adverse effect on birds, badgers and other mammals [see section 7.11]
- Many badgers setts found so important site nationally [see section 7.11]
- Have seen other protected species/birds not noted in the documents [see section 7.11]
- No explanation of why badger report is confidential [Officer comment: Badger reports identifying sett locations are always confidential to prevent badger baiting or other illegal activities]
- What would happen to badgers during construction – might never return to site [see section 7.11]

- Applicant admits bat survey is incomplete *[Officer comment: Further information on bats was submitted during the course of the application and has been taken into account]*
- Badger mitigation is inadequate *[see section 7.11]*
- Has RSPB red and amber birds listed on site *[see section 7.11]*
- Any places Bats use for shelter should be protected by law *[see section 7.11]*
- Bat roosts have not been identified so cannot assess impacts as required *[see section 7.11]*
- Margins of SANG are foraging habitat for reptiles which would be at risk of death/injury during creation of SANG *[see section 7.11]*
- NPPF states that the planning system should contribute to and enhance the natural environment *[see section 7.11]*
- Previous applications have been rejected on ecology grounds – what has changed? *[Officer comment: This application relies on the up to date ecological information submitted as part of this application and current advice from consultees].*

Infrastructure

- Not enough shops, schools, GP services, bus services, dentists, leisure/recreation facilities *[see section 7.12]*
- Schools are already full, no junior school in Windlesham, have had to send them to private school due to lack of suitable places, bulge classes already created *[see section 7.12]*
- Nearest doctors surgery could not accommodate additional patients *[see section 7.12]*
- Not a sustainable location and will prejudice future generations *[see section 7.12]*
- CIL money would not go just to Windlesham – 85% to the Council to use throughout the borough and 15% to Parish which also covers Bagshot and Lightwater *[see section 7.12].*

Thames Basin Heaths SPA/SANG

- SANG should be protected from future development *[see section 7.10]*
- No need for SANG already have large remembrance field/Chobham Common *[Officer comment: The point of SANG is to discourage the use of Chobham Common SPA / other parts of the SPA and is required by Natural England – see section 7.10]*

- SANG is not big enough for dog walking [see section 7.10]
- SANG will be very noisy and people will not want to walk their dogs there [see section 7.10]
- Heathpark Wood has never been accessible so why do we need SANG [Officer comment: *The point of SANG is to discourage the use of Chobham Common SPA / other parts of the SPA and is required by Natural England – see section 7.10*]
- No pressure from residents for more recreation space [Officer comment: *The point of SANG is to discourage the use of Chobham Common SPA / other parts of the SPA and is required by Natural England – see section 7.10*]
- Proposed SANG is in Green Belt [see section 7.7]
- No ecological assessment for the SANG [Officer comment: *The Ecological Appraisal did include the SANG area*]
- Where will people park when using SANG [see section 7.10]
- Why would you take down a wood to rebuild it across the road [Officer comment: *SANG will not be a wood and the point of SANG is to discourage the use of Chobham Common SPA and is required by Natural England – see section 7.10*].

Flooding/Drainage

- Replacing woodland with concrete will increase flood risk [see section 7.14]
- Will be further loading of storm drains and sewers [see section 7.14]
- Properties already have storm water retention tanks to help with flooding [see section 7.14].

Affordable Housing/Housing Mix

- Houses built are not affordable and children have to move away [see section 7.16]
- 40% affordable housing is inappropriate and does not match current housing mix in Windlesham [see section 7.16]
- Will affordable housing actually be affordable in price [Officer comment: *Price of housing is not a planning consideration*]
- Housing mix would not meet needs of local ageing population [see section 7.16].

Other matters

- Just for profit – no benefit to residents [Officer comment: *Not a planning consideration*]

- Remaining site should be put back in Green Belt to protect it from further harm *[see section 7.7]*
- Should use the site occupied by the M3 contractors which has better links to main routes and no woodland *[Officer comment: Can only consider application as presented; this site is not identified for housing]*
- Community facility proposed is not defined so cannot judge if beneficial *[see section 7.12]*
- North end of woods could lead to anti-social behaviour as seen at Notcutts development *[Officer comment: No public access proposed for this area]*
- Already development in pipeline for Dairy site *[Officer comment: Not relevant to the consideration of this application; if has planning permission would have been taken into account in calculating traffic figures]*
- Application publicised when people were on holiday – previous publicity received greater opposition *[Officer comment: Planning authority must publicise it within a set timescale however late representations have been accepted]*
- Precedes Windlesham Neighbourhood Plan which would not support this *[Officer comment: As there is no Neighbourhood Plan at present this cannot be given any weight]*
- What compensation would local residents get during construction *[Officer comment: Not a planning consideration]*
- Personal safety/security of property and children right next to proposed development *[Officer comment: No evidence to suggest that there would be any threat to personal safety/security]*
- What are proposals for low energy development *[Officer comment: This would be a reserved matter]*
- Jobs from construction would not be local people *[Officer comment: Not a planning consideration].*

6.4 The 1999 Public Inquiry has been raised in many objections, with comments that it was not found suitable for housing at that stage. This was an Inquiry into objections to the Surrey Heath Local Plan Review 1998 which was undertaken before the finalisation of the Surrey Heath Local Plan 2000. The Inspector did not dismiss the site for residential use altogether, rather his conclusions led the site to be included as a Housing Reserve site (Policy H8) and not as a Housing Allocation Site under Policy H3.

7.0 PLANNING CONSIDERATION

- 7.1 The part of the application site where the housing is proposed is located within the boundary of a housing reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000, adjoining the settlement of Windlesham, but is defined as Countryside beyond the Green Belt. The SANG part of the proposal, the NW triangle and northern woodland areas all fall within the Green Belt.
- 7.2 The application will be considered against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies 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; and the Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Surrey Heath Strategic Housing Land Availability Assessment (SHLAA), Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA), the Housing Needs Survey Paper 2015-2020 (February 2015) and the recent appeal decision APP/D3640/W/15/3028247 in respect of application SU14/0532 at Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End [the Appeal Decision].
- 7.3 The application is in an outline form and seeks planning permission for the erection of up to 140 dwellings with only details of the access considered at this stage (all other matters being reserved). 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 and housing need;
 - Highways and access;
 - Impacts on character, landscape and trees;
 - Impacts on residential amenity, noise and air quality;
 - Thames Basin Heaths Special Protection Area / SANG proposals;
 - Green Belt; and,
 - Ecology.
- 7.4 In addition, the following matters need to be considered:
- Local infrastructure;
 - Affordable housing and housing mix;
 - Open space provision; and
 - Other matters including Archaeology, Land contamination and Flooding and Drainage.

7.5 Principle of development and housing need

National Policy

7.5.1 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions - economic, social and environmental. It states that for decision-making this means:

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

– specific policies in this Framework indicate development should be restricted.

7.5.2 Paragraphs 47 and 48 of the NPPF require a local planning authority to identify a 5 year supply of housing. In brief, this requires the use of an evidence base and demonstrating an additional buffer of 5% above the 5 years supply, this buffer should be increased 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.

7.5.3 Paragraph 49 of the NPPF goes onto state:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Development Plan policies

7.5.4 The application site was first designated as a Housing Reserve site in 1985 and has remained as such through subsequent local plans. It forms a part of a housing reserve site as defined in Policy H8 of the Surrey Heath Local Plan 2000 (as saved). The Inspector into the Core Strategy in 2012 did not delete this housing reserve site as the LPA proposed, but indicated that these sites would need to be reviewed through a future Development Plan Document.

7.5.5 Policy CPA (Spatial Strategy) of the CSDMP adopted in 2012 states that new development will come forward largely through redevelopment of previously developed land in the western part of the Borough. It states that Windlesham is inset within the Green Belt and has limited capacity to accommodate development, which will primarily be achieved through redevelopment of existing sites.

7.5.6 Policy CP3 (Scale and Distribution of Housing) of the CSDMP states that within the period 2011-2028 the Borough Council will make provision for 3240 (net) additional homes, 2730 of which would be provided up to 2026 within existing settlements (20 of these within Windlesham), and then if insufficient sites have come forward, between 2026-2028 the Council will release sustainable sites within the Countryside beyond the Green Belt. The application site is designated as a

Housing reserve Site in Countryside beyond the Green Belt. Policy H8 needs to be considered alongside Policy CPA and CP3 of the CSDMP.

- 7.5.7 In December 2014, the Council published the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (SHMA) which provides an up-to-date evidence base for the housing market area to develop the evidence of a full, Objectively Assessed Housing Need (OAHN) assessment for market and affordable housing, as required by Paragraph 47 of the NPPF. This requires a much higher delivery rate of 340 dwellings per annum. Paragraph 14 of the NPPF recognises that Local Plans should meet OAHN unless specific policies in the NPPF indicate development should be restricted. Footnote 9 to Paragraph 14 of the NPPF sets out the Habitats Directive and land designated as Green Belt as such policies. The land in this case allocated for housing is not Green Belt, however, and the impact on the Thames Basin Heaths SPA is discussed later in the report.

Housing Supply

- 7.5.8 The Council refused application 14/0532 (Land south of Kings Road and Rose Meadow, West End) as conflicting with Policies CPA and CP3 of the CSDMP referred to above. However, the Inspector in allowing this appeal stated at paragraph 12 (see Annex A):

“To my mind [paragraph 47 of the NPPF] introduces a much greater emphasis on the delivery of housing than was the case at the time of adopting the [Core Strategy], albeit that this must be weighed against other policies of the Framework. Given that the [Core Strategy], even at the time of adoption, would not meet housing requirements for the plan period, this represents a clear conflict with the Framework. Furthermore, Policy CP3 outlines a strategy to reserve housing sites until after 2025 and only release them if it is established at that time that insufficient sites have come forward. This is likely to result in significant delay in addressing potential housing shortfalls that would be at odds with the Framework’s important objective to boost significantly the supply of housing. For these reasons, I attach the policies of the Framework in respect of housing great weight and this justifies a departure from the development plan [Core Strategy].”

As such, the Inspector determined that the starting point for determining a five year housing land supply was the higher untested OAHN figure of 340 dwellings per annum rather than the Core Strategy figure of 191 dwellings per annum. Whilst the Inspector recognised the Council could just demonstrate a five year housing land supply based on the OAHN figure he did not consider that the Deepcut development would deliver as quickly as anticipated and therefore concluded that the Council had a 4.85 year housing land supply. This application therefore has to be assessed in light of this change in respect of policy on housing delivery.

- 7.5.9 Following legal advice, the Council did not challenge this appeal decision. Since this decision, the Council has updated its calculation on current five year housing land supply in line with the PPG. This includes counting sites with permission that have not yet started, sites under construction, allocated sites and sites in the SHLAA which are deliverable within the five year period as at February 2016 and removing completions from the supply. The following tables provides the updated

five year housing land supply calculations:

If any under-delivery is taken back to 2014 (the date of publication of the SHMA) then the Council can demonstrate a **4.46** year housing land (see figure 1 below). However, Counsel's opinion (January 2016) is that under delivery should be taken back to 2011 as the SHMA assesses housing need from 2011 and any under delivery should be from this date. In this scenario the Council can demonstrate a **3.67** year housing land supply (see figure 2 below).

Figure 1 2016-2021 Housing Land Supply (Under delivery based on 340 dpa from 2014)

DPA base:	340 dwellings
DPA x 5 years:	1,700 dwellings
Plus 5% Buffer:	1,785 (5% of 1,700 = 85 dwellings)
Plus Backlog against 340 from 2014:	274
Revised DPA:	412 dwellings (1,785 + 274 / 5 = 412)
Land Supply:	1839
Years Supply:	4.46

Year	Requirement	Under delivery
2011-2012	191	179
2012-2013	191	217
2013-2014	191	127
2014-2015	340	187
March 2015-Feb 2016	312	241
Total	1225	951

Figure 2 2016-2021 Housing Land Supply (Under delivery based on 340 dpa from 2011)

DPA base:	340 dwellings
DPA x 5 years:	1,700 dwellings
Plus 5% Buffer:	1,785 (5% of 1,700 = 85 dwellings)
Plus Backlog against 340 from 2011:	721
Revised DPA:	501 dwellings (1,785 + 721 / 5 = 501)
Land Supply:	1839
Years Supply:	3.67

Year	Requirement	Under delivery
2011-2012	340	179
2012-2013	340	217
2013-2014	340	127
2014-2015	340	187
March 2015-Feb 2016	312	241
Total	1672	951

7.5.10 The Council cannot currently demonstrate a five year housing land supply and on this basis in accordance with the NPPF, which has greater weight, there is no principle objection to the release of this land.

Sustainable development and the SPA

- 7.5.11 The Inspector for the Examination in Public into the CSDMP concluded that due to the impact of the SPA on housing delivery and the need to provide avoidance measures to mitigate the impact of residential development within the Borough, the Council did not have to demonstrate a rolling five year housing land supply.
- 7.5.12 Footnote 9 of paragraph 14 of the NPPF and paragraph 119 of the NPPF explains that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. This was an argument used by the Council in refused 14/0532. However, the Inspector in allowing the appeal dismissed this argument stating that paragraph 119 of the NPPG does not preclude application of the presumption in favour of sustainable development as the effects upon the SPA could be avoided with this by CIL (which provides for the provision of SANGS monies) and SAMM (see paragraph 31 of Annex A).
- 7.5.13 Similarly, this application cannot be refused under paragraphs 14 and 119 of the NPPF if necessary avoidance measures are secured. See section 7.9 of this report for further consideration.

7.6 Highways and Access

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people, whether opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 7.6.2 Policy CP11 (Movement) of the CSDMP states that new development that will generate a high number of trips will be directed toward previously developed land in sustainable locations or will be required to demonstrate that it can be made sustainable to reduce the need to travel and promote travel by sustainable modes of transport. All new development should be appropriately located in relation to public transport and the highway network and comply with the Council's car parking standards. Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.
- 7.6.3 A new access is proposed to be provided on the north side of Woodlands Lane to facilitate the development. This would be the sole access providing entry and exit to the site and would be provided with visibility splays in both directions suitable for the speed of the road. The Transport Statement provided by the applicant was considered by the County Highway Authority, who stated that the trip generation data for the affordable units seemed to be low given the location of the site and

likelihood of car ownership, and a sensitivity test should be carried out which calculated the figures again as if all 140 houses were private dwellings, and should include the DERA site (at Longcross) in its entirety within the background figures. The applicant therefore submitted a Sensitivity Assessment to the County Highway Authority which incorporated the above changes. This resulted in the development generating 87 two-way trips at morning peak times and 89 during evening peak times.

- 7.6.4 The County Highway Authority reviewed this information and have not objected to the development, subject to a number of conditions covering visibility zones, a scheme for parking to be agreed, a Construction Transport Management Plan, Travel Plan, a shared pedestrian/cycle route between the site access along the north side of Woodlands Lane to Updown Hill, and upgrades to two bus stops on the north and south side of Updown Hill.
- 7.6.5 Concern has been raised that there is only one point of access being used should there be a major incident on site. The County Highway Authority have confirmed that 140 dwellings is at the limit of the number of homes which would be suitable with one access, and the proposed size of the access meets fire service requirements. Details of internal roads would be agreed at the reserved matters stage. In response to concern about the traffic during peak hours, the County Highway Authority have said that key junctions within Windlesham were analysed to predict the likely impact of the proposed development at these times and the analysis demonstrated that the additional queuing and delay caused by the development would be small and would not result in a significant impact on these junctions during peak hours. They have stated that the village being used as a 'rat-run' is an existing concern that cannot be addressed with this proposal. The width restriction on the bridge over the M3 is not a long term issue as the County Highway Authority have confirmed that there are proposals to replace the bridge. The County Highway Authority has also confirmed that the developers have used a database which would take into account predicted movements from all nearby planned developments which have received planning permission.
- 7.6.6 The County Highway Authority have noted that the location is not well located with regard to non-car travel opportunities and the walk times to local bus stops are further at 800m than is normally recommended. However, as the proposed increase in vehicle movements has not been shown to be significant no objection has been raised. It is therefore considered that subject to the proposed conditions, the development is acceptable in terms of highways, parking and access and in line with Policies CP11, DM11 and the NPPF in this regard.

7.7 Impact on character, landscape and trees

Built character

- 7.7.1 The NPPF requires design policies to concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Development which fails to integrate into its context, promote or reinforce local distinctiveness and fails to take the opportunity to improve the character and quality of the area and the way it functions should be refused (paragraphs 59, 61 and 64 of the NPPF). Policies CP2 (iv) and DM9 (ii) of the

CSDMP reiterate this requirement.

- 7.7.2 While the detail of the proposed layout would be the subject of a further reserved matters planning application, an Illustrative Masterplan has been provided which indicates how the development could be laid out. If the proposal provided the maximum of 140 dwellings, it would provide a density of development of 18 dwellings per hectare, which compares to around 15 dwellings per hectare for Heathpark Drive and part of Woodlands Lane to the west; although a much lower density is experienced towards the east of the site along Woodlands Lane. This density calculation includes the whole area within the application site identified as a Housing Reserve site, of which some is proposed as a buffer, therefore the density of dwellings could be up to 28 dwellings per hectare within the core of the site, if only 5ha of land was used for housing as outlined and the full 140 dwellings provided.
- 7.7.3 At pre-application stage the applicant was advised that the proposed development appeared to have a high built mass and plot ratio, which has not been addressed in the Illustrative Masterplan, and therefore this aspect of the development would have to be considered at reserved matters stage to ensure that the proposed density would not cause harm to the character of the surrounding area and consideration given to whether the development is of sufficient size to assume its own character. The broad layout of streets and green spaces, and the degree of linkage into Windlesham is considered acceptable. However, the Local Planning Authority would be seeking variety in plot size and building form, to enhance local character, which again would have to be considered at reserved matters stage. The current layout's quantum of built form appears to have principally taken its design cues from Heathpark Drive but currently fails to adequately reflect the change in character to the east of the site which is more open with significantly larger plot sizes. This is particularly evident by the number of houses proposed at the southeast corner of the site. Further work will therefore be required at reserved matters stage to ensure that this transition in character is adequately addressed.
- 7.7.4 Concern has been raised by objectors that the proposals would cause harm to the character of the village by reason of the number of houses proposed and associated impacts (which are discussed in other parts of the report). The settlement areas of Windlesham (in two parts) are inset on the Proposals Map and are surrounded by Green Belt, which limits the spread of development outwards and between them, helping Windlesham to retain its village character. Part of Windlesham is also covered by a Conservation Area designation, further restricting development, which this site falls outside of. This site is an exception having been removed from the Green Belt and being adjacent to the settlement boundary. The number of houses proposed in relation to the size of Windlesham is not considered to have a significant adverse impact on the character of the village as a whole.

Landscape and trees

- 7.7.5 Paragraph 109 of the NPPF states that the planning system should protect and enhance valued landscapes. Paragraph 118 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the

development in that location clearly outweigh the loss. Policy DM9 (iv) of the

CSDMP requires development to protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping, where appropriate.

- 7.7.6 The development would result in the loss of woodland which could be considered to be a valued landscape, however the woodland was planted as a crop, none of the site is designated ancient woodland, and the development is not likely to result in the loss of a significant number of aged and veteran trees, and as such its value is limited. Given the buffer of trees on all sides proposed to be retained and enhanced, which would be considered further at reserved matters stage, it is not considered that the proposed development would have a significant adverse visual impact on the character of the village or for residents immediately adjacent to the development.
- 7.7.7 The Tree Survey provided by the applicant indicates that the site comprises plantation woodland which is predominantly Scots Pine trees which were planted as a 'crop' and are considered to have limited value on an individual basis. A smaller percentage (less than 10%) of the site is Oak, Sweet Chestnut, Silver Birch and Common Beech. There is also some significant holly understorey, especially to the west of the site. The application site is covered by a Tree Protection Order 01/2015 which would remain and retained trees would still be protected by this. The Tree Survey considers in detail only those trees on the southern boundary of the site where the proposed access would be, given that the access is the only matter to be considered in detail at this stage, and a further detailed survey would be required at reserved matters stage to ensure that the proposed layout can accommodate retained trees. The survey recommends that no habitable dwellings are located within 20m of the retained trees on the boundaries.
- 7.7.8 The Council's Arboricultural Officer has commented that there are 54 significant individual trees, mostly B and C category, which are mainly proposed for retention and management as a buffer. He states that the report supports his previous assessment that the main body of trees within the site comprises a cash crop plantation of Scots Pine which appears to have been occasionally managed/thinned in the past. These trees have continued to mature and are suitable for harvesting to realise their value. Long term retention would not be possible as the plantation is now mature and will progressively decline. The retention of trees around the site boundaries would be an essential requirement and this must be supplemented with additional planting to increase the age and species range, together with suitable understorey planting. The Arboricultural Officer has further advised that landscaping of the site should reflect the broadleaf deciduous characteristics of the woodlands to the east as opposed to the current coniferous profile.
- 7.7.9 It would be necessary for the applicant to submit a full Tree Survey, Arboricultural Method Statement, Tree Protection Plan and detailed landscaping proposals at the reserved matters stage. Given, therefore, the nature of the existing woodland and the fact that in its current state the trees would decline in any case, and that further planting of appropriate species would enhance the remaining woodland, it is not considered that the loss of these trees would be contrary to Policy DM9 or the NPPF.

7.8 Residential amenity, noise and air quality

- 7.8.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 of the NPPF states that the planning system should contribute to, and enhance, the natural and local environment by preventing both new and existing development from being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.8.2 The proposed area of housing adjoins the rear gardens of residential dwellings in Heathpark Drive along its western boundary, three dwellings in the south-east corner of the site along Woodlands Lane, and one dwelling to the north-east along Chertsey Road. A buffer of at least 10m is proposed between any development and the existing boundaries of residential dwellings, and while the applicant has indicated buildings would be 2 or 2 ½ storey, further details of the heights and exact locations of the proposed dwellings would be provided at reserved matters stage, and accordingly the impact upon neighbouring dwellings would have to be considered at that stage. However, given the likely distances between the proposed development and existing residential properties, it is considered likely that development of appropriate size and scale could be accommodated without causing significant harm to the amenities of adjoining residents.
- 7.8.3 The SANG part of the site would adjoin the boundaries of one dwelling to the north-west and several in the south-west corner and the proposal would mean that the area was publicly accessible rather than being private as existing. The SANG Proposal Plan shows that tall ruderal/coarse grassland is proposed adjacent to the dwelling to the north-west, and tree and shrub planting to increase screening along the south-western corner. The proposed bund in the south-west corner is not considered to cause any harm to amenity given its location and may reduce noise from the M3 for these dwellings. There would be paths within the SANG to provide a designated walking route and making the area publicly accessible is not considered likely to cause any harm to amenity for the adjoining dwellings especially given this proposed screening/tall grassland adjacent to the dwellings. No harm to amenity is therefore anticipated from the SANG proposal.

Noise

- 7.8.4 Planning Practice Guidance states that decision taking should consider whether or not a significant adverse effect or adverse effect is likely to occur and whether or not a good standard of amenity can be achieved. Noise is not expected to be considered in isolation from the other economic, social and environmental aspects of a proposed development. The applicant has provided a Noise Assessment which considers the current noise climate at the site and the suitability for the site for residential development in accordance with the requirements of the NPPF and the Noise Statement for England. Noise was measured at the north end of the site

close to Chertsey Road, and close to the M3 along Woodlands Lane.

- 7.8.5 The assessment concluded that the noise guidelines may be exceeded for some of the proposed properties when windows are open and accordingly trickle ventilation will need to be installed to window openings to achieve the night time noise standards. Concern has been raised about increased noise for existing dwellings with the loss of trees, however the Noise Assessment states that guidance on noise attenuation advises that only very dense foliage provides a level of noise attenuation, and in fact a building would offer a substantially higher level of noise reduction. The proposed bund within the SANG may have the effect of reducing noise levels for dwellings adjacent to the south of the SANG area. The Environmental Health Officer has advised that the increase in local noise levels associated with traffic from the development is calculated to be less than 3db which is imperceptible, and that overall there are no grounds to object to the development by reason of noise.

Air Quality

- 7.8.6 The PPG states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would significantly affect traffic, and whether it would expose people to existing air pollutants by building in areas of poor air quality; amongst other matters. The applicant submitted an air quality assessment, (and subsequently further information in a response to Natural England), which has been reviewed by the Environmental Health Officer, along with the objections on air quality. The Assessment concludes that the development itself will not cause any significant effect on local air quality by reason of traffic generation. It also concludes that air quality objectives will not be exceeded within the site and therefore there are no air quality constraints to the proposed development. It also adds that the woodland surrounding the site provides marginal benefits in terms of dispersal of pollutants.
- 7.8.7 The Environmental Health Officer (EHO) has commented that the standards referred to in the report are the relevant technical and legal standards and that the results concur with the Council's measurements from on site and within the vicinity which show levels of pollutants are well below national prescribed standards. In response to the various objections, the EHO has stated that making the area an Air Quality Management Area is likely to be refused by DEFRA as it is not warranted in this location; there is no evidence to require measurement of PM10 particles as the monitor 18m from the motorway edge easily achieves the national objectives and the application site is further away; there is no requirement to measure PM2.5 particles and again the application site is highly unlikely to not achieve the proposed standards; and the monitor of NO2 which is situated much closer to the motorway than the proposed housing does not exceed the national standard. He has advised therefore that there are no reasons to object in respect of air quality.
- 7.8.8 Since these comments further detailed objections have been received in respect of air quality, and further comments in respect of these objections are awaited from Environmental Health Officer. Any updates will be reported to the Committee.

7.9 Thames Basin Heaths Special Protection Area (SPA) and Suitable Alternative Natural Greenspace (SANG)

- 7.9.1 The application site lies approximately 780m from the SPA at its closest point, which begins to the north of the site along Chertsey Road. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation. 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. The Thames Basin Heaths SPA Avoidance Strategy SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of Suitable Alternative Natural Green Space (SANG) to offset any potential harm to the SPA.
- 7.9.2 A development of this size is required to provide its own SANG, which is proposed on the parcel of land to the south of Woodlands Lane. There would be a circular walk which would be a minimum of 2.4km, with new planting proposed for biodiversity and visual interest purposes, which would include native tree and shrub planting, tall grassland and shorter sward with a variety of species to be agreed. Bunds would be created to a height of 4m along the boundary with the M3 for visual amenity and noise attenuation purposes. No parking for the SANG is proposed as it would be within 400m of the development. There would be pedestrian access to the SANG from the north along Woodlands Road. Another small triangular parcel of land which forms part of the application site to the east of the proposed SANG is not proposed as SANG but for nature conservation and would not be publicly accessible.
- 7.9.3 Natural England have been involved in the design process of the SANG and have not objected to the amended SANG Proposal Plans, and confirmed that the triangle area can be excluded as the main area is sufficient for SANG purposes. However, they maintain their objection to the proposals until a draft S106 legal agreement is secured which includes the long term management and maintenance of the SANG in perpetuity and step-in rights. Following the further information submitted by the applicant Natural England are also satisfied that the information with regard to Air Quality is sufficient and the development will not have an adverse impact on the Thames Basin Heaths SPA in this regard.
- 7.9.4 It is therefore considered that the proposed SANG is appropriate in size and proposed design to provide mitigation for the potential impact on the SPA. However, without a legal agreement as required by Natural England to cover the issues above, the current proposal is considered to be unacceptable in terms of its impact on the SPA, and therefore does not comply with Policy CP14, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

7.10 Ecology

- 7.10.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on

biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, indicating that planning permission should only be refused where there is significant harm resulting from the development which cannot be adequately mitigated or compensated for. Policy CP14A of the CSDMP seeks to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted.

- 7.10.2 The proposal was supported by an Ecological Assessment and various other ecological assessments relating to SANG and particular species, a draft Landscape and Ecology Management Plan (LEMP) and draft SANG Management Plan - Ecology. Surveys undertaken identified the presence of bats, badgers and terrestrial invertebrates on the site and the applicant states that the layout of the proposal has been heavily influenced by ecological constraints. The site is also close to the Thames Basin Heaths SPA and Chobham Common SSSI which is further discussed in the section below. Surrey Wildlife Trust (SWT) have reviewed the Ecological Assessment and further information provided by the applicant in response to concerns raised.
- 7.10.3 With regard to bats, SWT have commented that the proposed retention of woodland and other buffer strips around the site would help reduce adverse effect to bat species and therefore recommends a condition requiring the applicant to undertake all the recommended mitigation actions in the Bat Report. Bat breeding sites and resting places are protected by law so the applicant would have to also obtain a licence from Natural England before any work could be undertaken. Objections have been raised in respect of not knowing the exact bat roost locations and therefore not being able to assess the impact of development on them. In respect of this the applicant has stated that they have identified various trees with the potential for roosting bats and have based the mitigation on the assumption that all of these are present, so a worst case scenario. Further comments are awaited from Surrey Wildlife Trust in respect of this objection and will be reported to the meeting, however it is noted that they have not raised any objection in terms of the impact on bats and proposed mitigation thus far.
- 7.10.4 With regard to badgers, a number of setts were identified on site, though several of these were disused. All setts with the exception of two outlying setts (one inactive) are proposed to be retained, with a large buffer between proposed housing and main setts, with a new artificial setts created within the northern woodland area and triangle areas which are not proposed to be publicly accessible. Natural England's standing advice suggests compensation can include replacing setts and improving or creating new habitat. SWT have recommended a condition requiring a method statement to be submitted to protect the badger status on the site and WSBG have maintained that they will object to the proposal until a satisfactory Method Statement has been agreed. A condition is therefore proposed in this regard and long term monitoring and management of retained setts would be set out in the updated LEMP also required by condition. Any interference with badger setts would also require a licence from Natural England.
- 7.10.5 A survey on breeding birds was also undertaken which identified a small number of red/amber status birds on the site. A number of mitigation measures are proposed

which again include careful use of lighting and selection of planting species, and enhancements including bird boxes throughout the site.

- 7.10.6 The proposed SANG and triangle area would be used as mitigation/compensation for the loss of some habitat and will focus on providing suitable habitat for breeding birds, badgers and bats as well as enhancing overall biodiversity levels. The bund on the southern border of the SANG would be planted with dense shrubbery to discourage public access and focus would be on providing an ecological corridor through the SANG along this boundary with species planted known for food and shelter for wildlife. Further, smaller mounds would be created within the site which could provide suitable habitat. The draft SANG Management Plans provided with this application would have to be finalised by condition, and ongoing management of the SANG would be secured through the legal agreement as required by Natural England.
- 7.10.7 A Construction Environmental Management Plan would also be required by condition to minimise any effects on local ecology while the development was carried out and ongoing management and monitoring of the effectiveness of mitigation would be detailed in the updated Landscape and Ecology Management Plan and SANG Management Plans. Following advice therefore from SWT and in line with paragraph 118 of the NPPF, it is considered that the applicant has sufficiently demonstrated how the proposed development could be accommodated without causing significant harm to ecology that is not mitigated or compensated for. The impact on ecology will be considered further at reserved matters stage when the exact layout of the development would be finalised.

7.11 Green Belt

- 7.11.1 Whilst the area of land for housing is outside of the Green Belt, the remainder of the application site area which comprises the northern woodland, SANG and triangle areas, are sited within the Green Belt. Paragraph 81 of the NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; and retain and enhance landscapes, visual amenity and biodiversity.
- 7.11.2 The area where the SANG is proposed are open fields, and are proposed to be changed by the addition of footpaths, mounds, bunds and planting and making this area accessible to the public. It is not considered that the footpaths, planting and proposed accessibility would conflict with the purposes of including land in the Green Belt, as set out within the NPPF. A 4m high bund is proposed along the south of the SANG and triangle area, along the boundary with the M3, which would extend some 650 metres approximately in two parts. This is required by Natural England for noise attenuation and visual amenity purposes, as without it the SANG may not be attractive to use because of the noise/visual impact of the M3 and consequently would fail to achieve its purpose of attracting walkers who may otherwise have used the SPA. It will also be used as an ecological corridor through the SANG. Further mounding within the SANG of smaller size and reduced height would be created for ecological purposes and to guide walkers around the SANG, as required by Natural England, however this would be of smaller size and is not considered to conflict with Green Belt policy.

- 7.11.3 Paragraph 90 of the NPPF states that engineering operations are not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt, and do not conflict with the purposes of including land within the Green Belt. It is considered that in this case, the bund would affect openness to a limited degree, however this would be reduced by its location on the edge of the SANG close to the M3 and proposed planting. In terms of affecting the visual amenity of the Green Belt, views of the bund would be limited from the main road though it would be clearly visible from the SANG itself, the adjoining Public Right of Way and the M3, appearing as an extension of the existing bank. However, given the nature of the bund and proposed planting it is not considered to cause any harm to the Green Belt in terms of visual amenity.
- 7.11.4 The bund is not considered therefore to conflict with the purposes of including land within the Green Belt and given its limited impact on openness, is not considered to be inappropriate development in the Green Belt. Even if the bund was considered to be inappropriate in the Green Belt, it is required by Natural England for noise/visual attenuation purposes for users of the SANG and additionally is proposed to provide ecological benefit. As attracting walkers to the SANG is crucial to limit harm to the SPA as a result of residential development, it is considered in this case that very special circumstances would exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness. Provision of the bund is not considered to cause any other harm and as such is considered to be in line with Green Belt policy.
- 7.11.5 The northern woodland area, also within the Green Belt, is proposed to be retained and enhanced, incorporating existing habitats and would not be publicly accessible. Again it is not considered that this would cause harm to the Green Belt nor conflict with the purposes of including land within the Green Belt. These parts of the site would remain within the Green Belt should permission be granted and therefore would still be protected from development.
- 7.11.6 The Landscape and Visual Impact Assessment provided considers the changes in landscape for the users of the Green Belt as a result of the development. From Woodlands Lane to the south and east, on the edge of the Green Belt the proposed housing is likely to be noticeable to some degree, however the effect would be limited by the buffer of trees to be retained and enhanced on the edge of the development. In addition most users of Woodlands Lane are road users and as such views would be transient, and there is already residential development to the north of Woodlands Lane. As such it is considered that the proposal would result in very limited harm to the visual amenity of the Green Belt, and given the limited degree of this harm it is considered that it would be clearly outweighed by the economic and social benefits of the development.
- 7.11.7 It is therefore considered that the proposal is acceptable in terms of its impact on the Green Belt and in line with the NPPF in this regard.

7.12 Local infrastructure and community facility

- 7.12.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule.

Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.

- 7.12.2 The CIL Charging Schedule came into force on 1 December 2014 and details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself. This development would be CIL liable (at the lower rate as providing their own SANG), and CIL would be payable on commencement. The amount of CIL would have to be determined once the floorspace had been agreed. An informative regarding CIL will be added. It is therefore considered that the proposal would be in accordance with Policy CP12, the Infrastructure Delivery SPD and the NPPF in this regard.
- 7.12.3 Policy DM14 states that the Council will seek to improve community and cultural facilities within the borough. The applicant proposes a Community Facility which is shown on the Illustrative Masterplan as being close to the main access point at Woodlands Lane. While this is not required by paragraph 204 of the NPPF, it is a welcome addition to the proposals and the details of what this could be used for would be provided at reserved matters stage.
- 7.12.4 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 £1,095,969 is required for early years, primary and secondary education together but to date, insufficient justification and details regarding the projects to which this proposal should contribute has been provided (see Annex D). Similarly the Inspector in the Appeal Decision (paragraphs 44 & 45 of Annex A) considered that despite naming certain schools and stating that others were nearing capacity, that the County Council had not demonstrated sufficiently the need for the contribution in relation to this development. Consequently it is considered that requesting this contribution would not comply with the tests set out in Paragraph 204 of the NPPF.

7.13 Affordable Housing and Housing Mix

- 7.13.1 Policy CP5 states that the Borough Council will seek a target of 35% of all net additional housing as affordable, split evenly between social rented and intermediate. Developments of 15 or more units will be required to have 40% on site provision. In seeking affordable housing provision the Borough Council will assess scheme viability. The applicants have indicated that they would be providing 40% affordable housing, with the exact details to be provided at reserved matters stage. It is therefore considered that the proposal complies with policy as long as this is secured in a legal agreement, which has not been received to date.
- 7.13.2 Policy CP6 states that the Borough Council will promote a range of housing types and tenures which reflect the demand for market housing and need for affordable housing, and the supporting text shows that the mix for private housing should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+

bed units. The mixes for affordable housing are slightly different with higher requirements for 1-bed units.

7.13.3 The applicant has provided a some detail as to mix at this stage, which would be approximately 22% 2-bed, 46% 3-bed, and 32% 4+ bed houses. While this does differ somewhat from the mix required, it does focus on provision of 2 and 3 bedroom homes which are in the greatest demand. Further detail and justification for these would be required at reserved matters stage, and these figures may change, and as such no objection is raised in terms of housing mix at this outline stage.

7.14 Open Space Provision

7.14.1 Policy DM16 states that the Borough Council will encourage new and enhanced opportunities for formal and informal recreation including promotion of dual use facilities or through the provision of new green infrastructure. It states that new residential development will be expected to provide or contribute towards open space, equipped playspaces including teen facilities and outdoor sports facilities.

7.14.2 The Illustrative Masterplan indicates that there would be two Local Areas of Play and one Local Equipped Area of Play within the site, close to the proposed housing. Given the size of the site it is considered that the proposal would be able to accommodate such facilities, however the details of layout are a reserved matter. It is considered that the proposal is line with Policy DM16 at this stage.

7.15 Other matters

Archaeology

7.15.1 The applicant has submitted a desk-based assessment which identifies that the site may have potential for finds relating to the later prehistoric and Roman periods and further archaeological surveys and evaluation is recommended. Surrey County Council's Archaeological Officer was consulted and has stated the assessment was sufficient and has raised no objections, subject to a condition securing a programme of archaeological work which would be undertaken before any development on site. It is therefore considered that the proposal would be acceptable in terms of archaeology subject to condition, and in compliance with Policy DM17 of the CSDMP and paragraphs 17 and 129 of the NPPF.

Land contamination

7.15.2 The Contaminated Land report submitted identifies potential pollutant linkages from pesticides, herbicides from M3 work and migration of chemicals from adjacent electricity sub-stations. The Environmental Health Officer advises that this is unlikely to prevent development; however a Phase 2 Ground Investigation Report will be required and has suggested conditions to ensure this takes place. The proposal is therefore considered acceptable in this regard subject to proposed conditions, and in line with paragraphs 109 and 120 of the NPPF.

Flooding and Drainage

7.15.3 The application site is located wholly within Flood Zone 1 which has the lowest probability of flooding. The application is supported by a Flood Risk and Drainage

Strategy which proposes that the estimated surface water storage volume would be held in a detention basin with a controlled discharge into the existing ditch. A pumping station with rising main to the south would be required.

- 7.15.4 Thames Water have not objected subject to a condition requiring the submission of a drainage strategy covering on and off site drainage works has been submitted. The Environment Agency have requested a similar condition regarding improvement of the existing sewerage system based on Thames Water's comments. The Council's Drainage Officer has commented that further information is required and conditions would be needed for the submission of full surface water drainage proposals, foul water drainage proposals, details of off-site connections and a maintenance schedule to include responsibility and regime of open watercourse clearance to ensure flooding of the ditch does not happen elsewhere. This information would be required at reserved matters stage.
- 7.15.5 The Local Lead Flood Authority originally objected and required further information to be submitted at this stage before a decision could be reached, as well as conditions. However, given that the application is at outline stage they have agreed that the outstanding information could be covered by conditions relating to details of foul and surface water drainage, surface water runoff and ground investigations.
- 7.15.6 It is therefore considered that the further information required can be secured by condition and as such the proposal is considered to be in line with Policy DM10 and the NPPF at this stage.

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

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

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

9.0 CONCLUSION

- 9.1 With the exception of the impact on the Thames Basin Heaths SPA and the securing of Affordable Housing, the proposal is considered acceptable in terms of its impact on all the matters above at this outline stage, subject to consideration of further detail at reserved matters stage and as required by the proposed conditions. Until a satisfactory legal agreement is received in respect of the management of the SANG area however, Natural England maintain their objection and as such it is considered that the development could cause an adverse impact on the Thames Basin Heaths SPA. The provision of affordable housing also needs to be secured in a legal agreement at this stage. The application is therefore recommended for refusal on this basis.

10.0 RECOMMENDATION

Refuse for the following reason(s)

1. The Planning Authority, following an Appropriate Assessment and in the light of available information and the representations of Natural England, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) applies in this case then it must refuse the application in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EE. For the same reasons the proposal conflicts with the guidance contained within the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 and the Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document.
2. In the absence of a legal agreement to secure 40% on-site provision of affordable housing, the proposal fails to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

Informative(s)

1. Advise CIL Liable on Appeal CIL3

In the event that the Local Planning Authority is in receipt of a satisfactory legal agreement that sufficiently addresses the management of the SANG area in-perpetuity by 7th March 2016 and Natural England remove their objection; and a mechanism for affordable housing is secured the application be GRANTED subject to the following conditions and the signing of the S106, to be delegated to the Executive Head of Regulatory:

- 1 Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.
 - b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the Site Location Plan SLP-01B received 25.06.15, and access to be provided in the location as shown on the Indicative Site Access point 30446-5501-SK04 Rev B. The dwellings shall be built wholly within the area of the site identified as a Housing Reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000 as shown on the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

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

- 3 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The foul water drainage strategy shall include all inspection chamber cover and invert levels, pipe sizes and gradients.

Reason: In order that the development does not lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development, in order to avoid adverse environmental effect upon the local

community, in line with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 4 No development approved by this permission shall be commenced until a formal scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. No occupation of dwellings shall occur until the scheme for the improvement of the existing sewerage system has been completed.

Reason: In order to prevent foul sewer flooding and non-compliance with the Water Framework Directive, in accordance with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development management Policies Document 2012, the National Planning Policy Framework and the Water Framework Directive.

- 5 No development shall commence until a ground investigation has been undertaken followed by an interpretive report undertaken by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority. The ground investigation shall include:

- a) Infiltration testing to BRE 365 or other suitable method
- b) Ground water monitoring to assess highest typical annual groundwater levels within the soil.

Reason: In order to evaluate the ground conditions to inform detailed drainage design, in accordance with Policy DM10 and the National Planning Policy Framework.

- 6 No development shall commence until the existing greenfield rates for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events have been submitted to and approved in writing by the Local Planning Authority. The greenfield rate shall be determined on the basis of the ground conditions determined under Condition 5 above, and shall be calculated in accordance with the method given in the submitted Flood Risk Assessment and Drainage Strategy received 26th June 2015. The peak surface water discharge from the site shall be limited to match the greenfield runoff rate for the equivalent rainfall events up to the 1 in 100 year (plus 30% allowance for climate change) event.

Reason: In order to verify the greenfield runoff rate and avoid increasing surface water flood risk, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 7 No development shall commence until details of the proposed surface water management scheme are submitted to and approved in writing by the Local Planning Authority. The surface water management scheme shall:
- a) Follow the principles set out in the submitted Flood Risk Assessment and Drainage Strategy received 26th June 2015.

- b) Be commensurate with outcomes of the soil infiltration testing and runoff rates established under Conditions 17 and 18 above.
- c) Demonstrate compliance with the “non-statutory technical standards for sustainable drainage systems” published by DEFRA (dated March 2015).
- d) Provide design details (including long and cross sections layout) of i) flow controls, ii) SuDS elements, iii) levels and iv) all other elements of the surface water management scheme.
- e) Provide an exceedance flow routing plan and mitigation details for key component failure.
- f) Provide details of how surface water drainage will be dealt with during construction; including how the sustainable drainage system will be protected and maintained during construction.
- g) Provide a schedule of maintenance required to maintain the safe operation of the drainage system throughout its lifetime, including proposed ownership and maintenance responsibilities, responsibility and regime of open watercourse clearance where required for discharge off-site, detailed methods of capturing and removing debris through woodland areas.
- h) Include cover, invert and sump levels for all chambers, ground levels for all other drainage attributes, pipe sizes and gradients; surface levels for boundaries of all hard surface areas including FFL for buildings.
- i) Include typical section detail of any watercourses proposed to be used for discharge and full level information for channel and embankments along its route.
- j) Include for discharge off-site including full details for the off-site downstream connections to ensure the viability of the outfall connection. Maximum discharge from the development to be 5.0 litres/second/hectare if soakage options are not viable.
- k) Show that hard surface areas are contained to ensure failure discharge is conveyed back into the drainage system or overland towards the attenuation facility and that no alternative failure route is possible towards residential properties.

All surface water and attenuation systems shall be maintained to their full design capacity in perpetuity and the development shall be carried out fully in accordance with the approved scheme.

Reason: In order to demonstrate that surface water will be managed safely and will be sustainable according to national standards, and that the development does not result in increased surface water elsewhere, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to assess the archaeological significance of the site and ensure that any archaeological remains are appropriately preserved, in accordance with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 9 Prior to commencement of development, a scheme to assess the nature and extent of any contamination on site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority. Following approval of this scheme, an investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced which must be approved in writing by the Local Planning Authority prior to commencement of development. The report shall include:

- a) A survey of the extent, scale and nature of contamination;
- b) An assessment of the potential risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments.
- c) An appraisal of remedial options, and proposal of the preferred option.

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

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 10 Prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site would not qualify

as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, and the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 11 Prior to commencement of development and following completion of measures identified in the remediation scheme approved under Condition 6 above, a Verification Report that demonstrates the effectiveness of the remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. No further work shall continue, unless otherwise agreed in writing by the Local Planning Authority, until an investigation and risk assessment is undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme prepared in accordance with the requirements of condition 6, and these have been submitted to and approved in writing by the Local Planning Authority and agreed remediation scheme measures carried out. Following completion of measures a verification report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 7.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 13 Prior to commencement of development, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of any proposed remediation for a period of 5 years, and the submission of reports to the Local Planning Authority must be submitted to and approved in writing by the Local Planning Authority. As

soon as practicable following completion of the measures identified in the scheme and when the remediation objectives have been achieved, a report that demonstrates the effectiveness of the monitoring and maintenance must be submitted to and approved in writing by the Local Planning Authority. The scheme and reports should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11'.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 14 The development hereby approved shall not be commenced unless and until the proposed vehicular/pedestrian access to Woodlands Lane and 20 metres of the new access road have both been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the access visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 15 The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles/cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 16 No development shall commence until a Construction Transport Management Plan, to include details of:

- a) Parking for vehicles of site personnel, operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials
- d) Programme of works (including measures for traffic management)

- e) Vehicle routing
- f) Measures to prevent the deposit of materials on the highway
- g) On-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the proposed development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 17 Prior to the commencement of the development, a detailed Travel Plan in accordance with Surrey County Council's Travel Plan Good Practice Guide' and in general compliance with that submitted with the planning application, to include a Travel Plan implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The approved detailed Travel Plan shall then be implemented and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 18 Prior to first occupation of the development hereby approved, the two existing bus stops on the north and south side of Updown Hill, between numbers 14 and 16 Updown Hill and adjacent to number 11 Updown Hill shall be provided with:
- a) Replacement timetable information
 - b) Poles and flag signs
 - c) Raised bus borders to assist level access to buses, and
 - d) Any necessary bus stop road markings

In accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 19 Prior to first occupation of the development, the existing footway along the north side of Woodlands Lane between the access to the site and Updown Hill has been converted into a shared footway/cycleway to include any necessary trimming of vegetation, signs, road markings, and any other necessary works, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to encourage sustainable travel, in accordance with Policies CM11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 20 No development shall take place until details of the surface materials for the roads, car parking areas and driveways shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed surfacing materials shall be used in the construction of the development.

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

- 21 Prior to the first occupation of the development hereby approved, details of cycle and refuse storage areas and access thereto are to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure visual and residential amenities are not prejudiced and to accord with Policies DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

- 22 No development shall take place until details of the proposed finished ground floor slab levels of all buildings and the finished ground levels of the site including all roads and driveways etc, in relation to the existing ground levels of the site and adjoining land (measured from a recognised datum point) have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be built in accordance with the approved details.

Reason: In the interests of visual and residential amenities enjoyed by neighbouring occupiers and the occupiers of buildings hereby approved in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

- 23 The creation of the access hereby approved shall be carried out in all respects in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan written by ACD Arboriculture and dated 24.06.15. This shall include an on-site meeting to include the Council's Tree Officer prior to the commencement of any tree works. A minimum of 14 days' notice shall be given in advance of such a meeting.

Reason: In order to safeguard the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 24 Prior to commencement of development, a Tree Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, prepared by a suitably qualified Arboriculturalist, shall be submitted to and approved in writing by the Local Planning Authority to cover the entire area to the north of Woodlands Lane affected by the development within the application site boundary. The reports must be compliant with BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations and should include provision for an on-site meeting with the Council’s Tree Officer prior to the commencement of tree works. The development shall be carried out wholly in accordance with the approved reports as above.

Reason: To safeguard the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

- 25 No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development, and thereafter retained in perpetuity. These shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification. It shall also include details of how the impact on ecology (particularly bats) of the proposed lighting has been taken into account.

Reason: In the interests of residential and visual amenities and conservation of biodiversity in accordance with Policies DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

- 26 No development shall commence until a Method Statement for the protection of badgers on the site has been submitted to and agreed in writing by the Local Planning Authority. This shall include as a minimum retention of setts 3 and 4 with a 30 metre buffer zone; retention of setts 5, 6, 7 and 8 as proposed; an artificial sett of main sett size within retained woodland habitat; creation of setts in NW triangle area; provision/protection of badger routes to existing setts; and the enhancement of foraging areas to compensate for habitat lost. The development shall be carried out fully in accordance with the agreed Method Statement.

Reason: To ensure there are no significant adverse effects on the local badger population, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 27 No development shall commence until a scheme detailing the proposed traffic calming measures along Woodlands Lane for the protection of badgers have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the agreed scheme.

Reason: To ensure there are no significant adverse effects on the local badger population, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 28 Prior to commencement of development, the submitted draft Landscape and Ecology Management Plan (LEMP) shall be updated and finalised, and submitted to and approved in writing by the Local Planning Authority. The mitigation and enhancement measures proposed in the LEMP shall no less than as proposed in the draft LEMP dated February 2016, Section 4 of the Bat Activity Report dated August 2015, Section 3 of the Breeding Bird Survey Report August 2015 and Section 5 of the Badger Survey dated December 2014 unless otherwise agreed in writing. The LEMP should be based on up-to-date ecological surveys of no more than two years old unless otherwise agreed in writing. The development shall be carried out fully in accordance with the agreed LEMP.

Reason: To ensure that there are no significant adverse effects upon biodiversity in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 29 Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in all respects in accordance with the agreed CEMP.

Reason: To ensure that the impact upon the local environment and ecology is minimised during the construction of the development, in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 30 Prior to commencement of development the submitted draft SANG Management Plan and submitted draft SANG Management Plan - Ecology shall be updated and finalised, and submitted to and approved in writing by the Local Planning Authority in conjunction with Natural England.

Reason: In order to secure the ongoing maintenance of the SANG area to ensure the development does not give rise to a significant adverse effect upon the Thames Basin Heaths Special Protection Area in accordance with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

- 31 The proposed development shall contribute a sum towards Strategic Access Management and Monitoring (SAMM) in line with that required by Policy CP14. The sum shall be determined by the approved layout of the development under Condition 1 and it shall be paid prior to the approval of the last reserved matter as required by Condition 1 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid any significant adverse effects upon the Thames Basin Heaths SPA from the development, in accordance with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Informatives:

- 1 This decision notice is a legal document and therefore should be kept in a safe place as it may be required at a later date.
- 2 The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and CIL Regulations (as amended). In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge. Failure to pay the CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this decision may result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedures, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.
- 3 The archaeological evaluation work should be completed and the results submitted to the Local Planning Authority prior to the submission of any reserved matters application as it will be necessary to have the archaeological information available in order to make an informed decision.
- 4 Surface water run-off from the development must be managed in such a way so as to prevent the ingress of sediment- or contaminant-laden waters into any waterbody. Such waters may originate from roads, car parks and other hardstandings subject to vehicular activity. The substances they contain may lead to a failure to attain the Water Framework Directives requirements, be it directly via their presence/concentrations or by their effects upon other aspects of the water environment.
- 5 No soakaways shall be constructed in contaminated ground, unless an appropriate risk assessment has shown that the disposal complies with the requirements of the Environmental Permitting (England and Wales) Regulations 2010 (previously the Groundwater Regulations 2009) to prevent the entry into groundwater of hazardous substances.
- 6 The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which is issued by the Environment Agency.

A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

- 7 Within the submitted Ecological appraisal it is noted that Japanese Knotweed is present on the site. Guidance is available on the following website:
<http://www.nonnativespecies.org/index.cfm?pageid=226>
- 8 Condition 14 refers to the conversion of the existing footway along the north side of Woodlands Lane between the highway access and Updown Hill into a shared pedestrian/cycle path. This should not require any physical construction works to widen the footpath.
- 9 Details of the highway requirements for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
- 10 Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- 11 The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- 12 The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Streetworks Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
- 13 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

- 14 When access is required to be completed before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of development is complete, provided all reasonable care is taken to protect public safety.
- 15 A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the areas of such splays.
- 16 The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 17 The Highway Authority has no objection to the proposed development, subject to the above conditions, but if it is the applicant's intention to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
- 18 The applicant is reminded that all species of wild birds and their nests are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and therefore in order to avoid contravention of current legislation, site clearance and demolition works should be timed to avoid the main bird nesting season, which in general runs from March to August. If this is not possible, a check should be carried out prior to works being commenced to ensure there are no active nests present.
- 19 Vegetation related clay shrinkage subsidence has been reported as an issue within the area in the past and it is likely that subsoils would be prone to volumetric change exacerbated by the presence of vegetation. The use of specialist foundations may therefore be required and should be considered during the design process subsequent to geotechnical site investigations.

Annex A - The Appeal Decision for Land south of Kings Road and Rose Meadow, West End (APP/D3640/W/15/3028247)

Annex B - Highways response

Annex C - Environmental Health Officer response

Annex D - Surrey County Council Education response