
Appeal Decision

Hearing held on 16 September 2015

Site visit made on 16 September 2015

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 December 2015

Appeal Ref: APP/D3640/W/15/3028247

Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End, Woking, Surrey

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by William Lacey Group Ltd against Surrey Heath Borough Council.
 - The application Ref SU/14/0532, is dated 5 June 2014.
 - The development proposed is the erection of 84 residential homes, including 34 affordable homes, with associated access.
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Decision

1. The appeal is allowed and planning permission is granted for 84 residential homes, including 34 affordable homes, with associated access at Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End, Woking, Surrey in accordance with the terms of the application, Ref SU/14/0532, dated 5 June 2014, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. No formal decision was issued by the Council in this case but it has since confirmed that it would have refused planning permission for the following reason: *The proposal by reason of being sited within the Countryside beyond the Green Belt, in the eastern part of the Borough, would result in the release of land for development that would currently conflict with the spatial strategy for the Borough, which seeks to firstly concentrate development in the western part of the borough and settlement areas on previously developed land. At this current time, the release of this land would therefore be harmful to the intrinsic characteristics of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CP1 and CP3(iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework. I have taken this to be the decision that the Council would have made, had it been empowered to do so.*
3. The application is submitted in outline form with access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have considered the appeal on this basis.
4. During the Hearing, the main parties agreed that the submitted location plan, drawing number P941/02, had been superseded and that the Council had considered a later iteration, P941/02 Rev B. The revised drawing extends the

application boundary to the public highway. As this was the plan considered and consulted upon by the Council, no party is prejudiced by its submission in respect of this appeal and I have taken it into account in reaching my decision.

5. During the course of considering the planning application, the Council altered the description of development to include the proposed mix of house types. The Appellant suggests that this matter is yet to be firmly established and is for consideration at the reserved matters stage. In light of this, I have used the original description of development contained in the planning application.

Main Issues

6. The main issues are whether the proposal would accord with the spatial strategy for the area, as well as local and national planning policy; the effect on the Thames Basin Heaths Special Protection Area (SPA), and the effect on the intrinsic character of the countryside.

Reasons

Spatial strategy

7. Policy H8 of the Surrey Heath Local Plan (LP) (2000) identifies the appeal site as a Reserve Housing Site, land which is reserved to meet possible long-term development needs and is consequently excluded from the Green Belt. This policy remains saved, notwithstanding the Council's subsequent adoption of the Core Strategy & Development Management Policies 2011-2028 (CS&DMP) (2012).
8. Policy CP1 of the CS&DMP sets out the spatial strategy for the Borough which envisages that new development will come forward largely through redevelopment of previously developed land in the western part of the Borough. West End is identified as a 'smaller village' which is said to have limited capacity to accommodate any new development. It does not, however, preclude development. Development in the Countryside beyond the Green Belt (such as the appeal site) will not be permitted where it results in the coalescence of settlements. However, the Council accept that this would not be the case in respect of the appeal proposal. Noting the large area of intervening green space that would remain beyond the appeal site and the built up area of the closest settlement, Bisley, I have no reason to disagree.
9. Policy CP3 of the CS&DMP sets out the scale and distribution of new housing within the Borough during the plan period and outlines that provision will be made for 3240 (net) additional dwellings. This figure derives from the housing requirements formerly contained within the, now largely revoked, South East Plan (2009) and based upon a Strategic Housing Market Assessment at that time. That said, it was acknowledged that the housing need for the area would not be met by this level of provision. The Inspector's report¹ following examination of the CS&DMP, having regard to the proposed phasing supporting the policy, is clear that a five year housing land supply would not be provided and this was clearly at odds with national policy at that time². Nevertheless, the difficulties in providing Suitable Alternative Natural Green Space (SANGS) so as to avoid significant effects on the SPA were seen as a local constraint that justified a departure from national policy.

¹ Paragraph 26

² Planning Policy Statement 3 - Housing

10. Shortly after the CS&DMP was adopted, the National Planning Policy Framework (the Framework) was published. Whilst the more recent publication of national policy does not automatically lead to an adopted development plan being out of date, paragraph 215 states that due weight should be given to policies in existing plans according to their degree of consistency with the Framework. Whilst the Framework cannot alter the statutory basis under which the development plan applies³, it is an important material consideration.
11. Paragraph 47 introduced a key objective to boost significantly the supply of housing. In order to achieve this, Local Planning Authorities are required to ensure that Local Plans meet the full, objectively assessed needs (FOAN) for market and affordable housing, as far as is consistent with the policies set out in the Framework. Consideration of this matter is also a requirement in decision making, as is highlighted by the Hunston⁴ Judgement.
12. To my mind, this introduces a much greater emphasis on the delivery of housing than was the case at the time of adopting the CS&DMP, albeit that this must be weighed against other policies of the Framework. Given that the CS&DMP, 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.
13. Furthermore, paragraph 47 makes it a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing (including a 5%/20% buffer) against housing needs. The Council argue that its housing requirement is that contained within the CS&DMP but it accepts that its latest Strategic Housing Market Assessment (2014) represents the most up to date FOAN figure for the area. As this is a recent assessment for the Housing Market Area that takes account of migration, travel to work patterns and recent DCLG household projections, this seems to me to represent a more robust basis for considering current housing requirements than the now out of date figures within the CS&DMP.
14. Whilst I have had regard to the letter from Brandon Lewis MP to the Planning Inspectorate in December 2014, which outlined that SHMA's are untested and should not automatically be seen as a proxy for a final housing requirement, I am satisfied, based on the evidence before me, that this is the correct approach in this case.
15. There was some divergence in the housing land supply claimed by the Council and that suggested by the appellant but a range of scenarios was submitted during the Hearing. The most optimistic of those using the SHMA housing requirement (340 dwellings per annum), suggests a housing land supply of 5.1 years. This is based on the inclusion of a 5% buffer and the supply figure identified in the Council's 5 Year Housing Land Supply 2015-2020 (February

³ S38(6) of the Planning and Compulsory Purchase Act 2004

⁴ Hunston Properties Limited v. (1) Secretary of State for Communities and Local Government and (2) St Albans City and District Council [2013] EWHC 2678 (Admin)

2015) report, after deducting 17 units which the Council conceded were unlikely to be delivered (1884 dwellings). This also takes account of the reduced backlog figure presented by the Council during the Hearing which was amended from 156 dwellings to 54 dwellings based on its recorded completions between 1 April 2014 and 31 March 2015.

16. However, the appellant raised a number of concerns about the figures feeding into this calculation. Principally, suggesting that a 20% buffer should be applied. Having regard to the completion data compared to the development plan requirements contained in paragraph 4.1.40 of the appellant's Statement of Clarification, there has been an under delivery for 5 out of the 9 past years (the latest completion figures provided by the Council now show a surplus for 2014/15). However, 3 of these years immediately preceded adoption of the CS&DMP at a time when there were acknowledged constraints to development posed by the Thames Basin Heaths SPA. Subsequently, there has been no pattern of under delivery or any significant shortfall in provision overall. In the absence of any persistent under delivery, indeed many of the years have provided a surplus, I conclude that the 5% buffer is appropriate.
17. There is also dispute between the parties as to whether a number of the sites included in the Council's supply figures were in fact deliverable in the terms of paragraph 47 of the Framework and, whilst the Planning Practice Guidance makes it clear that S78 appeals are not the place for local plan style examinations of housing sites, some were discussed during the Hearing in order to establish the latest position.
18. Of importance is the site known as Princess Royal Barracks which the Council expect to deliver 500 units by 2020. This would be at a rate of 125 dwellings per year for the latter 4 years of the period. The appellant suggests that a more likely build out rate based on comparable schemes is in the region of 50-100 dwellings per year. I am inclined to agree that 125 dwellings per year seems overly optimistic and I was provided no detailed evidence from the Council to suggest that such a rate of delivery could be expected, notwithstanding that officers may have had undisclosed discussions with the developer.
19. Furthermore, the Council confirmed that planning permission and subsequent reserved matters approval only provided for 81 dwellings to be built at the present time, the remaining number all requiring further approvals before development could commence. This may further delay the rate of delivery, noting that full permission does not exist even for the first year's expected delivery.
20. Conversely, the appellant's expectation that the site will deliver just 200 dwellings is at the lower end of the expected build out rate. In reality, the delivery is likely to be somewhere in between the parties' estimates. However, even based on the appellant's upper range for build out at 100 dwellings per year, this would reduce delivery by 100 units within the five year period. This would have the effect of reducing the demonstrable five year housing land supply to 4.85 years. This is assuming that all other sites identified by the Council would deliver in line with its expectations but there are numerous other sites that the appellant takes issue with. However, I need not explore these further for the purposes of this appeal as the result could only worsen the housing land supply position.

21. I conclude that the Council cannot currently demonstrate a five year housing land supply in accordance with paragraph 47. Under these circumstances, paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be seen as up-to-date. This would include Policy CP3 of the CS&DMP. Where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.
22. Paragraph 14 of the Framework states that, for decision taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or specific policies in this Framework indicate development should be restricted. This is the basis on which I must determine the appeal.

Thames Basin Heaths SPA

23. The site is around 0.8km from the Thames Basin Heaths Special Protection Area (SPA). The Habitats Regulations⁵ require that proposed developments do not adversely impact on the integrity of the SPA, which in this case seeks to protect a number of internationally important bird populations and habitats. Significant effects should be avoided and new residential development should not be allowed within 5km of the SPA unless measures are in place to avoid or mitigate such impacts which may arise either alone or in combination with other development.
24. Saved Policy NRM6 of the South East Plan (SEP) (2009) sets these requirements out in policy terms and outlines a strategy for facilitating new development, whilst avoiding potential impacts, including through the provision of Suitable Alternative Natural Green Space (SANGS). Locally, these requirements are recognised through Policy CP14 of the CS&DMP and the Council's Avoidance Strategy Supplementary Planning Document (2012).
25. This sets out a strategy to avoid any significant effects, including in combination effects, arising from residential development through the collection of financial contributions towards the provision of Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM).
26. The SANGS are areas of open space close to the proposed development designed for recreational use by future occupants which it is expected will be used in lieu of land within the SPA, thus negating the potential for damage or other adverse effects to its integrity. To ensure that this strategy is successful, the SAMM contribution is used to employ wardens to patrol the SPA, for educating the public about the SPA and to monitor the ongoing effectiveness of the approach. Both parties agree that these measures are necessary to avoid significant adverse effects on the SPA and that they would be effective in avoiding harm. The approach accords with the Council's policies and its published Avoidance Strategy and I am minded to agree.
27. Concerns were raised by the Council regarding the availability of SANGS land in the area that might be able to serve the development but the Statement of Common Ground outlines various options that are likely to come forward in the foreseeable future, including at Heather Farm and Bisley Common. No specific

⁵ Conservation of Habitats and Species Regulations 2012 (as amended)

SANGS was formally identified for the appeal proposal at the present time but it was also agreed that a Grampian style condition could be used to prevent any development until such time as suitable SANGS was in place. In essence, this would prevent any development and any potential impacts until the necessary avoidance measures were secured. This is an approach endorsed by Natural England in its consultation response dated 27 July 2015.

28. It was highlighted that the Council's CIL tariff makes provision for the collection of SANGS contributions where the relevant SANGS would be within the Local Authority Area. Subsequently, a Unilateral Undertaking has also been provided to secure the necessary SAMM payment, notwithstanding the Council's view that this could be secured at the Reserved Matters stage. These measures would accord with the Council's Avoidance Strategy and ensure that significant effects to the SPA were avoided.
29. Whilst it is often undesirable to grant planning permission which cannot be implemented until the terms of a Grampian condition can be fulfilled and where this relies upon parties other than the appellant, I am persuaded that there is a good prospect of suitable SANGS land becoming available within the time span of any planning permission granted, and this seems to me to be a reasonable approach in this case.
30. I have had regard to advice in Planning Practice Guidance that such conditions should generally only be used for development of strategic importance but I cannot conclude that the development would avoid harm to the SPA in the absence of the condition. Given the clear indication that the matter can be dealt with within the lifetime of the planning permission, I consider that it is reasonable to rely on the approach in this case in order to ensure that much needed housing is delivered. The condition will prevent any development coming forwards until SANGS are available and there is, therefore, no risk to the SPA.
31. It was suggested by the Council that an Appropriate Assessment (AA) would be necessary under the Habitats Regulations, but this is only required where significant effects are likely to result to the SPA. I have established that significant effects on the SPA would be avoided in this instance and, therefore, AA is not required. Consequently, paragraph 119 of the Framework does not preclude application of the presumption in favour of sustainable development.
32. I conclude that significant effects on the Thames Basin Heaths SPA would be avoided and I find no conflict with Policy NRM6 of the SEP; Policy CP14 of the CS&DMP; or the Council's Avoidance Strategy Supplementary Planning Document (2012).

Character of the countryside

33. The site is located on the edge of the village, to the rear of properties on Kings Road and Rose Meadow. The remaining boundaries are surrounded by established tree and hedgerow planting providing a good level of screening and visual containment. Whilst the development would be visible from a number of residential properties surrounding the site, wider views from the surrounding countryside would be limited.
34. The Council concludes that if there is a clear proven need to release countryside for housing, the impacts on character grounds would be

acceptable. The development would alter the appearance of the currently undeveloped site to that of a developed site, resulting in loss of its intrinsic countryside character. However, I have already concluded that the Council is unable to demonstrate sufficient land availability to deliver much needed housing in line with the Framework's objectives.

35. Given my observations above and the Council's own conclusion regarding the impact of the development, this need for housing outweighs the loss of intrinsic character in this instance. This is particularly so, as it appears unlikely that the Council can deliver sufficient housing to meet the identified need for the area without using land in the countryside. The fact that this site is specifically identified for future development and purposefully removed from the Green Belt further indicates that the site is suitable for residential development.
36. Consequently, I have no reason to disagree with the Council's conclusion that the appeal proposal accords with Policy DM9 of the CS&DMP which seeks to protect the character of the countryside.

Other Matters

37. A number of interested parties raised concerns regarding highway and transport impacts, including highway safety. The application is accompanied by a detailed Transport Assessment (TA) (June 2014) which considers the capacity of the local highway network to accommodate the proposed development, taking account of the private roads, Rose Meadow and Kings Road. This was carried out in consultation with Surrey County Council, the Local Highway Authority, and concludes that little impact would result in terms of highway safety or capacity. Having considered the document, the County Council raises no objection.
38. The TA identifies that in combination with other development in the area, future delays might be experienced on the A322 but the County Council is satisfied that suitable improvement works would increase capacity and improve operation of the nearby roundabout. However, it is accepted that these improvements are not necessary to make the appeal proposal acceptable in planning terms. Notwithstanding this, the Council's Community Infrastructure Levy (CIL) Tariff would provide potential funding for any necessary future improvements.
39. A suitable hard surface is in place to serve the site from Beldam Bridge Road, Kings Road and Rose Meadow. Whilst the surface on the remainder of Kings Road is in a poor state of repair, the TA confirms that the development is unlikely to generate significant amounts of traffic from this direction.
40. Overall, the Council conclude that the appeal proposal is acceptable in highway terms and in accordance with Policies CP11 and DM11 of the CS&DMP. I have no reason to disagree based on the evidence before me.
41. The Ecological Appraisal (June 2014) and Reptile Survey (May 2014) accompanying the application identify limited ecological potential on the site, largely due to the annual harvesting of hay. Whilst I have had regard to the submissions of local people, who suggest that wildlife is often apparent on the site, the submitted reports conclude that limited impact is likely to result in biodiversity terms subject to a range of mitigation and enhancement measures. Such measures would be secured by condition in the event that planning

permission is granted and would ensure compliance with Policy CP14 of the CS&DMP.

42. A number of concerns were raised regarding contamination, drainage and flood risk on the site. The majority of the site is located within flood zone 1 (lowest risk) as identified by the Environment Agency and no built development is proposed in the higher risk flood areas, notwithstanding the indicative nature of the site layout drawings at the present time. The Drainage Impact Assessment (June 2014) confirms that suitable foul and surface water drainage can be provided to serve the development and avoid flooding on site or elsewhere. Although further details will be required at the reserved matter stage, the Council confirm that the development would accord with policy DM10 of the CS&DMP. I have seen no evidence to contradict the detailed assessment submitted and have no reason to disagree with the Council's conclusions in these regards. It was suggested by an interested party that the development should finance the provision of mains sewerage in the vicinity of the site but this would not be reasonable or necessary as a result of the development and would not meet the relevant tests for planning obligations or conditions.
43. The impact of the development on local infrastructure is also a key concern for local people. In this respect, I have had regard to the CIL Charging Schedule adopted by the Council and which is now in effect. The development would be liable for a payment under this scheme. The schedule includes payments towards SANGS, open space, transport projects, play areas and equipment, indoor sports, community facilities such as libraries and surgeries, waste and recycling, and flood defence/drainage improvements. The purpose of the CIL is to ensure sufficient funding in the area for necessary improvement as a result of development, including cumulative impacts. I am satisfied that such a payment would ensure that the impacts of the development were sufficiently mitigated where necessary.
44. One absence from the scheme is any payment towards education provision. In these regards, I note the submission of many local people, both in writing and during the Hearing that the local school is at capacity. Although the County Council has requested a contribution towards local education provision, the Council consider that this has not been justified with reference to the tests for planning obligations set out at paragraph 204 of the Framework, and these tests are further set out in law⁶.
45. The County Council is seeking contributions towards generic local improvements to local schools, including Bisley Primary School and Bishop David Brown Secondary School. However, despite assertions that local schools are at or nearing capacity, no evidence has been provided as to the remaining capacity, notably in relation to Holy Trinity Primary School in West End itself or in relation to secondary schools. It is also suggested that improvement/expansion works are already underway to deal with increased demand and it is unclear whether these works would provide the capacity needed as a result of this development. Therefore, I am inclined to agree with the Council that the requested contributions have not been justified as being necessary as a result of the appeal proposal. Whilst the submitted Unilateral Undertaking makes provision for an education contribution if I were to

⁶ Regulation 122 of the Community Infrastructure Levy Regulations 2010

determine it necessary, I am unable to take it into account for the reasons set out above.

46. Neighbours to the site have raised concern regarding impacts to their living conditions arising from the development. Matters of appearance, landscaping, layout and scale are reserved matters at this stage and potential impacts would need to be fully considered at the reserved matters stage. However, the indicative drawings submitted demonstrate that 84 dwellings could be accommodated without unacceptable harm to living conditions. A good level of separation would be maintained between existing and proposed properties and the residential nature of the development would be compatible with surrounding land uses. Although the currently open views valued by local people would be interrupted, private views are not protected under the planning system and this would not materially harm living conditions.
47. The matter of Human Rights has been raised by a nearby resident, suggesting that the development would affect residents' ability to enjoy the current peace, tranquillity and rural aspect of the area. Submissions were made relating to Article 8 of the European Convention of Human Rights and I recognise that if the appeal is allowed it would interfere with Mr and Mrs Jones' home and family life. This consideration must be balanced against the rights and freedoms of others, however, and I am satisfied that if this development goes ahead its effects on Mr and Mrs Jones would not be disproportionate. For the same reason, I consider the interference with Mr and Mrs Jones' peaceful enjoyment of their property is proportionate and strikes a fair balance in compliance with the requirements of Article 1 of the First Protocol.
48. The Council raises no concerns with regard to archaeology which it suggests can be dealt with by condition; the amount of affordable housing proposed (40%) which accords with Policy CP5 of the CS&DMP; crime, subject to an appropriate layout as reserved matters stage; the ability to provide sufficient open space, which is indicated on the indicative drawings; or in respect of any other matters. Based on the evidence before me, I have no reason to reach a different conclusion on these matters.
49. I note that there is significant local objection to the proposed development, which was highlighted in the significant amount of written submissions, attendance at the Hearing and through representations from the local Member of Parliament. I have had regard to the perceived impact on the local community but growth is clearly necessary and I see no reason why the proposed development could not be satisfactorily integrated with the existing community. Whilst I have taken all of these matters into account I must determine the appeal in line with current planning policy.

Planning Obligations

50. A draft Unilateral Undertaking was provided in advance of the Hearing but a completed version was not available. This has subsequently been provided, having been amended to adjust its wording and technical construction in line with discussions at the Hearing. The proposed obligations, involving a SAMM and education contribution, along with affordable housing provision remain.
51. I have already established that the education contribution is not justified in light of the tests set out in CIL Regulation 122. No need for the contribution has been established and I cannot take it into account.

52. Conversely, I have established that the SAMM contribution is necessary to avoid significant effects on the SPA in accordance with the development plan and the Habitats Regulations. Furthermore, I am satisfied that the proposed affordable housing provision is necessary and in accordance with Policy CP5 of the CS&DMP. These contributions accord with the requirements of the CIL Regulations and have been taken into account.

Conclusion

53. The development would deliver much needed housing, including affordable housing, and this weighs significantly in favour of the proposal, along with other benefits such as the creation of jobs during construction and support for local services from increased population. I have found no harm in economic, social or environmental terms that is sufficient to significantly and demonstrably outweigh these benefits and having regard to paragraphs 18 to 219 of the Framework taken as a whole, I conclude that the proposal represents sustainable development to which the presumption in favour applies.

54. In light of the above, and having taking all other matters into account, planning permission should be granted.

Conditions

55. The main parties have agreed a number of conditions that would be necessary in the event that planning permission is granted. I have attached the standard conditions for further approvals and time restrictions relevant to outline applications.

56. I have found it necessary to require accordance with the recommendations of the relevant ecological assessments to protect and enhance biodiversity affected by the development. Furthermore, as discussed in the decision, a Grampian style condition is necessary to ensure that development cannot commence without the necessary SANGS provision to avoid significant effects on the SPA.

57. A contamination investigation is needed given the past use of the site and the sensitive residential use proposed. A Method of Construction Statement is necessary to minimise the impacts on neighbouring residents and ensure highway safety during construction. It is also reasonable to require details of the proposed road surface materials to ensure suitability for the development.

58. I have not found it necessary to attach a condition relating to landscaping as this remains a reserved matter that is not for consideration as part of this application. I am not satisfied of its need to make the development acceptable at the current stage.

59. Details of the finished levels of the proposed buildings and roads are necessary to ensure an appropriate appearance for the development and in the interests of neighbours' living conditions. Drainage details are required to ensure an appropriate form of development. The location of refuse and cycle stores should be identified. There is a need for details of any external lighting to protect neighbours' living conditions and avoid harm to ecology. Finally, a Travel Plan is necessary to promote sustainable patterns of development.

60. I have altered the wording of the proposed conditions to improve their precision and otherwise ensure compliance with Planning Practice Guidance.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Reed	Counsel
Andrew Stallan	Planning Consultant (Agent)
Stuart Crickett	Planning Consultant (Agent)
Graham Bellamy	Transport Consultant
Simon Maiden-Brooks	Flooding and Drainage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Duncan Carty	Senior Planner
Jane Ireland	Planning Policy Manager
Laura James	Principal Solicitor

INTERESTED PERSONS:

William Bain	Local resident
Jason Ing	Local resident
Jeffrey Llewellyn	West End Action Group and local resident
Diane Doney	Local resident
Ian Allard	Local resident
Guy Consterdine	West End Action Group and local resident
Douglas Bond	Local resident
Beulah Kingston	Local resident
Mike Lazer	Local resident
Charlotte Waters	Rose Meadow Management Committee and local resident

DOCUMENTS

Document 1	Housing land supply scenarios
Document 2	E-mail dated 15 September 2015 from Paul Druce of Surrey CC to Stuart Crickett
Document 3	Draft Unilateral Undertaking
Document 4	Drawing P941/02 Rev B
Document 5	Justification Statement from Surrey CC in respect of requested education contribution (26 June 2015)
Document 6	Council's Housing Completions 01/04/2014 – 31/03/2015
Document 7	Letter in respect to Heather Farm SANGS from Ray Morgan, Chief Executive of Woking Borough Council to Chris Lacey, Chief Executive of William Lacey Group
Document 8	Second Draft Unilateral Undertaking

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place other than in accordance with the recommendations set out in Section 6.0 of the Ecological Report by ACD dated September 2014 and Section 5.0 of the Reptile Survey Report by ACD dated June 2014.
- 5) No development shall take place until written approval has been obtained from the Local Planning Authority that an appropriate Suitable Alternative Natural Green Space (SANGS) has been secured so as to avoid any significant effects of the development on the Thames Basin Heaths Special Protection Area. No dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the SANGS up to an acceptable standard have been completed.
- 6) Prior to commencement of development, an investigation and risk assessment, in addition to any assessment provided with the planning application/appeal, will be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. No development shall take place until the scheme has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until a detailed remediation strategy to bring the site to a condition suitable for its intended use has been submitted to and approved in writing by the Local Planning Authority. In the event that contamination is found, that was not previously identified, at any time during the development, this will be reported in writing to the Local Planning Authority and any work on site should cease until an investigation and risk assessment is undertaken and the site is remediated in accordance with a scheme approved in writing by the Local Planning Authority. Infiltration SuDS shall only be used for areas where it has been proven that there are no unacceptable risks from contamination.
- 7) No development shall take place until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of parking for the vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; a programme of works (including measures for traffic management); provision of boundary hoardings; hours of construction; and confirmation that there will be no on-site burning during any site clearance, demolition and

- construction works. The development shall be carried out in accordance with the approved Statement.
- 8) No development shall take place until details of the surface materials for the roads, car parking areas and driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 9) No development shall take place until details of the proposed finished floor levels of all buildings and finished levels of all roads and driveways within the site in relation to the existing ground levels and adjoining land (measured from a recognised datum point) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 10) No development shall take place until full details of the foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage details shall ensure attenuation of the 1:100 year event with a 30% allowance for climate change. The development shall be carried out in accordance with the approved details.
 - 11) No development shall take place until details of the proposed refuse and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 12) Prior to the commencement of development, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the lighting supports, posts or columns, details of their location and a full technical specification. The approved lighting shall be provided prior to first occupation of the development.
 - 13) Prior to first occupation of the development hereby approved, a Travel Plan to promote sustainable patterns of movement shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, it shall be implemented.

ANNEX B – COUNTY HIGHWAYS RESPONSE

SCC HIGHWAYS RESPONSE RECEIVED 4TH JANUARY 2016

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APPLICATION NUMBER	SU 15	0590
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DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: Charles Church Southern Limited & Sentinel Housing Association

Location: Heathpark Wood, Land East of Heathpark Drive, Windlesham

Development: Outline planning permission for up to 140 dwellings and potential community facility with associated landscaping, open space, car parking, vehicular and pedestrian access from Woodlands Lane together with provision of a SANG (access only to be considered at this stage)

Road Name or Number	Woodlands Lane/C4	Consultation Date	13/07/2015	Use Class		Previous Applications
National Grid Reference	494277/163531	Amended Plan Date		Strat Con	No	
Contact Officer	Angela Goddard 020 8541 7428	Planning Decision		Appeal		

The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who :

recommends the following conditions be imposed in any permission granted :-

1. 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.
2. 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.

3. 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.

4. 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 for the written approval of the Local Planning Authority. The approved detailed Travel Plan shall then be implemented and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

5. Before the proposed development is first occupied 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 and approved in writing by the Local Planning Authority.

6. The development shall not be first occupied unless and until the existing footway along the north side of Woodlands Lane between the residential development site highway access 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

The above conditions are required in order that the new development should not prejudice highway safety, nor cause inconvenience to other highway users and to encourage sustainable travel and to meet the requirements of CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies and the National Planning Policy Framework 2012.

Informatives

1. Condition 6 above 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.
2. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
3. 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.
4. 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.
5. 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 Street Works 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.
6. 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).

7. 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 the development is complete, provided all reasonable care is taken to protect public safety.

8. 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 2 m in height above ground level shall be erected within the area of such splays.

9. 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.

10. 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.

Notes on the Transport Assessment

Accident Data

The Crash Map website has been used to analyse accident data but only for the five years to 2013, so this is not up to date. I have therefore interrogated Surrey County Council's personal injury accident data up to 2015. The only additional accident since 2013 was a 'slight' accident in March 2014 involving a pedestrian at the junction of Updown Hill/Chertsey Road junction. This accident was not caused by defects in the road layout.

TRICS

The trip rate data produced for the affordable housing element of the development was considered to be quite low given the site is not in a very non car accessible location with limited local facilities in Windlesham. To ensure a more robust assessment of the likely trip generation, it was requested that all 140 proposed dwellings be analysed using only private market housing. A sensitivity assessment was carried out and the results of the recalculated trip generation rates show a more realistic figure.

Access

The proposed vehicular access to Woodlands Lane will be provided with appropriate width and junction geometry and visibility splays of 2.4 m x 120 m in both directions which is suitable for the speed of the road and will therefore be sufficient to accommodate the proposed level of development and meet the required standards.

Concern has been raised that only one point of access is being used should there be a major incident on the site. The proposed development of 140 dwellings is at the limit of what the Highway Authority would consider to be the size of development where a single point of access is adequate. However it is not an issue we would consider significant and cannot justify an objection on this point. The internal layout can be designed with extra width to address this issue. The Borough may wish to have a separate consultation with the fire service on this point.

Parking

As this is an outline planning application with only access being considered, both parking and cycle parking will be detailed during the reserved matters applications. It is expected that this will accord with the recommendations set out in Surrey County Council document 'Vehicular and Cycle Parking Guidance 2012'.

Traffic Distribution

It is considered that the method used in the TA to predict vehicle distribution from the proposed development on the local highway network is reasonable.

Junction Assessment

Key junctions within the village of Windlesham were analysed to predict the likely impact that the proposed development traffic would have during the am and pm peak hours. This analysis demonstrated that the additional queuing/delay caused by the development traffic above the baseline results is small and therefore there would not be a significant impact on these junctions during peak hours as a result of the development.

Construction of the development

A Construction Transport Management Plan will need to be submitted prior to the commencement of the development. This will also include the route construction traffic will use to and from the site, which will need to be agreed before any works start.

Traffic Issues in Windlesham

Concern has been raised that the village is already used as a 'rat run' and will have safety implications. This is an existing concern that we cannot address but would welcome some CIL receipts from the development to be used on environmental impacts in Windlesham village.

The width restriction on the bridge over the M3 is not a long term issue and there are proposals to replace the bridge.

If cars are parked on footpaths and are causing an obstruction, this would be a matter for the Police.

Informative for Surrey Heath Borough Council

It is noted on the illustrative masterplan that the street is straight or slightly curved, lengths + 70m recommended by Manual for Streets 1 for target 20 mph design speed. If the street is to be private then this is just advice, but if it is to be offered for adoption then it is suggested that the masterplan layout be reviewed.

I would refer you to Highways England with regard to the section in the Transport Assessment on the M3.

Sustainability Advice

The local facilities offered by Windlesham are limited, together with limited non car travel opportunities which make the development more vehicle travel oriented than better located sites with more extensive nearby local facilities and better non car transport connections and services.

It is noted that the walk distance from the centre of the site to the nearest bus stops on Updown Hill are nearer to 800 m this is twice the usual 400 m recommended walk distance to bus stops for residential developments.

Signed:

Date: 30/11/2015

ANNEX C – SCC EDUCATION COMMENTS

10th December 2015

Thank you for sending the letters through to me the contents of which are noted.

In response and summarising the pertinent matters raised within, my comments to bear in mind when compiling your report are as follows;

An air quality management area is required only when there are regular exceedancies of pollution limits at relevant receptors, which in this instance is facades and garden areas of residential housing. Simply because there is an exceedance next to the motorway where there is no nearby housing does not warrant the declaration of an AQMA and would be refused by DEFRA.

There is no evidence to require PM10 measurements on Heath Park Wood. The nearest residential plot to the m3 side is 140m. Our PM10 monitor at Castle Road Camberley is located there because it was modelled to be the worst case deposition area from pollutants along the m3. It is 18metres from the motorway edge. Its PM10 levels easily achieve the national objective and therefore would be expected to be even less at 122 metres further away.

We do not measure PM2.5 since there is no requirement to do so as yet. If adopted into UK legislation the national standard is for an exposure reduction approach (a target of 15% reduction) to be achieved by 2020. Typical levels from 24hour measurements at roadsides in London (Marylebone Road) reveal a max. level of 15ug/m³ against a proposed standard of 25. There is no evidence that Heath Park Wood, with its distance from the motorway, would achieve anywhere near these levels with road traffic as the only source.

As regards NO₂ the max permitted hourly limit at a relevant receptor is 200ug/m³ with an annual allowance of 18 hours. This level is not exceeded at Castle Road and therefore would not be reasonably expected to be exceeded at Heath Park Wood. I have a monitor at Heath Park Wood much closer to the motorway than any proposed residential unit for this pollutant and its results fully comply with my expectations; an annual average of 22ug/m³ against a national standard of not exceeding 40ug/m³. This is supported by guidance from Defra LAQM.TG(09) which states that where the annual mean is less than 60 µg/m³, exceedances of the short term objective are unlikely.

In summary I have no reason to require the applicant to submit an air quality assessment other than what has been supplied, and confirm my advice to you sent on previous occasions regarding this site.

9th October 2015

The air quality report submitted with the application references relevant technical and legal standards and concludes that standards for nitrogen dioxide and dust are unlikely to be exceeded at the subject site where housing is proposed. This concurs with our measurements from either on site or from within the vicinity, where in accordance with methods prescribed by DEFRA levels of pollutants are well below national prescribed standards. There is no evidence to object to the development on grounds of air quality.

The noise impact assessment references current traffic noise levels and also models levels on site that are likely in the future. It uses relevant guidelines and technical documents to demonstrate compliance with British Standard 8233:14 'Guidance on sound insulation and noise reduction for buildings' both day and night within proposed properties and within garden areas. Its conclusions are that trickle ventilation will need to be installed to window openings to achieve the night time standard. These are fitted into standard double glazed units. The increase in local noise levels associated with traffic from the development is calculated to be less than 3db, which will be imperceptible. There are no grounds to object to the development by reason of noise.

The Contaminated Land desk top study identifies potential pollutant linkages from pesticides, herbicides, made ground of M3 work and migration of chemicals from adjacent electricity sub stations. These are unlikely to prevent development but a phase two ground investigation report will be required to be submitted. This may be controlled by a condition such as follows;

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

1. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

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



Surrey County Council CIL Education Infrastructure

Justification Statement

Proposed Development of: Heathpark Wood, Heathpark Drive, Windlesham, GU20

Planning Authority: Surrey Heath Borough Council

Planning Reference: 15/0590

Justification Date: 27 July 2015

Prepared by: Nicholas Smith

Job Title: School Commissioning Officer, North West Surrey

Key areas of responsibility: Responsibility for the planning and commissioning of school places in a defined sector of the county. The role includes the implementation of Education S106 policy.

1. Introduction

- 1.1. This statement justifies the need for contributions towards education infrastructure to mitigate the effects of the proposed development.
- 1.2. Appendix A (attached) sets out the range of national and local policies, frameworks, Acts and regulations that form the basis of Surrey County Council's request for an infrastructure contribution for education purposes.
- 1.3. Surrey County Council has a duty to ensure there are sufficient places for early years, primary and secondary pupils in its area. This includes the provision of some surplus space to enable due regard to be given to parental preference and to enable some headroom for in year applications.
- 1.4. In Surrey Heath, the large majority of schools across the borough are at, or very close to, capacity; therefore it is likely that new housing will result in a need for new school places.
- 1.5. There is currently school expansion work underway in two planning areas: the Windlesham, Bagshot and Lightwater planning area, and the Chobham, West End and Bisley planning area.

2. CIL Compliance

- 2.1. From 6 April 2015, any developer contributions are required to comply with the statutory guidance contained in the CIL Regulations 2010 which state that any request for a contribution must be:
 - i) directly related to the development;
 - ii) necessary to make the development acceptable in planning terms; and

Surrey County Council
Education Infrastructure Justification
Proposed development of Heathpark Wood, Heathpark Drive, Windlesham, GU20

- iii) fairly and reasonably related in scale and kind to the development.
- 2.2. The number of school places needed in future years is based on the best intelligence at a given planning point. Until it is known for certain that a development will proceed, it cannot be known for certain what additional education infrastructure will be needed.
- 2.3. Surrey County Council does not disclose education infrastructure projects that are at an early stage and are not yet public knowledge. Changes to maintained schools can only be made once the statutory consultation process has been completed and statutory notices determined by the Cabinet Member for Schools and Learning. Until this time, details of specific projects are commercially sensitive because if specific details of a project were made public before due political process had taken place, the outcome of the proposal and the ability of the council to provide its residents with the best value for money could be compromised.
- 2.4. For the reasons given above, until the time when it is known that planning consent is given and the commencement date is confirmed, Surrey County Council is unable to confirm specific details of the education infrastructure projects that will be nominated to receive infrastructure contributions from the development.
- 2.5. However, the developer contributions requested will be applied to specific projects within a specified radius of the proposed development. In accordance with CIL regulations, no more than five obligations will be applied to the same specific project.
- 2.6. To meet with the CIL tests, the specific education infrastructure contributions requests, although unspecified at this time, will:
- i) relate to school(s) which children from the proposed development would be likely to attend, or are schools where other local pupils might be displaced due to pupils yielded from the development;
 - ii) support the need to increase housing stock whilst acknowledging that new housing developments are likely to yield new pupils, and given that very few areas in Surrey have a surplus of school places, contributions are sought for local infrastructure costs. (In cases where there are sufficient school places for new pupils yielded from the development, education contributions would not be requested.);
 - iii) be calculated based on a) pupil yield and b) cost of education infrastructure, for the number of dwellings in the development, and the number of bedrooms per dwelling, as detailed section 4 below.

3. The requirement to mitigate pressure on schools in an area

- 3.1. Where schools are popular, pupils on roll may come from a relatively large area as a result of their parents' choice. This means that pupils currently at a popular school may live a greater distance from that school than children in the proposed new development. It is Surrey County Council's policy that when there are more applicants than places available at a school then straight line distance from the school is used to allocate places. Children who live in the new development would therefore be

allocated places before, or even instead of, the children who live further away. As a result, pre-existing resident children would be displaced.

- 3.2. In areas where demand exceeds available places, schools are expanded either permanently or temporarily. Surrey County Council receives capital funding from the Department for Education. However this is generally insufficient (only providing approximately one third of the funding needed). Contributions made by developers are therefore essential to mitigate the loss of school places for existing residents who would otherwise be faced with the onus of repaying borrowing incurred by increases in council tax.

4. Cost per place

- 4.1. From 6 April 2015, developer contributions are requested based on the Surrey S106 Education Formula. This uses pupil yield per dwelling as the basis for the contribution.
- 4.2. The housing mix is used to calculate the likely pupil yield from development. Where the housing mix for a development is not known, average yields are used to estimate contributions. Where it is known, specific yield factors in relation to the number of bedrooms for each dwelling type are used to calculate contributions.
- 4.3. The contribution required according to the Surrey S106 Education Formula is established by multiplying the number of primary pupils yielded by a development by the cost per primary place, and the number of secondary pupils yielded by the cost per secondary place.
- 4.4. The Department for Education (DfE) estimates the average cost for new build and extensions to schools across the country. The DfE also provides location factors in recognition that costs are different in different areas. The DfE build costs do not include ICT equipment or site 'abnormals' (e.g. protected wildlife habitats, drainage issues, archaeological remains etc.) and they are likely to underestimate the level of fees that are normally paid.
- 4.5. The DfE cost per place is obtained from the primary and secondary cost multipliers multiplied by the regional factor. The 2008-9 Multipliers are £12,257 for primary and £18,469 for secondary, with the location factor for Surrey being 1.12; giving a cost per place of £13,728 for primary and £20,685 for secondary.
- 4.6. The DfE has not published updated cost multipliers since 2008/09 and until the cost multipliers are revised, the existing Surrey County Council policy will apply.

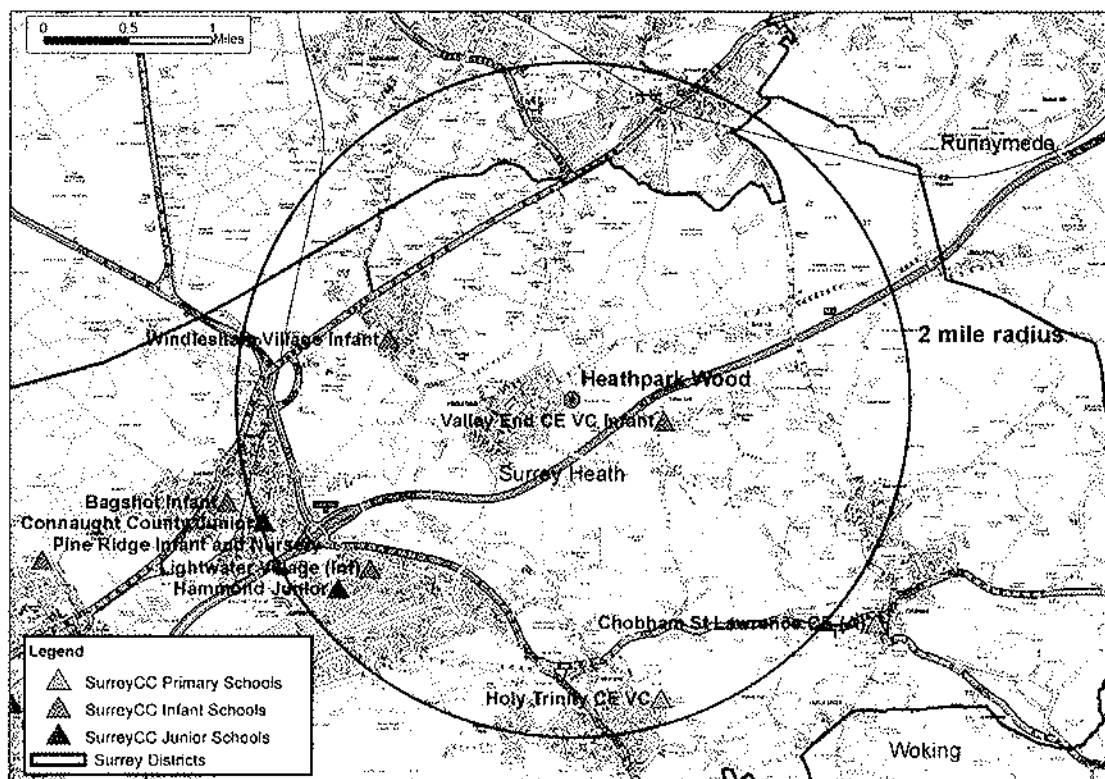
5. Pupil Yield

- 5.1. Children enter school as 4 year olds into the Reception Year (YR). Demand for YR places from resident children is forecast using data on births in an area, GP registrations, population estimates and school census data.

- 5.2. Data on planning permissions and housing trajectories (where available) is obtained from the local planning authorities. The baseline forecast numbers are increased by the projected number of pupils yielded from housing developments.
- 5.3. Surrey County Council's principle is based on the assumption that pupils yielded from new housing will require a place in the year following commencement. This allows time for housing to be completed and for housing to be purchased and families to move in.

6. Primary school infrastructure justification

- 6.1. The map below shows the proposed development and primary schools within a 2 mile radius.



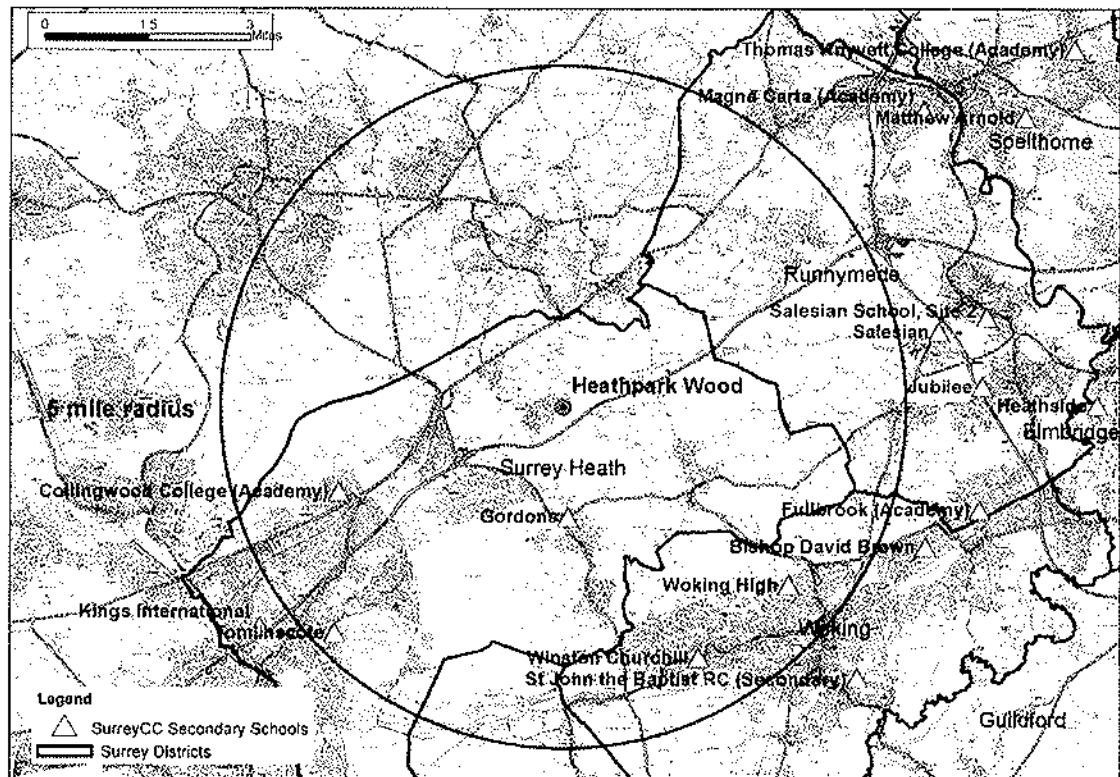
- 6.2. Schools are organised in planning areas and places are planned on this basis rather than by individual schools. It is Surrey County Council policy to provide local schools for local children, although parents / carers can exercise their right to apply for schools that are not the nearest to their home.
- 6.3. Birth rates have continued to rise in the borough Surrey Heath over the last decade and there are school expansions planned or underway, both permanent expansions and temporary bulge classes, to cope with demand from new housing and families moving into the area.
- 6.4. There has been a particular demand in the Windlesham, Bagshot and Lightwater planning area. School provision in this planning area is provided by infant and junior

schools. Recently, the infant school in Windlesham has been expanded and as a result junior schools are currently at capacity. Any additional yield from housing will mean a requirement to provide additional junior places in the area to students having to attend junior provision outside of the planning area.

- 6.5. Expansions, both temporary and permanent, are currently underway at primary schools within 3 miles of the proposed development at Bisley C of E Primary School and Connaught County Junior School.

7. Secondary school infrastructure justification

- 7.1. The map below shows the proposed development and secondary schools within a 5 mile radius.



- 7.2. Given the expansions that have occurred in the primary sector, pressure on secondary places is beginning to increase and additional education infrastructure may be necessary at secondary school(s) in the area to cope with this growing and expected demand.

8. Contributions for this development

Total No of Dwellings		140			
Phase	No of Dwellings	Yield factor	Yield Estimate	Cost Multiplier	Contribution
Early Years	140	0.07	9.8	£9,615	£94,227
Primary	140	0.25	35	£13,728	£480,480
Secondary	140	0.18	25.2	£20,685	£521,262
Total					£1,095,969

(These calculations are subject to revision upon confirmation of the housing mix of the development)

Early Years Contributions

8.1. There are currently only three early years providers in this area, and all are operating at capacity. If the proposed development were to proceed, it would be necessary to expand early years settings in order to meet increased demand. The area is identified as having a deficit of future provision. For this development, Surrey County Council would therefore request a contribution of £94,227 towards new early years education infrastructure project(s) within 2 miles of the proposed development. This will be identified once it is known that the development is proceeding.

Primary Contributions

8.2. For this development, Surrey County Council would request a contribution of £480,480 towards primary education infrastructure. The developer contributions requested for this development would be applied to a specific project to deliver additional classrooms at Connaught Junior School to facilitate the expansion of the school.

Secondary Contributions

8.3. For this development, Surrey County Council would request a contribution of £521,262 towards secondary infrastructure. The developer contributions requested for this development would be applied to a specific project to deliver a temporary 'bulge' class at Tomlinscote School which will be needed to accommodate additional students if the development proceeds.

Appendix A – Frameworks, Policies, Acts and Regulations underpinning the justification for an education contribution

Document	Sub-section	Relevance
National Planning Policy Framework (NPPF)	Policies in Regulations 6 & 18 to 219	Constitutes the Government's view of what sustainable development in England means in practice for the planning system. Development of the proposed site without an increase in capacity of education infrastructure would be in contravention of the NPPF. If a development were to take place without sufficient education infrastructure being in place the pressure would increase on current infrastructure. Increase pressure on educational infrastructure would not support the achievement of improved educational outcomes. Significant weight should be given to whether a proposed development makes provision for sufficient educational infrastructure when determining planning applications.
	Regulation 30 & 37	Encouragement should be given to solutions which support reductions in greenhouse gas emissions and planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for education. Therefore significant weight out to be given to whether a proposed development makes provision for enabling more children to walk or cycle safely to school when determining planning applications.
	Regulation 72	The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Moreover, local planning authorities should give great weight to the need to create, expand or alter schools.
	Regulation 156	Local planning authorities should set out the strategic priorities for the area in the Local Plan and this should include strategic policies to deliver the provision of community infrastructure.
	Regulation 176	Where safeguards are necessary to make a particular development acceptable in planning terms, the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements.
	Regulation 203	Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The effects of pupils yielded by a development may only be mitigated via a planning obligation.
	Regulation 204	Planning obligations should only be sought where they meet all of the three tests; a) necessary to make the development acceptable in planning terms; b) directly related to the development; c) fairly and reasonably related in scale and kind to the development.
South East Plan		Although revoked in March 2013, NPPF regulation 218 states that local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies.
	Policy CC7:	The scale and pace of development will depend on

Document	Sub-section	Relevance
	Infrastructure and Implementation	sufficient capacity being available in existing infrastructure to meet the needs of new development. Contributions from development will also be required to help deliver necessary infrastructure.
Community Infrastructure Levy, England and Wales (CIL) Regulations 2010	Regulation 123	Allows for the pooling of contributions provided that no more than 5 separate planning obligations relating to the infrastructure have been entered into prior to such an obligation.
Town and Country Planning Act 1990	Section 106	Surrey County Council (SCC) is the Local Authority with the responsibility for the functions of education in the area in which the proposed development is located. Requests for contributions to mitigate the effects of developments are made according to Section 106.
Education Act 1996	Section 14	Places a duty on Local Authorities to secure that schools are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. Therefore there needs to be sufficient appropriate places to accommodate pupils.
	Sub-section 3A of S 14	Places a duty on SCC to give regard to parental preference in discharging its statutory functions. Therefore, even if there were an overall surplus of school places in a local area, pressure would be applied to the popular schools by pupils yielded by developments and this effect needs to be mitigated.
School Standards and Framework Act 1998	Section 86	Places a duty on SCC to have due regard to parental preference of school and, as far as possible comply with any preference expressed, provided compliance would not prejudice the provision of efficient education or the efficient use of resources.
Education and Inspections Act 2006	Section 1 inserts sub-section 1b into S13 of the Education Act 1996	Places a duty on local education authorities in England to exercise their functions under this section with a view to ensuring fair access to educational opportunity.
	Section 2 inserts sub-section 3A of S14 of the Education Act 1996	Places a duty on local education authorities to exercise their functions under this section with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.