

**LOCATION:** CHOBHAM NURSERIES, BAGSHOT ROAD, CHOBHAM, WOKING, GU24 8DE

**PROPOSAL:** Erection of five detached dwellings (2 x 3-bed, 2 x 5-bed, 1 x 6-bed) with detached garages, parking, access and landscaping, following demolition of existing horticultural buildings.  
(Additional and Amended Plans - Rec'd 02/02/2016.)  
(Amended Plan - Rec'd 19/02/2016.)

**TYPE:** Full Planning Application

**APPLICANT:** Homes Plc

**OFFICER:** Emma Pearman

**This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr E Hawkins and Cllr Tedder it has been called in for determination by the Planning Applications Committee.**

**RECOMMENDATION: GRANT subject to conditions and legal agreement**

## **1.0 SUMMARY**

- 1.1 Chobham Nurseries is located on the northern side of Bagshot Road, between West End and Chobham and within the Green Belt. The proposal is for the erection of five detached dwellings (2 x 3-bed, 2 x 5-bed and 1 x 6-bed) and detached garages following the demolition of existing disused glasshouses. The proposed dwellings would be two storey in height and individual in character, with the retention of existing trees and hedgerows and supplementation of planting along the Bagshot Road frontage which is currently fairly open. Two of the dwellings would be accessed directly from Bagshot Road, and the other three (two sharing an access) from Clappers Lane.
- 1.2 The proposal represents inappropriate development in the Green Belt but given the reduction in the quantum of built form would significantly improve the openness of the Green Belt. The development would result in no adverse harm to residential amenity or the highway and is acceptable in all other regards.
- 1.3 The proposal would require the provision of a legal agreement to secure a contribution in respect of affordable housing and SAMM. To date, no legal agreement has been provided, however subject to the completion of such an agreement by 7<sup>th</sup> March 2016 the proposal is considered to be acceptable.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site is located on the northern side of Bagshot Road, approximately 0.5km to the west of the settlement area of Chobham and lies within the Green Belt. It is 0.66ha in size and is currently almost completely

covered with glasshouses and areas of hardstanding, having been a former horticultural nursery. There is one existing access from Bagshot Road and the site borders Clappers Lane to the north and public footpath 18 to the east. The boundaries of the site are a mixture of fences, hedges and trees with a high, dense conifer screen around the south-western corner. The site is mostly open to view along the southern boundary.

- 2.2 Residential properties in the vicinity of the site are generally detached properties on generous plots. The nearest properties to the proposal are Westview, which is surrounded by the application site to the east, west and south, and Peperstitch and Fars to the east and Bourne Farm to the west.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 15/0400 – Erection of six 5-bedroom detached dwellings with associated garages, parking, access and landscaping following demolition of existing horticultural buildings.

*Application withdrawn 20/07/2015*

- 3.2 94/0935 – Erection of a polythene tunnel

*Granted 19/01/1995*

- 3.3 92/0101 - Erection of glasshouse for horticultural purposes

*Granted 06/07/1992*

- 3.4 14/0003 – Haghthorn Farm, Pennypot Lane, Chobham – Erection of one 4 bedroom, two-storey dwellinghouse and detached double garage following demolition of existing glasshouses

*Granted 09/04/2014*

*Very special circumstances were considered to exist given that the reduction in floor area would be approximately 75% (reduced by later applications to 63%).*

- 3.5 13/0578 – Land to the south of Bagshot Nurseries, former Plants to Go, Chobham Nurseries, Bagshot Road, Chobham [opposite this site] – Erection of three detached two-storey dwellings and garages

*Refused 25/10/13 and dismissed on Appeal 10/02/15*

*Refused on Green Belt grounds only because the existing site contained a polytunnel (though there was planning permission for stables) and the proposed use of three houses would have resulted in an increase in built form.*

## **4.0 THE PROPOSAL**

- 4.1 The proposal is for the erection of five detached dwellings, following the demolition of the existing glasshouses. There would be 2 x 3-bed dwellings on Plots 1 and 2, 1 x 6-bed dwelling on Plot 3, and 2 x 5-bed dwellings on Plots 4 and 5 and all would have a detached garage.
- Plots 1 and 2 are the furthest to the west and would share an access from Clappers Lane
  - Plot 3 in the middle of the site would have its own access from Clappers Lane
  - Plots 4 and 5 to the east would be accessed direct from Bagshot Road, each having a separate entrance. Plot 5 would utilise the existing access.
  - Plots 1 and 2 would have a single garage and Plots 3, 4 and 5 a double garage. These would have pitched roofs and are designed to appear similar to agricultural outbuildings
  - Much of the existing hedges and trees on the borders of the site would be retained
  - Minor improvements to the existing footpaths along Bagshot Road are proposed
- 4.2 In support of the application, the applicant has provided a Planning Statement, Ecological Appraisal, Arboricultural Impact Assessment and Method Statement, Landscape and Visual Impact Assessment, Archaeology Desktop study, Contamination Report, Design and Access Statement, Flood Risk Assessment, Viability Report, Drainage Statement, Transport Statement, Energy report and letters from Housing Associations. These have been taken into account in preparing this report.

## **5.0 CONSULTATION RESPONSES**

- |     |                                      |                                       |
|-----|--------------------------------------|---------------------------------------|
| 5.1 | Surrey County<br>Highway Authority   | No objection, subject to conditions.  |
| 5.2 | Head of<br>Environmental<br>Services | No objection, subject to conditions.  |
| 5.3 | Council's<br>Arboricultural Officer  | No objection, subject to conditions.  |
| 5.4 | County<br>Archaeologist              | No objection.                         |
| 5.5 | Environment Agency                   | No comments – low environmental risk. |

5.6	Council's Drainage Officer	No comments received at time of writing.
5.7	Surrey Wildlife Trust	No objection, subject to conditions.
5.8	Surrey Police	No objection, subject to condition.
5.9	Thames Water	No response received at time of writing.
5.10	Chobham Parish Council	Objection – new dwellings in the Green Belt. If Council minded to approve then should be one exit onto Bagshot Road and no exit onto Clappers Lane, to preserve the rural nature of Clappers Lane and due to poor sight lines. Attention should also be paid to contamination report.

## 6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 5 letters of objection have been received which raise the following issues:
- Massive development on such a small site and overdevelopment of the Green Belt *[see sections 7.4 and 7.5]*
  - Out of character in terms of density *[see section 7.5]*
  - House on Plot 1 would be totally overshadowed by tall hedges to the south and west of the plot so hedge would be cut down *[see section 7.5]*
  - Previous proposal 15/0400 was for six houses on a cul-de-sac with one entrance on Bagshot Road; this adds three entrances onto single track road with blind bend which is used by horse riders, ramblers, dog walkers. New entrances on Clappers Lane would increase traffic and create a hazard. *[see section 7.7]*
  - Plots 4 and 5 should share an exit onto Bagshot Road *[see section 7.7]*
  - Both Clappers Lane exits onto Bagshot Road are difficult with restricted visibility *[see section 7.7]*.

## 7.0 PLANNING CONSIDERATION

- 7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policy DM9 (Design Principles) and Policy DM11 (Traffic Management and Highway Safety). The National Planning Policy Framework (NPPF) is also a relevant consideration.

The main issues to be considered are as follows:

- Principle of use
- Green Belt appropriateness and harm
- Character, trees and landscaping
- Residential amenity
- Highways, parking and access
- Affordable housing and housing mix
- Impact on Infrastructure and Thames Basin Heaths SPD

Other matters including ecology, flooding and drainage, land contamination and archaeology.

## **7.2 Principle of use**

7.2.1 Residential development is, in principle, acceptable given that there is an identified need for housing in the Borough. The loss of the historical horticultural/agricultural use can also be justified. The applicant has submitted a viability report which identifies that the use of the nursery is not viable because of the size of the site being too small for a modern horticultural business, the size, layout and condition of the buildings and lack of planning consent for a retail use from the site. It appears, therefore, that the business became unviable for the subsequent owners, though it is also noted that the site has not been marketed as a horticultural unit since 2009. In terms of its current limited contribution to the economy there is no objection to the loss of the horticultural use in economic terms. It should also be noted that the committee granted permission for application 14/0003 (see above) without justification for the loss of horticultural use and nor was justification required in terms of the viability of the agricultural/horticultural use for application 13/0578 (see above) for the land opposite this application site.

## **7.3 Green Belt appropriateness and harm**

7.3.1 Paragraphs 89 and 90 of the NPPF list the forms of development that are not inappropriate within the Green Belt (Buildings for agriculture is not inappropriate development in the Green Belt and thus the historical horticultural use is not inappropriate). One of these exceptions is the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use. However, horticultural sites are not included in the definition of previously developed land, and there are no other exceptions under paragraphs 89 or 90 that would allow this development. As such the development is inappropriate in the Green Belt.

7.3.2 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.3.3 The most important attribute of the Green Belt is its openness and therefore it is necessary to ascertain whether the quantum of proposed development would cause additional harm to the Green Belt. In this case the site is almost completely covered with single storey horticultural buildings. The following table indicates the differences in floorspace, footprint and volume in comparison with the existing situation:

	Existing	Proposed	Difference
Footprint	3455.3m <sup>2</sup>	785m <sup>2</sup>	-77%
Volume	10,048.5m <sup>3</sup>	4754m <sup>3</sup>	-52%
Floorspace (GEA)	3455.3m <sup>2</sup>	1383m <sup>2</sup>	-60%

7.3.4 As such, the footprint, volume and floorspace and the spread of built development across the site would be reduced significantly from existing. As such the significant net gain to the openness of the Green Belt is considered to outweigh the in principle inappropriateness to constitute very special circumstances. To safeguard the openness of the site it is, however, considered necessary and reasonable to remove permitted development rights.

#### 7.4 Character, trees and landscaping

7.4.1 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.

7.4.2 The existing buildings can clearly be seen from Bagshot Road to the east of the site, and do not enhance the character and quality of the local area, and given that the buildings are not required, are likely to fall into a further state of disrepair. The area in the vicinity of the site is open and rural in character, with sporadic residential development either side of Bagshot Road, which comprise detached houses on large plots. Density varies between approx. 3.1 dwellings per hectare (dpha) to 8.2 dpha within 300m of the site, and increases along this road towards the settlements of West End and Chobham. Dwellings vary in age and architectural style and are a mixture of two-storey and single-storey. Substantial vegetation along the road partly hides many of the dwellings from view, and forms most of the boundaries between dwellings and Bagshot Road, adding to the rural character.

7.4.3 Withdrawn application 15/0400 originally proposed six 5-bedroom dwellings with one access. However, on the basis of the above site context, officers considered that the design of the dwellings themselves, the shared access and cul-de-sac design was reminiscent of a suburban development and not appropriate in this rural location.

- 7.4.4 The applicants subsequently entered into lengthy pre-application discussions prior to submitting the application, in order to ensure the character of the dwellings proposed was in line with those surroundings, and the dwellings have been further revised and reduced in size during the course of this application. As such the proposal now incorporates five dwellings of varying sizes which are all unique in terms of their architectural design and have taken design cues from surrounding dwellings. The detached garages located at a distance from the dwelling are reminiscent of a more rural, agricultural design, and the buildings have been laid out to ensure that they do not appear cramped. The materials proposed are red brick with timber and cladding, grey slate or natural clay tiled roofs and sash windows. It is considered that the proposed materials can be considered further by condition.
- 7.4.5 The existing buildings on site are 3-4m in height, and ridge heights of the proposed dwellings are between 7.8m-8.2m approx. with gables on Plot 3 slightly higher, however this dwelling would be set back from the road by 21m. The nearest dwellings at Peperstich, Hamlet and Budle Cottage to the east are all full two-storey height and can be seen from the road, and as such it is not considered that the dwellings would look out of character in this regard. From Bagshot Road, the rear/side of Plot 1 would be visible which would be 5.2m from the road at its nearest point, however its visibility would be significantly reduced by the existing mature conifer screen. The rear of Plots 2 and 3 would also be visible but the proposed landscaping would reduce this and additionally they would be set back at least 21m from the road. The front of Plots 4 & 5 would also face the road with a set back of 10-12m, similar to that of neighbouring Peperstich and Hamlet at 10-14m. Once the proposed landscaping has matured therefore it is not considered that these dwellings would appear significantly different from those existing along Bagshot Road. From Clappers Lane, Plots 1-3 may be visible behind the vegetation which would have to be cut back to some degree for visibility splays. Again Plot 1 on the corner would be set back by 5.6m approx, similar to that of Bourne Farm on the opposite side of Clappers Lane which also does not face the road. Plots 2 and 3 would be set back by 14m and 29m respectively which is similar to other dwellings in the road with set backs of 18m-39m and as such their visual impact on Clappers Lane would be limited, and similar to existing dwellings.
- 7.4.6 The density of a development can be misleading indicator of whether a development integrates into its content, nevertheless, the density would be approximately 7.5 dpha, which given the density of surrounding dwellings and Policy CP2 which requires land is used efficiently, is not considered harmful to local character.
- 7.4.7 The Landscape Masterplan indicates that the existing mature trees and hedges along the Bagshot Road and Clappers Lane frontages would be retained and supplemented with additional 2-3m high native boundary hedge along the Bagshot Road frontage, and the residential curtilages would be separated by hedges. There is no reference to pruning existing hedges but it is accepted that this may be necessary, partly also because of the visibility splays required on Clappers Lane, and can be considered further when the detailed landscaping scheme is received by condition. The application also includes a Tree Report which advises that one tree will be removed and some cypress hedging. The Council's Arboricultural Officer has not objected, subject to a condition for a pre-

commencement site meeting and the implementation of tree protection measures. He has also commented that it would be preferable to alter some of the suggested species on the Masterplan, however this can be considered when a detailed scheme is submitted.

- 7.4.8 It is therefore considered that the design of the development would respect and improve the character and quality of the area and accord with the NPPF and Policies CP2 and DM9.

## **7.5 Residential amenity**

- 7.5.1 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. 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.

- 7.5.2 The nearest property to the site is Westview, which is to the north of the site and would border Plot 3 to the west and Plots 4 and 5 to the south. The property itself, however, is approximately 6m from its southern boundary at the nearest point, and the nearest building would be the garage of Plot 3 at 2.5m away, which given its single storey nature is not considered to cause any amenity impacts. The dwellings themselves are over 15m away from the boundary and are not considered to cause any adverse harm to amenity. The next closest dwellings are Peperstitch to the east, which is approximately 24m away from the boundary it would share with Plot 5, and Bourne Farm is 17m from the dwelling at Plot 1, on the opposite side of Clappers Lane. As such no adverse impacts in terms of amenities would occur for on either of these properties.

- 7.5.3 There are no other properties close enough to be affected in terms of amenity and as such the proposal is considered acceptable on these grounds, and in line with Policy DM9 and the NPPF.

## **7.6 Highways, Parking 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. Policy CP11 states that 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. DM11 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 such impacts to acceptable levels can be implemented.

- 7.6.2 The County Highway Authority have been consulted and have assessed the application on safety, capacity and policy grounds and have not objected. They have recommended conditions which include an informal pedestrian crossing on Bagshot Road opposite plots 4 and 5 which would entail lowered kerbs and tactile



paving on each side, visibility splays for the accesses onto Clappers Lane, and a Construction Transport Management Plan.

- 7.6.3 In light of their advice it is therefore considered that the proposal is acceptable in terms of highway safety and capacity and in line with Policies CP11, DM11 and the NPPF in this regard.

## **7.7 Affordable Housing and Housing Mix**

- 7.7.1 Policy CP5 states that developments of 5-9 units should secure a 20% on-site provision of affordable housing. In this case the developer proposes a financial contribution of £218,000 in lieu of on-site provision, having submitted evidence from two local housing authorities that one unit in this location would not be viable for them to manage. This sum is in line with that required under Policy CP5 and the affordable housing SPD. The Housing Services Officer has also verbally commented that he would have no objection to a financial contribution. It is therefore considered that the proposal is in line with Policy CP5, subject to the receipt of a legal agreement by the Committee date to secure this sum.

- 7.7.2 Policy CP6 states that the Council will promote a range of housing types and tenures, and for market housing suggests that this should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+ bed units. In this case, the character of the area features larger detached dwellings and as such no objection is raised to the mix of 2 x 3-bed, 2 x 5-bed and 1 x 6-bed dwellings.

## **7.8 Impact on Infrastructure and Thames Basin Heaths SPD**

- 7.8.1 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.

- 7.8.2 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, and CIL would be payable on commencement. 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.

- 7.8.3 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 1.5km from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. In this case there is sufficient SANG and the development is CIL liable.

7.8.4 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and would depend on the sizes of the units proposed. This proposal is liable for a SAMM payment of £4235. It is therefore considered that, subject to the receipt of a legal agreement to secure this sum by the Committee date, the proposal complies with Policy CP14B and Policy NRM6, and the Thames Basin Heaths SPD.

## **7.9 Other matters**

7.9.1 Policy CP14A supports the conservation and enhancement of biodiversity within Surrey Heath. The applicant has submitted an Ecological Appraisal, which assessed the site as having negligible benefit for protected species, and recommends the provision of new habitats within the site, bat and bird boxes. Surrey Wildlife Trust have not objected to the development, subject to conditions including a method statement for reptile protection and the undertaking of the other mitigation measures as outlined in the Ecological Assessment. They have also made species suggestions which can be considered under the further landscaping details required. It is therefore considered that subject to these conditions, the development is acceptable in this regard.

7.9.2 Policy DM10 of the CSDMP expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development. Most of the site is within Flood Zone 1 (low risk) other than the western boundary and part of the house of Plot 1 which is in Flood Zone 2 (medium risk). Given that the majority of the site lies within an area of lowest risk of flooding officers are satisfied that the Sequential Test has been passed. In accordance with EA advice necessary conditions and informatives can be added in respect of emergency planning and safe access.

7.9.3 Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The applicant has submitted a Contamination Report. The Environmental Health Officer has not objected but has recommended conditions to ensure further work is carried out to establish the extent of the contamination and remediation measures implemented, all to be agreed with the LPA. It is therefore considered the proposal is acceptable in this respect, subject to the proposed conditions.

7.9.4 Policy DM17 states that development which affects any Heritage Asset should first establish and take into accounts its individual significance and seek to promote its conservation and enhancement. The applicants have submitted an archaeological desk-top assessment which has been reviewed by the County Archaeologist. The Archaeologist has stated that given that there is evidence of historic quarrying on the site and remains are likely to have undergone truncation during the construction and use of the nursery glasshouses, that no further work or conditions are required in this respect.

## **8.0 CONCLUSION**

- 8.1 Whilst the proposal would represent an inappropriate form of development in the Green Belt the reduction of quantum of built form on the site would result in a significant net gain to the openness of the Green Belt. It is therefore considered that there are very special circumstances to outweigh the harm to the Green Belt. No additional harm has been identified in respect of impact on character, residential amenity, highways or the other matters discussed above. The application is recommended for approval subject to conditions and the legal agreement being received in a timely manner.

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

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

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

## **10.0 RECOMMENDATION**

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The proposed development shall be built in accordance with the following approved plans:
  - Location Plan 13-P908-CP received 7.12.15
  - Site Layout 13-P908-20 Rev A received 2.2.16

- Plot 1 Floorplans and Elevations 13-P908-21 Rev A received 2.2.16
- Plot 2 Floorplans and Elevations 13-P908-22 received 7.12.15
- Plot 3 Floorplans and Elevations 13-P908-23 Rev A received 2.2.16
- Plot 4 Floorplans and Elevations 13-P908-24 Rev A received 2.2.16
- Plot 5 Floorplans and Elevations 13-P908-25 Rev A received 2.2.16
- Proposed Garages 15-P1117-27 received 7.12.15

unless the prior written approval has been obtained from the Local Planning Authority.

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. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. Prior to the commencement of building operations in Plot 1, a plan shall be submitted to and approved in writing by the Local Planning Authority to show that the finished floor levels of the dwelling in Plot 1 shall be 300mm above the general ground level of the site or 600mm above the estimated river or flood sea level, whichever is the greater; or that extra flood resistance and resilience measures have been put in place if this is not possible. This dwelling shall be built in accordance with the approved plan.

Reason: In order to ensure that future occupiers of the dwelling are not put at unacceptable risk of flooding, in accordance with Policy DM10 and the National Planning Policy Framework.

5. Prior to completion of the building works, full details of both hard and soft landscaping works shall be submitted to the Local Planning Authority, and these works shall be carried out as approved in writing by the Local Planning Authority, and implemented prior to first occupation. These details should be broadly in line with those shown on the submitted Landscape Masterplan and should include an indication of all level alterations, hard surfaces, boundary treatments, access features, the existing trees and hedges to be retained, together with the new planting to be carried out which should include planting of species of ecological value/native origin to provide habitat and food for wildlife. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to BS3936 Part 1: Nursery stock specification for trees and shrubs and the planting shall be carried out after

completion of the building programme and prior to first occupation. Any trees or plants which within a period of 5 years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with other species of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason: In the interests of local landscape character and ecology in accordance with Policies DM9 and CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

6. Development shall be carried out wholly in accordance with the submitted Arboricultural Impact Assessment and Method Statement by ACD Environmental dated 03.12.2015. Prior to commencement of development an on-site meeting shall take place to include the Council's Tree Officer and tree protection measures shall be implemented and agreed in writing by the Local Planning Authority. The Tree Officer shall be given no less than 14 days' notice of such a meeting.

Reason: In the interests of landscape character in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

7. The development shall be carried out in accordance with the ecological enhancements as outlined in the ecological appraisal, which are the installation of two bat boxes on south or east facing exterior walls of new buildings, installation of four bird boxes on mature trees within the site and the installation of at least one log pile to encourage invertebrates.

Reason: In the interests of increasing biodiversity in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework 2012.

8. 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 survey of the extent, scale and nature of contamination;
  - 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

- Groundwater and surface waters
- Ecological systems
- Archaeological sites and ancient monuments

- 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 Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

9. 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 Policies 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 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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, additions, enlargements or outbuildings or means of enclosure shall be erected under Class A, Class B or Class E of Schedule 2, Part 1 of that Order without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of protecting the openness of the Green Belt, in accordance with the NPPF.

12. The garages hereby permitted shall be retained for such purpose only and shall not be converted into living accommodation without further planning permission from the Local Planning Authority.

Reason: To ensure the provision of on-site parking accommodation and protect the visual amenities of the Green Belt and local character, in accordance with Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

13. The development hereby approved shall not be occupied unless and until the proposed and modified vehicular accesses for plots 4 and 5 to Bagshot Road have been constructed in accordance with the approved plans.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 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 occupied unless and until

informal pedestrian crossings with pram crossing points and tactile paving have been constructed at the junction of Clappers Lane and Bagshot Road and for plots 4 and 5 on Bagshot Road 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 satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

15. The development hereby approved shall not be occupied unless and until space has been laid out in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and 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 satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 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

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 development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

17. The development hereby approved shall not be occupied unless and until the proposed vehicular access to Plots 1 and 2 to Clappers Lane have been provided with visibility splays of not less than 2m x 33m to the right and 2m x 26m to the left and the vehicular access from Clappers Lane to Plot 3 is provided with visibility splays of 2m x 33m in both directions, unless otherwise agreed in writing with the Local Planning Authority. The visibility zones shall thereafter be kept permanently clear of any obstruction above 1.05m high.

Reason: In order that the development should not prejudice highway safety



nor cause inconvenience to other highway users and to satisfy Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

18. Within the development's construction zone, methods of working will be adopted fully in accordance with those set out in the email of 29th January 2016 from Daniel Wood of ACD Environmental to Emma Berry at Surrey Wildlife Trust.

Reason: In order to safeguard any reptiles that may be present at the site in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

#### Informative(s)

1. CIL Liable CIL1
2. Form 1 Needs Submitting CIL2
3. 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.
4. The applicant is advised that native species should be used for new trees and shrubs, preferably of local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. The priority should be to source planting stock from the seed zone of the planting site, but with the inclusion of a proportion from other nearby seed zones, particularly from the south east. This will introduce some genetic variation which may allow woodland to adapt more easily to future climate change. Boundary planting is particularly important as native species, hedgerows and tree lines can facilitate the movement of animals through a developed area. Where cultivated species are selected, consider using those that provide nectar-rich flowers and/or berries as these can also be of considerable value to wildlife. Plantings of foreign species of invasive habitat should be avoided adjacent to natural habitat. The use of peat-based composts, mulches and soil conditioners should be avoided due to the loss of important natural habitat.

5. The applicant's attention is drawn to the consultation response from Surrey Police and the landscaping details required by Condition 5 should have regard to the Secured By Design initiative as far as possible without compromising the character of the area. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)
6. Details of the highway requirements necessary for inclusion in any application seeking approval of conditions may be obtained from the Transportation Development Planning Division of Surrey County Council.
7. 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.
8. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority (0300 200 1003) before any works are carried out on any footway, footpath, carriageway or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or cause damage to 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).
10. 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.

**In the event that a satisfactory legal agreement is not completed in respect of SAMM and Affordable Housing contribution by 7<sup>th</sup> March 2016, the recommendation would be to REFUSE for the following reasons:**

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.

No sum or legal agreement to secure payment has been received in respect of affordable housing and as such the proposal fails to accord with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.