

2015/0884

Reg Date 06/10/2015

West End

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

PROPOSAL: Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space. (Details of access only to be agreed).

TYPE: Outline

APPLICANT: Taylor Wimpey UK Ltd.

OFFICER: Duncan Carty

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 The current outline application relates to the erection of up to 85 dwellings on land to the north of Beldam Bridge Road and provision of a Site of Alternative Natural Greenspace (SANG) in West End. The proposal relates to the approval of the access only. This application is identical to the proposal under earlier application SU/14/0594, which is now the subject of a non-determination appeal under the Inquiry procedure.
- 1.2 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime, and in a similar manner to previous application (now appeal) for SU/14/0594, no objections are raised. A legal agreement is required to secure the delivery/retention of the proposed SANG to serve this housing development. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage.
- 1.3 It is considered that in the light of the recent appeal decision for SU/14/0532 (land south of Kings Road and Rose Meadow) and the current housing delivery rate, the site should be released for housing. Subject to the completion of a legal agreement for the SANG delivery, no objections are raised to the current proposal.

2.0 SITE DESCRIPTION

- 2.1 The housing part of the site relates to former nursery land to the north of Beldam Bridge Road on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls gently from north to south and the majority of the significant trees are located to site boundaries of this site. This site has previously been used as a production tree nursery but is now redundant stock land. The land has not been used for about 10 years and is now in a poor condition. The SANG site lies to the north and east of the housing site within the Green Belt. This is predominantly wooded with grassland glades.
- 2.2 The housing site measures 2.4 hectares and the SANG site measures 12.2 hectares in area. Land to the south and east of the proposed housing site, including the SANG proposal, falls within the Green Belt. The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency).

3.0 RELEVANT HISTORY

On the application site:

- 3.1 SU/14/0594 Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space (details of access only to be considered). Non-determination appeal under the inquiry procedure. Public inquiry to be held in April 2016.

This scheme is identical to the current proposal. The non-determination appeal was reported to an earlier Planning Applications Committee (on 20 July 2015) with a recommendation that the Council would have refused this application on the following grounds:

"1. The proposal by reason of being sited within the Countryside beyond the Green Belt, in the eastern part of the Borough, would result in the release of land for development that would currently conflict with the spatial strategy for the Borough which seeks first to 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 qualities of the countryside and in the absence of review, evidence and phasing to justify its release would conflict with Policies CPA and CP3 (iii) of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and advice in the Thames Basin Heaths Special Protection Area SPD 2012. The proposal would also fail to comply with the Habitats and Species Regulations 2010 and the National Planning Policy Framework. The proposal would not be able to adequately secure the delivery and future maintenance of the Site of Alternative Natural Green Space (SANGS) in perpetuity and as such would have an adverse impact on the integrity of the Thames Basin Heath Special Protection Area."

A copy of the officer report for this application is appended to this report (see Annex 1).

Other sites:

- 3.2 SU/14/0532 Outline planning application for the erection of 84 dwellings with access from Rose Meadow (access only to be considered) on land south of 24-46 Kings Road and 6 & 9 Rose Meadow. Non-determination appeal allowed in December 2015.

A copy of the appeal decision is appended to this report (see Annex 2). The Council has taken Counsel's advice in respect of this appeal decision and has concluded that there are no grounds to challenge this decision.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of up to 85 dwellings with its proposed access from Beldam Bridge Road. The access would be provided at roughly the midpoint of the

frontage onto Beldam Bridge Road, east of the road junction with Kings Road. The exact amount and mix of dwelling units has not been defined under this application; only that the scheme would provide for up to 85 units. The proposal relates to the approval of the access only.

4.2 The application is in an outline form with only the access to be determined at this stage. However, a schematic layout has been provided which indicates a form of development for this proposal which arranges the housing around a cul-de-sac form of development.

4.3 The application has been supported principally by:

- Planning and Affordable Housing Statement;
- Design and Access Statement;
- Transport Statement and Framework Travel Plan; and
- Housing Land Supply Report.

Other provided reports include:

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

These reports were as provided for the earlier application SU/14/0594.

4.4 The Housing Land Supply Report is a response to the publication of the Council's Housing Needs Supply Paper in February 2015. The applicant has indicated that the paper is flawed and relies upon a level of housing demand (about 191 dwellings per annum) which is derived from the level set out in the South East Plan 2009 (now revoked) and as set out in the Core Strategy. The applicant also indicates that the HLSP includes development proposals which they consider are not deliverable within the five year timeframe. The applicant considers that the HLSP should reflect the level of housing demand (about 340 dwellings per annum) that is set out in the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) [SHMA], and has backed this approach with recent appeal decisions and case law relating to various sites located outside of this Borough. This, in their opinion, would indicate that a five year supply (plus buffer) for the Borough is not achievable, this buffer should amount to 20% and that the site should now be released for housing. In addition, the applicant has indicated that the adoption of the Core Strategy in February 2015 (just prior to the NPPF coming into force) and its reliance on pre-NPPF national policy makes these policies out-of-date. The applicant considers that the presumption in favour of sustainable development should be applied to this development which should be approved without delay.

4.5 The assessment in Paragraph 7.0 below has taken into consideration the content of these reports provided by the applicant and seen in the light of the recent appeal decision

highlighted at Paragraph 3.2 above.

5.0 CONSULTATION RESPONSES

5.1	County Highway Authority	No objections.
5.2	Environmental Services	No objections.
5.3	Surrey Police	No comments received but raised no objections to previous application.
5.4	Surrey Wildlife Trust	No comments received but raised no objections to previous application.
5.5	Natural England	No objections, subject to the completion of a legal agreement to secure management/ownership of SANG in perpetuity.
5.6	Environment Agency	No objections.
5.7	Archaeological Officer	No objections.
5.8	Arboricultural Officer	No objections (verbal).
5.9	Surrey County Council (Local Lead Flood Authority)	No objections.
5.10	Drainage Engineer	No comments received but did not raise an objection to previous application.
5.11	Surrey County Council (Education)	No comments received but raised no objections to previous application, subject to the provision of a contribution towards education provision.
5.12	West End Parish Council	An objection is raised on the grounds that the site falls outside of the settlement boundary, flood risk, local infrastructure, ecology, prematurity and potential loss of trees. The site exceeds the 20 units expected for West End within the Core Strategy. A potential access to a [further part of the] reserve site is proposed which is in contravention of the new development numbers for West End.

6.0 REPRESENTATION

At the time of preparation of this report, 104 representations, including one from the West End Action Group, and one petition (with 207 signatures), raising an objection had been received which raise the following issues:

6.1 Principle

- No change in position since previous rejection (to SU/14/0594) by this Council [*Officer comment: Each application is to be determined on their own merits and in the light of the most up-to-date position. See Paragraph 7.6 below*]
- Combined impact with other proposals. Applications should be considered together [*Officer comment: Each application is to be determined on their own merits*]
- Other sites should be developed instead. The West End reserve sites need not be used

[see Paragraph 7.6]

- Amount of houses is in excess of the core strategy requirement (20 houses) [see Paragraph 7.6]
- Impact on Green Belt status of land [Officer comment: The housing site is within the Countryside (beyond the Green Belt)]
- West End does not need any more housing and has provided its fair share of housing in the past [see Paragraph 7.6]
- Development proposal is premature, unsustainable, opportunistic, unnecessary and inappropriate. Proof of need for this housing has not been satisfactorily demonstrated [see Paragraph 7.6]
- Adequate provision of housing will be provided elsewhere at Princess Royal Barracks (Deepcut) [See Paragraph 7.6]
- Development is proposed before sites allocation document is published [see Paragraph 7.6]
- The Council has demonstrated that it has more than sufficient land available for housing (8.5 years-worth) to meet 5 year target (Housing Land Supply Paper 2015) [see Paragraph 7.6]
- Non-conformity with NPPF policy on sustainable development. Brownfield sites should be released before green field sites [see Paragraph 7.6]
- Site should be returned to Green Belt [Officer comment: This can only be undertaken through a Green Belt boundary review]
- Reserve site should have lost that status when the bypass proposal was deleted [see Paragraph 7.6]
- SANG development is against Green Belt policy [See Paragraph 7.6]
- The principle for sustainable development in the NPPF does not apply where an appropriate assessment (under the Habitats regulations) is required [See Paragraph 7.6]

6.2 Highway and transportation matters

- Impact on road infrastructure [see Paragraph 7.4]
- Increased traffic resulting in traffic congestion and increased risk of accident at local road junctions and wider road network [see Paragraph 7.4]
- Highway implications of dangerous access and increased traffic accessing onto a bend in a narrow, winding road [see Paragraph 7.4]
- Parking for SANG would be used as overspill housing [see Paragraph 7.4]
- No footpath access at proposed road junction and poor footpath links in the area resulting in a lack of pedestrian connectivity with the village [Officer comment: Such details would be a reserved matter]
- Increased use of rat-runs [see Paragraph 7.4]
- Use of Kings Road as a cut through would be higher than estimated [see Paragraph 7.4]
- TRICS should not be relied upon for assessing traffic impacts. It uses standardised data and will not reflect the higher car ownership levels on the area. Independent traffic surveys required [see Paragraph 7.4]

- Development would increase car-use [see Paragraph 7.4]
- Unsustainable location with a lack of shopping facilities [see Paragraph 7.4]
- Conflict of proposed access with that proposed under application SU/14/0451 (three houses at land south of Beldam Bridge Road) on the opposite side of the road) [see Paragraph 7.4]
- Impact on highway network during construction [Officer comment: If minded to approve, details of a method of construction would consider this issue]

6.3 Character and Green Belt reasons

- Appeal decisions elsewhere in the country supporting a refusal on countryside grounds [see Paragraph 7.4]
- Impact on the character of the village and countryside [see Paragraph 7.4]
- Impact on character of green space around Beldam Bridge Road and Benner Lane [see Paragraph 7.4]
- Loss of gap between, or merging of, settlements [see Paragraph 7.4]
- Loss of trees, woodland and hedges [see Paragraph 7.4]
- Impact on view/outlook [Officer comment: The loss of a view/outlook is not a material planning matter]
- Destruction of rural land [see Paragraph 7.4]
- Density/cramped nature of development would be out of keeping [Officer comment: Layout is a reserved matter. Also, see Paragraph 7.4]
- Overbearing impact of development and overdevelopment of site [see Paragraph 7.4]
- Destruction of ancient fields and woodland [see Paragraph 7.4]
- The SANG will not be open countryside, being more akin to a local park which would be more in keeping with suburbia than a village [see Paragraph 7.4]
- Impact on local character/streetscene [see Paragraph 7.4]
- Impact of SANG on the Green Belt. SANG would be more akin to a park more in keeping with suburban location [see Paragraph 7.4]

6.4 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [see Paragraph 7.4]
- Increased air pollution [see Paragraph 7.4]
- Increased light pollution [see Paragraph 7.4]
- Impact on Human Rights [Officer comment: See Page 2 of the Committee Agenda. There is considered to be no potential conflict with the Human Rights Act]
- Overbearing impact on, and loss of privacy to, adjoining residential properties [Officer comment: Layout, appearance and scale are reserved matters]

6.5 Other matters

- Impact on the SPA [see Paragraph 7.7]

- Impact on wildlife and their habitats – bats, buzzards, sparrows, goldfinches, greenfinches, kingfishers, hedgehogs, red kites, deer, owls and frogs. Animals cannot be translocated because they are territorial [see Paragraph 7.4]
- Impact of SANG development on local ecology [see Paragraph 7.4]
- Impact on drainage (including local ditches/Bourne stream, dirty water/run-off) and flooding [see Paragraph 7.4]
- Impact on the floodplain (Zone 2 – medium risk) [Officer comment: The site does not fall within the floodplain, it falls within a Zone 1 low risk area]
- Loss of trees will have an adverse effect on drainage/flood risk [see Paragraph 7.4]
- Impact on local infrastructure (school places, doctors) which is unsustainable [see Paragraph 7.4]
- Impact on archaeology [see Paragraph 7.4]
- Impact on Brentmoor SSSI/SPA [Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. Also, see Paragraph 7.7]
- Impact on local services (water) [Officer comment: This is not a material planning matter]
- Greed of developer [Officer comment: This is not a relevant planning matter]
- Development is not wanted by local people. Level of opposition (85%) from an exit poll which followed the public consultation for the proposal [Officer comment: This is noted but is not, in itself, a relevant planning matter]
- Request that Members visit the site during peak period [Officer comment: This request is noted but such a request needs to be made by a Member]
- Level of opposition to the previous proposal (SU/14/0594) from Council/Parish Council/residents/etc. [Officer comment: This is noted and can be seen on attached report for this application (now appeal)]
- Request to add objections to the previous application (SU/14/0594) for identical proposal [Officer comment: This is not legally possible. However, a summary of all previous comments (for SU/14/0594) can be seen on attached report for this application (now appeal)]
- The application is subject to a non-determination appeal [Officer comment: The current proposal is not subject to a non-determination appeal]

6.6 At the time of preparation of this report, three representations in support had been received making the following comments:

- More houses are needed so that the younger generation can choose to live locally
- Development is well designed with consideration to surrounding dwellings
- Adjacent SANG would provide walks and activities
- Local parents and children would be able to walk to school
- Infrastructure should be directed towards schools and surgeries.

7.0 PLANNING CONSIDERATIONS

- 7.1 The housing part of the application site is located within a site which has been a housing reserve site, adjoining the settlement of West End, but defined as Countryside (beyond the Green Belt). The SANG part of the proposal falls within the Green Belt.
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies CPA, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and Policy H8 of the Surrey Heath Local Plan 2000 (as saved) are relevant. In addition, advice in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2015-2020 (February 2015).
- 7.3 The application is in an outline form which seeks the approval of the access only and follows the earlier non-determination appeal for an identical proposal at this site (SU/14/0594) and the appeal decision (SU/14/0532). This appeal decision is a material consideration for this application (see Annex 2).
- 7.4 Aside from the appeal decision (for SU/14/0532) and the implications of the release of land in respect of housing supply, officers do not consider that there has been any significant change in circumstances since the resolution of the Committee with regards to application/appeal SU/14/0594. For completeness a copy of the previous report is attached (Annex 1) and for reference purposes, the main issues and conclusions in this report, which also apply to this submission, are summarised below:
- No objections to the impact of the proposal upon highway safety including the level of parking and use of access to the site from Beldam Bridge Road. In addition, no objections were raised to the cumulative impact on increased traffic from this proposal (along with other developments, such as under appeal SU/14/0532 and the housing development under SU/15/0445 [land at Malthouse Farm, Benner Lane] at the time this was refused in October 2015) [See *Paragraph 7.6 of SU/14/0594*];
 - No objections to the impact of the proposal on local character grounds (and impacts on trees and hedgerows), if the site was to be released for housing at this stage, and no objections to the impact on the Green Belt [See *Paragraph 7.7 of SU/14/0594*];
 - No objections to the impact of the proposal on residential amenity grounds, particularly in relation to any increase in noise and bearing in mind the outline nature of the proposal (only access to be agreed) [See *Paragraph 7.8 of SU/14/0594*];
 - No objections to the impact of the proposal on ecology and archaeology [See *Paragraphs 7.9 and 7.10 of SU/14/0594, respectively*];
 - No objections to the impact of the proposal on drainage and flood risk, for which the Local Lead Flood Authority have raised no objections for this application. In addition, no objections to the impact on land contamination [See *Paragraph 7.11 of SU/14/0594*];
 - No objections to the impact of the proposal on local infrastructure with the proposal being CIL liable. The contribution towards education requested by the education authority, Surrey County Council, was not justified during the consideration of the previous application/appeal SU/14/0594 and their comments for this application remain awaited [See *Paragraph 7.12 of SU/14/0594*]; and
 - No objections to the impact of the proposal on affordable housing provision, the

housing mix, crime and open space provision on the basis that these details would be provided/secured at the reserved matters stage [See Paragraphs 7.13, 7.14 and 7.15 of SU/14/0594, respectively].

7.5 Having regard to all of the above, it is considered that the principal considerations to be addressed in the determination of this application is:

- Principle of development; and
- Impact on the Thames Basin Heaths Special Protection Area.

7.6 Principle of development

Spatial strategy

7.6.1 Paragraph 17 of the NPPF sets out the core land-use planning principles. This includes the need to "*recognise the intrinsic character and beauty of the countryside*" and "*encourage the effective use of land by reusing land that has been previously developed (brownfield land)*". Policy CPA of the CSDMP sets out the spatial strategy for the Borough and acknowledges that new development in the Borough will come forward largely from the redevelopment of previously developed land in the western part of the Borough. This accords with the identification of that area as a part of the Western Corridor/Blackwater valley sub-regional growth area and identification of Camberley as a secondary town centre which is expected to accommodate major developments. Development in this part of the Borough also has the best access to local services and is most likely to make use of previously developed land.

7.6.2 Policy CP3 of the CSDMP sets out the scale and distribution of housing within the Borough up to 2028, which is to be provided within existing settlements up to 2026 and, if insufficient sites have come forward, then between 2026 and 2028, the release of sustainable sites within the Countryside (beyond the Green Belt), sites identified through a local plan review. The local and national policy seeks the development of previously developed land first, with local policy indicating that development should be focused in the settlements, with any releases that are to be made in the defined countryside from 2026, if insufficient sites have come forward for development. At this time, it is clear that the spatial strategy would not support the release of the application site for housing.

Housing supply

7.6.3 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental. The NPPF considers that where relevant policies are absent, silent or out-of-date, the policies within the NPPF would take precedent, unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*". The NPPF puts the delivery of sustainable development at the heart of the decision making process.

7.6.4 The NPPF within its series of core principles includes the proactive delivery of housing. Paragraph 47 of the NPPF indicates that "*to boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meet the full, objectively needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in [the NPPF], including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements within an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to*

ensure choice and competition in the market for land;..."

The availability of a five year supply (plus buffer) of deliverable housing sites is a factor when determining applications for residential development, notwithstanding the spatial strategy set out in Paragraph 7.5.1 above.

- 7.6.5 Paragraph 49 of the NPPF indicates that: *"Housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Without the supply of deliverable housing sites, local policies on housing supply would be considered to be out-of-date and development which is considered to be sustainable (as defined in the NPPF) would be considered to be acceptable. It is considered that for the proposed development, when balancing the clear social and economic benefits with any potential environmental dis-benefits (see Paragraph 7.7 below), the proposal would be deemed to sustainable development (as defined in the NPPF). This is the same conclusion drawn by the Inspector for the appeal proposal SU/14/0532 and the Council for the identical (now appeal) proposal under SU/14/0594.

- 7.6.6 The application site falls within the defined Countryside (beyond the Green Belt) but also forms a part of a housing reserve site as previously defined in Policy H8 of the Surrey Heath Local Plan 2000 (as saved). The Inspector into the Core Strategy did not delete this housing reserve site but has indicated that they would need to be reviewed through a sites allocation (SPD) document, which is currently at an early stage.
- 7.6.7 The Council provided a Five Year Housing Land Supply Paper 2015-2020 in February 2015 (HLSP) which indicated that there is an available eight year supply of housing, based on the delivery rate of 191 dwellings per annum, as set out in the Core Strategy.
- 7.6.8 The Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA) has been provided to develop an up-to-date evidence base for the housing market area to develop the evidence of a full objectively assessed needs (FOAN) for market and affordable housing, as required by Paragraph 47 of the NPPF (see Paragraph 7.5.4 above). The SHMA requires a much higher delivery rate of 340 dwellings per annum.
- 7.6.9 The key issue is to which rate of housing delivery should be provided for this Borough. The Inspector for the appeal for SU/14/0532 (Land south of Kings Road and Rose Meadow) in allowing that proposal indicated:

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

As such, the Inspector determined that the starting point for determining a five year housing land supply was the higher untested (FOAN) figure of 340 dwellings per annum rather than the Core Strategy figure of 191 dwellings per annum. This represents a material and important change in circumstance since the assessment of the earlier (now appeal) proposal at this site (SU/14/0594) in July 2015. In a similar manner to the appeal proposal, the current application has to be assessed in the light of this re-balancing, between national and local policies, of the policy position on housing delivery.

- 7.6.10 Since the determination of the appeal SU/14/0532, the Council has updated its calculation on current five year housing land supply in line with the Planning Practice Guidance (PPG). This includes counting sites with permission that have not yet started and sites under construction as at January 2016 and removing completions from the supply. The Council concludes that currently it does not have a five year housing land supply (against the FOAN figure).
- 7.6.11 Whilst, the Inspector into the Examination in Public into the core strategy concluded that due to the impact of the SPA on housing delivery and the need to provide avoidance measures to mitigate the impact of (net) residential development within the Borough, the Council did not have to demonstrate a rolling five year housing land supply. The Inspector acknowledged that the Council, at that time, could not meet the required five year housing land supply (without buffer) as set out in the national policy requirements at that time, but considered that the local constraint to housing delivery could lead to an acceptable departure from national policy on housing delivery. The Inspector for SU/14/0532 indicated that the rate of delivery of housing at the Princess Royal Barracks is an important factor in the provision of a five year (plus buffer) supply of housing for the Borough. He confirmed that the rate of delivery was likely to fall between the Council and appellant's estimates and when applying the higher FOAN rate, a less than 5 year supply of housing could be provided.
- 7.6.12 Paragraph 119 of the NPPF, however, indicates that *"the presumption in favour of sustainable development (paragraph 14 [of the NPPF]) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* The Inspector for the appeal S/14/0532 indicated:

"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 provided 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."

and:

"I have established that significant effects on the SPA could be avoided in this instance and, therefore, [an Appropriate Assessment] is not required. Consequently, Paragraph 119 of the Framework does not preclude application of the presumption in favour of sustainable development."

The delivery of a SANG under this application (See Paragraph 7.7 below) and a SAMM contribution would similarly avoid a significant adverse effect on the SPA and the application would also not preclude the application of the presumption in favour of sustainable development (under Paragraph 17 of the NPPF) for the current proposal.

- 7.6.13 It is therefore considered that the proposed development, by providing residential units in a site designated as Countryside (beyond the Green Belt) on part of a housing reserve site, is acceptable.

7.7 Impact on the Thames Basin Heaths Special Protection Area

- 7.7.1 The application site falls about 0.75 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the South East Plan 2009 (as saved) seeks to protect the ecological integrity of the SPA from recreational pressure, through increased dog walking and an increase in general recreational use, which occurs from the provision of new (net) residential development. Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of

Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA.

7.7.2 As indicated in Paragraph 7.12.2 of the officer report for SU/14/0594 [Annex 1], the CIL charging schedule incorporates SANG funding, except where a SANG is proposed under the same (or linked) development. In this case a SANG is proposed (on adjoining land to the housing proposal) as a part of the overall proposal. The main (minimum) requirements for the provision of a 12.2 hectare SANGS are:

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

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

7.7.3 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution is required. This contribution has not been received to date, and cannot be calculated where the number and size of dwellings is not provided. However, this matter can be dealt with at the reserved matter stage and no objections are raised on these grounds.

7.7.4 Without a legal agreement (as required under the terms set out in Paragraph 7.7.2 above), the current proposal is considered to be unacceptable in terms of its impact on the SPA, complying with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

8.0 CONCLUSION

8.1 As with the earlier application/appeal SU/14/0594, no objections are raised to the impact of the proposal on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, housing mix and crime. Whilst there is no legal agreement in place to provide affordable housing and a SAMM contribution, these matters can be dealt with at the reserved matter stage. The proposal is acceptable in terms of its impact on the Thames Basin Heaths Special Protection Area, subject to the provision/retention of the proposed SANG secured through a legal agreement (not provided to date).

8.2 It is considered that the site should be released for housing at this time and subject to the provision of a legal agreement for the SANG delivery, the application is recommended for approval.

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

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

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

11.0 RECOMMENDATION

GRANT, subject to the receipt of a satisfactory legal agreement to secure the delivery and retention in perpetuity of a Suitable Accessible Natural Greenspace (SANG) by 16 February 2016, and subject to the following conditions:

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

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

2. With the exception of the layout shown and the details required by Condition 11 below, the proposed development shall be built in accordance with the following approved plans: CSa/1586/112, 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 a Method of Construction Statement, 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) provision of boundary hoarding
- (f) hours of construction
- (g) confirmation that there will be no on-site burning of material during any site clearance, demolition and construction works

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

Reason: The condition above is required in order that the development should not prejudice residential amenity and highway safety nor cause inconvenience to other highway users and to accord with Policies CP11, DM9 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

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

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

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

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

6. Prior to the first occupation of the development hereby approved on site details of cycle and refuse storage area(s) and access thereto are to be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved plans and thereafter retained.

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

7. No development shall take place until details of external lighting are to be submitted to the Local Planning Authority. Once approved the lighting shall be constructed in accordance with the approved details and implemented prior to first occupation of the development and thereafter retained in perpetuity. The details shall include full details of the lighting

supports, posts or columns, a plan showing the location of the lights and full technical specification.

Reason: In the interests of residential and visual amenities and nature conservation and to accord with Policies CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. Prior to the first occupation of the development hereby approved, a Travel Plan to promote sustainable patterns of movement shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details.

Reason: To promote sustainable modes of transport and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. Prior to the granting of the last reserved matter pursuant to the development granted under this outline permission, details of a drainage strategy is to be submitted to and approved by the Local Planning Authority. The details of this strategy should include:
 1. Evidence of where and why infiltration is not feasible (on-site geology, soils and groundwater levels) and a sustainable drainage system (SuDS) designed accordingly;
 2. Calculations confirming the peak discharge rates for the site in 1 in 1, 1 in 30 and 1 in 100 (+30% climate change) storm events and how these are going to be limited to greenfield runoff rates;
 3. A drainage layout detailing the location of SuDS elements, pipe diameters and their respective levels; and
 4. Long and cross sections of each proposed SuDS element.

The approved development shall be implemented in accordance with the approved details.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. Prior to the construction of the dwellings hereby approved (under this outline planning permission and all subsequently approved reserved matters), details of the protection during the construction process for, and future maintenance of, the sustainable drainage system shall be submitted to and approved by the Local Planning Authority. The maintenance plan should include the maintenance frequencies and ownership and responsibilities for the maintenance of the SUDS features.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, a verification report shall be submitted to and approved by the Local Planning Authority which shows that the Sustainable Urban Drainage System has been constructed in accordance with the details approved in accordance with Conditions 8 and 9 above.

Reason: To ensure that the drainage system meets technical standards and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. No development shall take place until details of the proposed access onto Beldam Bridge Road including any required visibility zones have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details with the visibility zones kept permanently clear of any obstruction.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. No development shall take place until a Written Scheme of Investigation with a programme of archaeological work and details of compliance with the resulting implemented programme of work has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that there is a record of any found archaeological evidence and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework

14. The approved development shall be implemented in accordance with the recommendations set out in Section 5.0 of the Ecological Appraisal by CSA Environmental Planning dated June 2014 unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Policies 2012 and the National Planning Policy Framework.

15. A scheme to revise the speed limit on Beldam Bridge Road is to be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the approved development.

Reason: In the interests of highway safety and to comply with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

1. Decision Notice to be kept DS1
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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. Please contact Phil Peacock, Senior Engineer (Construction and Maintenance), Local Transportation Service, Bagshot on (01483) 518281.
3. To support Condition 14, a Traffic Regulation Order (TRO) under the Highways Act 1980 (as amended) is required from the highway authority, Surrey County Council to secure an extended speed limit restriction on Beldam Bridge Road. In the event that the required TRO fails, then alternative measures aimed at reducing vehicle speeds on Beldam Bridge Road will be required.
4. HI(Inf)15 (Highway) HI15
5. CIL Liable CIL1
6. In relation to condition 12 above, it is advised that consideration ought to be given to the proposed access including a drive-in lane facility if this will improve access arrangements into the site from the West End Settlement (to the West).

In the event that a satisfactory legal agreement has not been received by the 30 September 2015 to secure SANG provision/retention the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-

- 1 The Planning Authority, in the light of available information, 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 (SSW). 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 Regulation 2010 (The Habitats Regulation) applies in this case, it must refuse permission in accordance with Regulation 61 (5) of the Habitats Regulations and Article 6 (3) of Directive 92/43/EEL. For the same reasons the proposal conflicts with guidance contained in 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 Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012).

**MINUTE LIST OF COMMITTEE
10 February 2016**

APP. NO	WARD	LOCATION & PROPOSAL	TYPE	DECISION
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