

LOCATION: DEVELOPMENT LAND AT FORMER LITTLE HEATH NURSERY, BURR HILL LANE, CHOBHAM, WOKING, GU24 8QD

PROPOSAL: Change of use of land at Little Heath Nursery from a commercial nursery to residential, the demolition of the existing nursery buildings and the erection of 35 affordable dwellings and associated works to include parking, landscaping, raising of the ground levels, drainage and on site open space. Proposed use of 6.7 hectares of land at Little Heath Meadow and Little Heath Common as Suitable Alternative Natural Green Space and associated works to include replacement/proposed bridges, the formation of a circular walk, creation of an attenuation feature, regrading of the existing pond and the erection of an information board and markers. (Amended & Additional plans rec'd 03/06/16).

TYPE: Full Planning Application

APPLICANT: Sentinel Housing Association

OFFICER: Mr N Praine

RECOMMENDATION: **GRANT subject to conditions and completion of a legal agreement.**

1.0 SUMMARY

- 1.1 The application proposes 35 affordable housing units split between 19 social rented and 16 shared-ownership units. Members will recall that a previous application (SU/14/0925, see paragraph 3.1 below) at this site was reported before the Planning Applications Committee on the 14th September 2015. However, following a late objection from the Drainage Officer the application was refused on drainage grounds. Additionally Members considered that a local need for the proposed 16 shared ownership units had not been adequately demonstrated. Since this date, further discussions between the applicant and the Council's Drainage Officer and Lead Local Flood Authority (LLFA) have been undertaken, as has further work by the applicant and the Council's Housing Officer to establish and demonstrate the local need for shared ownership housing. Following these discussions the Drainage Officer and LLFA raise no objection to the proposal, subject to planning conditions. The Council's Housing Officer also supports the proposal.
- 1.2 Given the materiality of refusal SU/14/0925 this report focuses on whether the current application overcomes the previous reasons for refusal (see paragraph 3.1 below). In the officer's opinion, on the basis of the revisions to the proposal (see paragraph 4.5 below) and no objection from the Council's Drainage Officer, LLFA or the Council's Housing Officer, the development is now acceptable and the application is therefore recommended for approval; subject to conditions and the completion of a legal agreement to secure SAMP and the delivery of a bespoke SANGS solution so the proposal would not impact on the integrity of the SPA.

2.0 SITE DESCRIPTION

- 2.1 The 3.47ha site lies approximately 1.1km north east of Chobham village centre with an existing access off Burr Hill Lane. The site abuts the defined settlement policy boundary.
- 2.2 The site is divided into two parts by an existing ditch. The 1.28ha area to the south of the ditch is where the now demolished buildings associated with the former plant nursery are located (these are to the western tip of this area). This southern part of the wider red line site is where the proposed residential development will take place.
- 2.3 Levels across the site fall in a north west to south west direction. The remainder of the site is open pasture land bounded by trees, ditches and secondary woodland.
- 2.4 The application site is bounded on three sides by mixed character residential development and by open countryside on the northern boundary.
- 2.5 The groundwater table is high and the land has a waterlogged appearance and is heavy underfoot.

3.0 RELEVANT HISTORY

- 3.1 SU/14/0925 - Redevelopment of a commercial nursery for residential use - 35 affordable dwellings with associated works with access from Burr Hill Lane; and provision of suitable alternative natural green space (SANGS) with associated works. Officers originally recommended approval but following an objection from Surrey Heath Drainage Officer the application was reported to the Committee on 14/09/2015 with an officer recommendation for refusal and was subsequently refused for the following reason:

1. *In the absence of accurate and robust Flood Risk Assessment and Sustainable Drainage Strategy the Applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the proposed development would not result in an increased risk of either ground or surface water flooding; or that a conflict will not arise between these two water sources. The local planning authority cannot therefore reasonably conclude that the proposal would not result in harm or injury to either future (occupiers of the proposed development), or neighbouring occupiers or their property*

The assessment of whether there was a local need for this scale of affordable housing development was finely balanced and officers recommended approval. However, Members considered that a local need for the proposed 16 shared ownership units had not been adequately demonstrated and so the following second reason for refusal was added:

2. *It has not been demonstrated to the Local Planning Authority's satisfaction that the proposed 16 shared ownership units would meet a local need as defined by paragraph's 5.11 and 6.32 of the Core Strategy and Development Management Policies 2012. The Local Planning Authority cannot therefore conclude that the proposed development meets the aims and objectives of Policies CP3 and DM5 of the aforementioned local plan document. In addition in the absence of compliance with these policies the development proposal cannot be considered to comply with paragraph 89 (5th bullet point) of the NPPF and is therefore inappropriate development in the Green Belt. The proposed development would also result in conflict with the purposes of including land in the Green Belt in that it would result in urban sprawl and countryside encroachment. There are no known very special circumstances present which clearly outweigh the harm to the Green Belt which would arise if the development were approved.*

4.0 THE PROPOSAL

- 4.1 The proposal seeks to redevelop the existing site to provide 35 units of affordable housing. This will comprise 19 units for social rental and 16 to be made available as intermediate ownership (shared ownership). The proposed mix is set out below:
- 4 x 1 bed flats;
 - 19 x 2 bed houses;
 - 8 x 3 bed houses; and,
 - 4 x 2 bed bungalows.
- 4.2 The built form proposed is predominately two storey semi-detached with a scattering of short terraces and four bungalows (2 semi-detached pairs). In general terms the proposed dwellings would be between 8 and 8.5m high and feature decorative details such as soldier courses and canopy porches of either pitched or flat roof design. While materials would be controlled by condition the submitted information shows a mix of render and brick / render finishes. The proposed bungalows would feature rear and front gable projections and would be 5.5m to the main ridge and 4m to the ridge of the gable projections.
- 4.3 The proposed development would use the existing access off Burr Hill Lane with an average of 2 off road parking spaces for each of the dwellings (a total of 68 parking spaces, in addition to cycle parking). The proposed layout indicates an area of community land to be retained as a 'community orchard' and the supporting information details a play area is to be provided, although no formal children's play area equipment is proposed.
- 4.4 The application also seeks to avoid harm to the Thames Basin Heaths SPA by providing SANGS of 6.7ha. This is located to the north of the application site and comprises 2.2ha of land at Little Heath Meadows and 4.51ha of land at Little Heath Common. The following works are to be undertaken to the proposed SANGS land in order that it is of suitable standard:
- Replacement and provision of pedestrian bridges;
 - The creation of an attenuation feature;
 - Re-grading of an existing pond;
 - The creation of a circular walk measuring 2.37km; and,
 - The erection of visitor information board and directional signs.
- 4.5 This submission is similar to application SU/14/0925 which was refused last year (See paragraph 3.1 above). The main changes to the current proposal are summarised below:
- The site layout has now been amended to provide a 5m buffer on each side of the watercourse to allow for maintenance. As a result of this one of the proposed social rented houses (plot 11) has been slightly reduced in size and is now shown as a 2 bed dwelling (previously 3 bed).
 - Levels work have been undertaken to demonstrate that any exceedance flows produced by the development can be safely dealt with and routed so as not to increase flood risk to third parties and to direct such flows away from the proposed properties.

- In addition, further information in regard to the level of unmet need for intermediate housing (shared ownership) in Chobham has been submitted.

5.0 CONSULTATION RESPONSES

5.1	Surrey County Council Highway Authority	No objection.
5.2	Natural England	No formal comments made, no objection to previous scheme
5.3	Environment Agency	No formal comments made, no objection to previous scheme.
5.4	Chobham Parish Council	Objection on grounds of limited access, too close to SSSI, too dense, no proven need in Chobham for the number of affordable homes proposed, increased flood risk, adverse impact on wildlife.
5.5	Surrey Wildlife Trust	No objection
5.6	SHBC Drainage Officer	No objection
5.7	SHBC Tree Officer	No objection
5.8	SHBC Housing Officer	Supports proposal.
5.9	Crime Prevention Officer	No objection
5.10	Surrey County Council Lead Local Flood Authority	No objection
5.11	Thames Water	No objection
5.12	Surrey County Council Archaeological Officer	No objection
5.13	Surrey Heath Senior Environmental Health Officer	No objection

6.0 REPRESENTATION

- 6.1 At the time of writing 107 letters of objection have been received. In summary these raise the following concerns:

Impact on amenity of adjoining residential properties

- Loss of light
- Loss of privacy
- Overlooking
- Development would be visually overbearing

- Light pollution
- Increase in noise / The proposal will be contrary to HRA, para 123 NPPF
- Loss of a view [*Officer comment: in planning terms there is no right to a view per se*]
- The proposal does not provide a play area for children

Principle of the proposal

- There are better sites
- The proposal does not comply with Policy DM5 and is not a rural exception / inappropriate development in the Green Belt
- The proposed development would not meet a local need / the proposal should not be used to meet a wider borough need
- The application site should be retained in agricultural use
- Inappropriate development in the Green Belt
- Chobham has already met its local housing need
- There is no need for the development, however there is a need for housing for older persons
- There is insufficient infrastructure / local services in the borough to meet the needs of future residents of the development
- Proposal fails to have regard to cumulative impact of developments in the area

Highways and parking

- Parking provision is insufficient
- Roads and highway capacity is insufficient
- Emergency vehicles will not be able to access the proposed development
- Proposed access is insufficient /unsuitable / unsafe
- Traffic impact assessment is inadequate as it fails to consider the proposal's impact on other roads/junctions – i.e. where Delta Road meets Burr Hill and Windsor Court
- Inadequate sight lines/ poor visibility / on road parking/ school children make navigation of local road network and site access dangerous
- Local roads being used as a rat run have been underestimated
- Public transport links are poor
- Baseline and proposed TRICS data are questionable
- Lack of any detailed risk assessment in the traffic report

- Consideration should be given to making Burr Hill Lane/ Windsor Court / Delta Road one-way

Character and appearance

- The proposed development is of too high density / overdevelopment
- Impact on trees / trees have already been felled
- Site badly laid out

SANGS and ecological matters

- The proposal should not rely on land which is already in public use for SPA avoidance measures
- SANG land is too close to SPA
- Site supports a number of moth species many of which are Red Data Book and priority BAP species
- Impact on SSSI /NNNR
- Owl activity on site & bats should be looked at again
- Horse riders have a right to access the common – the submitted information does not make this clear

Drainage and flooding

- Objections to the principle of developing the site given highground water table
- Objections to the adequacy of the submitted surface water drainage strategy
- Area has the highest risk of flooding from surface water flooding (rating G)
- It will be difficult for occupiers / owners to obtain insurance
- Levels should not be raised
- Development's solution to on-site flooding will increase flood risk elsewhere
- Council will be liable to being sued for passing these plans
- The proposed built form will prevent the stream from being dredged

6.2 While a significant number of representations have been received in respect of this application it should also be noted that the number of representations, either in support or against the proposal, is not a reason in itself to grant or withhold planning permission.

7.0 PLANNING CONSIDERATION

- 7.1 The National Planning Policy Framework; Policies CP1, CP2, CP3, CP5, CP6, CP8, CP11, CP12, CP14, DM5, DM9, DM10, DM11, of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and, Policy NRM6 of the South East Plan are material considerations in this case. In addition, the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012) is relevant.
- 7.2 The application is similar in many respects to application SU/2014/0925 with modest changes to the site layout and levels to address the previous reasons for refusal. Given the limited period of time since the determination of that application, this previous decision is a material consideration. This application was refused for two reasons as set out in paragraph 3.1 above. There were no other reasons for refusal and there have been no material change in circumstances, such as a significant change in planning policy or significant change in the site or its surroundings, since this decision. Having regard to the nature of the changes to the scheme, and in the officers' opinion, it would therefore be unreasonable to revisit the other issues. For completeness, however, a copy of the previous report is attached (Annex 1). The conclusions in this previous report relating to the impact on residential amenity, highways, infrastructure and the TBHSPA equally apply to this submission.
- 7.3 It is therefore considered that the principal considerations to be addressed in the determination of this application are:
- Shared ownership and local need;
 - Whether the proposed housing mix is acceptable; and
 - Flooding and drainage.

7.4 Shared ownership and local need

- 7.4.1 The application site lies in the Green Belt and abuts the settlement boundary of Chobham. The site's former use as an agricultural nursery means the land is not considered to be previously developed land as defined by the NPPF. The application site abuts the settlement boundary but is outside of it. The site is therefore considered to be within the countryside (in addition to being in the Green Belt). Paragraph 54 of the NPPF advises LPA's to consider whether allowing some element of private or market housing would facilitate the delivery of significant affordable housing. While it is noted that term 'significant' is not quantified; this statement does provide a strong indication that market housing, in this case shared ownership properties, can provide an important tool in 'enabling' the delivery of affordable housing on rural exception sites.
- 7.4.3 The site is located on Green Belt land outside of the defined settlement. Paragraph 89 of the NPPF states that new buildings in the Green Belt is inappropriate development but lists exceptions including, '...limited affordable housing for local community needs under policies set out in the Local Plan.' As the proposal seeks to deliver 100% affordable housing (as defined by Annex 2 of the NPPF) its in principle acceptability is therefore dependent on whether it complies with the rural exception policy (Policy DM5) of the CSDMP. The previous submission failed to meet this test.

7.4.4 Policy DM5 states:

Development consisting of 100% affordable housing within the countryside or Green Belt will be permitted where:

- (i) There is a proven local need for affordable housing for people with a local connection to the area; and
- (ii) The need cannot be met within the settlement boundary; and
- (iii) The development will provide affordable housing for local people in perpetuity; and
- (iv) The development site immediately adjoins an existing settlement and is accessible to public transport, walking or cycling and services sufficient to support the daily needs of new residents.

7.4.5 The subtext to this policy (para 6.32) advises that the intention of the policy is to help provide accommodation for local people, who often have a local connection through employment or from growing up in the area and still have family who reside in the locality. Para 6.33 adds that the Council recognises there are limited opportunities to provide housing within these settlements at a scale which will deliver significant levels of affordable housing. Support for the provision of rural exception sites is also enshrined in Policy CP3 (iv), where it advises that small scale affordable housing schemes as rural exception sites outside of village settlement boundaries will be acceptable. Para 5.11 explains that the purpose of this element of the policy is to allow villages to continue to develop as mixed and inclusive communities by providing accommodation for households who are either current residents or have an existing family or employment connection.

7.4.6 Local objection to the proposal refers to a lack of need for affordable housing in Chobham and in doing so reference is made to the recent High Court challenge (*Old Huntston Parish Council v Secretary for the Communities and Local Government and others*) wherein the Secretary of State's decision to grant planning permission for a development of 15 homes as a rural exception site was quashed. The crux of the decision appears to centre on the definition of what is a 'local need'. In quashing the decision it was held that a wider need for affordable housing in an area could not be considered as a local need, in short that a rural exception policy did not permit towns to push their affordable housing to rural sites.

7.4.7 Following the previous planning decision the applicant, a not-for-profit housing association, has provided the following justification:

'There are only 4 homes classed as shared ownership within Chobham. Home ownership in Chobham is unaffordable to the majority of those with a local connection. First time buyers need an income of £55-£60,000 to purchase a flat on the open market in Chobham Ward and First time buyers need an income of £100k+ to purchase a semi detached property on the open market in Chobham Ward.'

The Council's Housing Officer has considered this submission and raises no objection to the submitted information.

- 7.4.8 Additionally, the Council's Housing Officer advises that the Council's own Housing Service supports this proposal for the delivery of these shared ownership homes in Chobham. He considers that the scheme is coming forward to meet local need in the village. He accepts that there has been concern about the need for the shared ownership homes and he draws on the submitted figures from Sentinel Housing Association (the applicant) which show that the private market, both for renting and buying a home in the village, is beyond many and therefore local people cannot meet their housing needs, or aspirations, locally. The Council's Housing Officer considers that as the homes are for local people the Council's Housing Service will work proactively with Sentinel Housing Association and local agencies to ensure those who aspire to remain in the village can register their need and have an opportunity to access a home through the scheme. The Council's Housing Officer has also reviewed the data from the Council's Strategic Housing Market Assessment (SHMA) and considers there is a demonstrable market for the shared housing which in essence assists local people on to the housing ladder. Finally the Council's Housing Officer states that these homes will remain available for village residents in perpetuity and therefore will serve as a local resource for future families as well as meet a current need.
- 7.4.9 The local plan policies and sub text cited above provide a clear indication of how 'local' is to be defined. In light of the above considerations it is considered that there is identified need for limited affordable housing in Chobham and that the proposal will meet this need.
- 7.4.10 A review of the Council's Annual Monitoring Report and the Council's most recent Five Year Housing Land Supply Paper does not indicate that there any other sites which are available and or deliverable to meet this need. The other policies requirements can be met by a s106 agreement retaining the affordable housing in perpetuity, the social rented properties only be made available to persons with a connection to Chobham (to be secured via a Local Lettings Agreement) and a cap of 80% being the maximum amount any owner can purchase of any shared ownership property.
- 7.4.11 The proposal is therefore considered not to be inappropriate development in the Green Belt, and acceptable in terms of para 89 of the NPPF and Policies CP3 and DM5 of the Core Strategy and Development Management Policies 2015. However, due to the Green Belt location and the fact the proposal is only acceptable in Green Belt terms because it is considered to be a rural exception site, it is considered further development should be strictly controlled, as such any approval would be subject to a condition removing permitted development rights.

7.5 Whether the proposed housing mix is acceptable

- 7.5.1 Policy CP5 of the CSDMP 2012 seeks to ensure that 35% of all dwellings delivered in the Borough over the plan period (to 2028) comprise affordable housing. The proposal will deliver 100% affordable housing therefore compliant with the terms of this Policy.
- 7.5.2 The proposed mix is very similar to the previous proposal with one change to one of the proposed social rented houses (plot 11). This plot has been slightly reduced in size and is now shown as a 2 bed dwelling (previously a 3 bed). Again it is considered that the provision of a mix of bungalows, flats and smaller dwelling houses meets the objective of providing a range of housing needs.

7.6 Flooding and drainage

- 7.6.1 Policy DM10 requires developments to reduce the volume and rate of surface water run-off through the use of SuDs. A flood risk assessment (FRA) has been submitted and the FRA agrees with local accounts of a high water table and notes that depressions in some areas of the site can experience a pooling of water during periods of long rainfall.

Ground Water

- 7.6.2 To address the groundwater flood risk identified and also offer some protection against any residual flood risks from other potential sources, finished floor levels of the proposed development will be set above the calculated maximum groundwater level. As with the previous proposal, this will result in the rising of the site. Again the FRA acknowledges this and confirms that any ground raising could impact upon adjoining land off site. To address this, the FRA states that any fill material will be of a permeable nature to still permit groundwater flows. As an additional measure ground levels are proposed to be lowered within the lower lying south eastern corner of the 'SANG area' to create a seasonally wet pond area which will offer additional groundwater storage. The FRA confirms the proposed pond offers excess groundwater storage than existing, which will thereby ensure that groundwater flood risk will not be increased once the development is completed.
- 7.6.3 The FRA concludes that the combined use of permeable fill material; the pond area; and, the drainage system (see paragraph 7.6.4 below) which will service the site will ensure that hydrogeological conditions will not be adversely affected within the area (i.e. groundwater table levels increased elsewhere) and therefore the risk of groundwater flooding is not increased either on or off-site. The proposed scheme layout also ensures that the existing stream and all ditches are retained and maintained.

Surface Water Drainage

- 7.6.4 Rainfall currently falling onto the site infiltrates into the ground, where geological and hydrogeological conditions allow, and then surface water runs-off, once the infiltration capacity of the ground has been exceeded, into the existing stream and ditches. With regard to the area which is to be developed and taking into account the existing groundwater levels, as with the previous proposal, the FRA proposes to discharge surface water from the 'developable area' to the existing adjacent stream, at a restricted rate. The installation of new drainage trenches and swales will also create new flow routes to connect the groundwater back to the ditches. This ensures that surface water flows and hence flood risk is not increased on or off-site.
- 7.6.5 The FRA concludes that the proposal would not give rise to an increased risk of flooding to persons or property and will not result in the loss of floodplain storage. The LLFA and Council's Drainage Officer have assessed the submitted FRA and raise no objections to its findings (subject to conditions). As such there would be no conflict between either ground or surface water flooding and no adverse harm to neighbouring occupiers or properties.

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

8.1 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:

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

9.0 CONCLUSION

9.1 The proposal is presented as a rural exception site and on the basis of the further evidence provided by the applicant and support from the Council's Housing Officer it is considered that there is an identified local need for affordable housing. For this reason, the proposal does not represent inappropriate development in the Green Belt. Additionally, with no objection from the Council's Drainage Officer and LLFA it has now been adequately demonstrated that the proposed development would not result in increased risk of ground or surface water flooding, nor result in a conflict between the two. As such it is considered that the previous reasons for refusing this development have been overcome. In respect of all other matters including impacts on amenity and highway the proposal is acceptable, as explained in Annex 1. The application is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure SAMM and the delivery of a bespoke SANGS solution so the proposal would not impact on the integrity of the SPA.

10.0 RECOMMENDATION

The Executive Head of Regulatory to be authorised to GRANT permission subject a legal agreement to secure the following:

- The retention of the following split in tenure and mix of affordable units as set in the site layout plan;
- All social rented units to be retained as such in perpetuity;
- All social rented units only to be let in accordance with a Local Lettings Policy to ensure the units are let to persons with a local connection to Chobham;
- A cap of 80% of the market value being the maximum any person can own or mortgage of any shared ownership property; and,

- Provision of a bespoke Suitable Alternative Natural Greenspace (SANG) as detailed in the SANG Management Plan dated June 2015 (GPM Ecology, Haslemere, Surrey).

and 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. 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.

3. A minimum of 7 working days before any development, including any works of demolition or site clearance, a pre-commencement meeting must be arranged with the Arboricultural Officer. The purpose of this meeting is to agree the extent of any facilitation or management tree works, tree and ground protection, demolition, storage of materials and the extent and frequency of Arboricultural site supervision. In all other regards the development shall proceed in accordance with the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** compliant report prepared by MJC Tree Services and dated 14 July 2015.

In addition all facilitation pruning works must be carried out by a specialist and qualified contractor in accordance with BS3998:2010 and under the strict supervision of the retained Arboriculturist.

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

4. 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the

new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**. In addition the details to be submitted shall make provision for the four oak trees proposed for amenity spaces to be supplied and planted as semi-mature specimens [girth at 1m 35-40cm, nominal diameter 11.9cm/4.7” with an overall planted height of 6-8m]. Minimum planted sizes of all other individual trees should be girth at 1m 18-20cm, nominal diameter 6.cm/2.4” with an overall planted height of 5m+. Please note that *Betula pubescens* and *Prunus avium* “Plena” are not considered acceptable species within this development.
3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 10 years.

Reason: To preserve and enhance 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 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 period.

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 and the National Planning Policy Framework.

6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site 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 / turning areas shall be retained and maintained for their designated purposes.

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

7. The development hereby approved shall not be occupied until raised access platforms are constructed at:

- (a) the existing bus stop outside numbers 18-22 Delta Road Chobham, and
- (b) the existing bus stop outside 20-34 Windsor Court Road Chobham

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

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

8. The development hereby approved shall not be occupied until a continuous footway is provided between the existing footway on Burr Hill Lane and the proposed footways within the application site, in accordance with details to be submitted to an approved in writing by the Local Planning Authority.

Reason: to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies DM11 and CP11 of the Core Strategy and Development Management Policies 2012 and the NPPF.

9. Prior to the commencement of any works (including demolition, site clearance or site preparation), full ecological and biodiversity surveys, together with proposed mitigation and enhancements shall be submitted to the Local Planning Authority in response to the consultation letter received by the Local Planning Authority from Surrey Wildlife Trust dated 26th May 2016. Once approved in writing, the details shall be implemented in full and retained in accordance with the approved details.

Reason: to comply with the aims and objectives of Policy CP14 of the Core Strategy and Development Management Policies 2012, the NPPF, NERC Act 2006, the Wildlife and Countryside Act 1981 and The Conservation of Habitat and Species Regulations 2010.

10. Prior to the commencement details of the future maintenance and management of all areas of amenity land (not contained within the private garden areas or to be handed over to Surrey County Council as part of the adopted highway) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained in perpetuity unless otherwise agreed in writing.

Reason: To ensure a satisfactory form of development in accordance with the NPPF and Policy DM9 of the Core Strategy and Development Management Policies 2012.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no extensions, garages, buildings or roof alterations (as defined by Schedule 2, Part 1, Classes A, B, D and E of that order) shall be erected / implemented without the prior approval in writing of the Local Planning Authority.

Reason: To proposal is only acceptable as a rural exception site as it lies in the Green Belt wherein development must be tightly controlled in the interest of preserving Green Belt openness, the unfettered extension or alteration of properties could undermine the openness of the Green Belt and accordingly the condition is required to ensure ongoing compliance with Policies DM9 and DM4 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

12. Notwithstanding the detail shown on the submitted plans no fence or other means of enclosure shall be erected or installed to demark the front boundaries of the dwellings hereby approved which otherwise might be permissible pursuant to the provisions Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), as defined by Schedule 2, Part 2, Class A.

Reason: To ensure a satisfactory form of development in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

13. Before first occupation of the development hereby approved the first floor side window(s) in plot 35 facing the garden of 26 Burr Hill Lane shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times in accordance with details to be submitted to and approved by the Local Planning Authority in writing. No additional openings shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the NPPF.

14. No works (demolition; site preparation; investigation, building; construction, fitting out snagging) shall be carried out on Sundays, Public Holidays, or except between the hours of 8am and 6pm on weekdays and 9am and 1pm on Saturdays. For the avoidance of doubt 'Public Holidays' include New Years Day, Good Friday, Easter Monday, May Day, all Bank Holidays, Christmas Day and Boxing Day.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with the National Planning Policy Framework.

15. The proposed development shall be built in accordance with the following approved plans:

- P105 Rev C Site layout
- P300 (plots 1,2,3,4,28,29 30 and 31)
- P301 (plots 5,6,34 and 35)
- P302 (plots 7,8)
- P303 (plots 9,10)
- P304 (plots 11 – 16)
- P305 (plots 17,18,19)
- P306 (plots 20, 21)
- P307 (plots 22,23,24,25)
- P308 (plots 26,27, 23, 33)

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.

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority. The programme will also make provision for an archaeological walkover survey of the proposed SANG in order to identify any extant heritage features which may exist.

Reason: To afford the Local Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide upon a course of action required for the preservation or recording of such remains, in accordance with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.

17. No development shall take place until full details of:

- how attenuation SuDS features will be lined to prevent interaction with ground water,
- an impervious area plan, and
- long or cross sections of each SuDS Element including the hydrobrake that includes details of how the total runoff from the site will not exceed 2.6 l/s

are submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be carried out prior to first occupation in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

18. No development shall take place until full details of how surface water and any associated pollution risk will be dealt with during the construction of the development and how any Sustainable Drainage System will be protected and maintained is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with those approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the construction works do not compromise the functioning of the agreed Sustainable Drainage System and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

19. No development shall take place until full details of an agreement of who will own and maintain the SUDS features and their associated maintenance regimes, are submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented prior to first occupation in accordance with the approved details and retained as such unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt the details must as a minimum include all surface water systems, overland flow routes and attenuation systems.

Reason: To ensure the drainage system is maintained throughout its lifetime to an acceptable standard and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

20. Prior to occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the drainage design meets the technical standards and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

21. In the event of any conflict of foul and surface water drainage systems, such details must be reported to the LPA with appropriate revised details for approval in writing by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved details and retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the drainage system is constructed to an acceptable standard and to accord with Policies CP2 and DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

22. No heavy goods vehicle involved in the construction of the development hereby (hereinafter referred to as 'the Site') approved shall enter the Site by turning left in from Delta Road, nor exit the Site by turning right out onto Delta Road.

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 and the National Planning Policy Framework.

23. On school days, no heavy goods vehicle involved in the construction of the development hereby approved (hereinafter referred to as 'the Site') shall enter or leave the Site between the hours of 8.30 a.m. and 9.15 a.m. nor enter or leave the Site between the hours of 3 p.m. and 3.45 p.m.

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 and the National Planning Policy Framework.

Informative(s)

1. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
2. When access is required to be 'completed' before any other operations, the Highway Authority will normally agree that wearing course material and in some cases edge restraint may be deferred until construction of the development is virtually complete, provided all reasonable care is taken to protect public safety.
3. There would be no objection in principle, from the highway point of view, to the proposed development if the applicant were to gain control of sufficient land to enable the necessary access to be constructed and provided with visibility splays all to the Highway Authority's minimum standard.
4. The applicant is advised that an area of land within the curtilage of the application site may be required for future highway purposes, details of which may be obtained from the Transportation Development Control Division of Surrey County Council.
5. 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. In this instance the Highway Authority is Surrey Heath Borough Council and an application to modify the existing vehicular accesses shall be made to the Highway Division.

6. Before works are undertaken to any watercourse which may alter the cross sectional area (excluding basic maintenance) ordinary watercourse consent may be required. Forms are available on request from SUDS@surreycc.gov.uk
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
8. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), 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
9. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council
10. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

In the event that a satisfactory legal agreement has not been completed by the 29th July 2016, the Executive Head of Regulatory is authorised to REFUSE for the following reasons:

1. The proposal fails to provide a satisfactory legal agreement to secure the dwellinghouses as affordable housing (19 social rented and 16 shared ownership units). The proposal would therefore constitute inappropriate development in the Green Belt which would undermine the purposes of including land in and would result in countryside encroachment, and would significantly harm its openness and otherwise undeveloped and rural character. The proposal does not satisfactorily address the requirements of Policy DM5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and cannot be considered to be a rural exception site or as an exception to para 89 of the NPPF.
2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the Applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in addition failing to provide a bespoke SANGS (Suitable Alternative Natural Green Space) solution, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).

