

**LOCATION:** LAND SOUTH EAST OF 4-14 (EVENS), KINGS ROAD, WEST END, WOKING

**PROPOSAL:** Residential development of 35 dwellings comprising of 8 four bedroom, 10 three bedroom, 10 two bedroom houses and 3 two bedroom and 4 one bedroom flats with associated access, car and cycle parking, refuse/recycling storage and landscaping. (Additional Plan & information recv'd 03/08/2016). (Additional info recv'd 4/8/16). (Additional Info Rec'd 05/08/2016). (Additional Info recv'd 20/10/16). (Additional/Amended Info - Rec'd 09/01/2017). (Additional Information - Rec'd 16/01/2017).

**TYPE:** Full Planning Application

**APPLICANT:** Ms Thorpe  
Thakeham Homes Ltd

**OFFICER:** Duncan Carty

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

## 1.0 SUMMARY

- 1.1 This full application relates to the erection of 35 dwellings on land to the south of Kings Road at the edge of West End, including an access and landscaping and the provision of a play area. Ecological compensation is to be provided off-site on land at Chapel Lane, Bisley.
- 1.2 The application site forms a part of the West End housing reserve site and the principle for residential development has been established by the Borough's housing supply position and the appeal decision on a nearby site (SU/15/0532 - land south of 24-46 Kings Road and 6 & 9 Rose Meadow). The application proposal has been the subject of a Design Panel Review, and has been subsequently amended to reflect the concerns raised by the Panel.
- 1.3 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 affordable housing provision, crime and the Thames Basin Heaths Special Protection Area, no objections are raised. A legal agreement is required to provide affordable housing, a SAMM contribution and the provision of an ecological and arboricultural method and delivery of ecological compensation provided off-site. With the completion of such an agreement and subject to conditions, no objections are raised to the proposal.

## 2.0 SITE DESCRIPTION

- 2.1 The housing part of the site relates to former nursery land to the south of Kings 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 over 10 years and is now in a poor condition. The site lies to the south of the residential properties 4-14 Kings Road and lies to the east of 149-159 Guildford Road, all of these properties falling within the settlement of West End. The site also lies to the east of Brook Nursery and west of a field (to the rear of 20-22 Kings Road); both sites also falling within the housing reserve site. Land immediately to the south is wooded and falls within the Green Belt.
- 2.2 The application site measures 1.25 hectares and falls predominantly within an area of low flood risk (Zone 1 as defined by the Environment Agency) with a small proportion at the south boundary within an area of medium risk (Zone 2). The Bourne lies further south with commercial buildings beyond. All of the land to the south falls within the Green Belt.

## 3.0 RELEVANT HISTORY

### On the application site:

- 3.1 None.

### Other West End housing reserve sites:

- 3.2 SU/14/0451 Erection of 2 no five bedroom and 1 no four bedroom two storey detached dwellings with detached double garages with accommodation in the roof on land south of Beldam Bridge Road. *Approved in October 2016.*
- 3.3 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 this appeal decision is attached at Annex 1 of SU/16/0554 being reported elsewhere on this Agenda.
- 3.4 SU/15/0445 Erection of residential development to provide 95 dwellings with vehicular/pedestrian accesses, parking, landscaping and open space on land north and east of Malthouse Farm, Benner Lane. *Refused in October 2015 and subsequent appeal allowed in November 2016.*

A copy of this appeal decision is attached at Annex 1.

- 3.5 SU/16/0323 Outline planning application for the erection of up to 85 dwellings with new access, landscaping and open space on and north of Beldam Bridge Road. *Approved in July 2016.*

#### **4.0 THE PROPOSAL**

- 4.1 The current proposal relates to the erection of 35 dwellings with its proposed access from Kings Road. The access would be provided between 14 and 20 Kings Road. The proposal would provide 4 no. one bedroom, 13 no. two bedroom, 10 no three bedroom and 8 no four bedroom dwelling units. The proposal would provide two storey development in a traditional form but with modern detailing with dwellings which range in ridge height from about 8 to 9.3 metres with eaves heights of 5 metres. The dwellings would be arranged around two cul-de-sacs, with a destination green located close to the access point, and pedestrian/vehicular links to the green, including play space, to the south part of the site.
- 4.2 The proposal would provide 75 parking spaces, including drive, garage and courtyard spaces.
- 4.3 The application has been supported principally by:
- Design and Access Statement (and Addendum);
  - Transport Statement; and
  - Housing Land Supply Report.
  - Flood Risk Assessment;
  - Surface Water Drainage Strategy;
  - Land Contamination Assessment;
  - Noise Assessment;
  - Tree Report and Constraints Advice;
  - Ecological Impact Assessment (and Addendum);
  - Utilities Report;
  - Energy Statement; and
  - Statement of Community Involvement.

## 5.0 CONSULTATION RESPONSES

- |      |  |   |
|------|--|---|
| 5.1  | County Highway Authority                           | No objections.  |
| 5.2  | Environmental Services                             | No objections.  |
| 5.3  | Surrey Wildlife Trust                              | No objections.  |
| 5.4  | Natural England                                    | No objections.  |
| 5.5  | Archaeological Officer                             | No objections.  |
| 5.6  | Arboricultural Officer                             | No objections.  |
| 5.7  | Surrey County Council (Local Lead Flood Authority) | No objections.  |
| 5.8  | Drainage Engineer                                  | No objections.  |
| 5.9  | Urban Design Officer                               | No objections.  |
| 5.10 | West End Parish Council                            | An objection is raised on the grounds that the density of the development is out of character with the village; local infrastructure is not capable of sustaining the development; inadequate parking provision for visitors; and, is premature with no wildlife, traffic or contaminated land surveys provided. The future upkeep of the unadopted road (Kings Road) has not been considered, with local residents concerned about the financial implications of the collective upkeep of the unmade road. |

## 6.0 REPRESENTATION

At the time of preparation of this report, 34 representations, including one from the West End Action Group, raising an objection had been received which raise the following issues:

### 6.1 Principle

- This is a housing reserve site and it has been determined by the Council in previous applications that such sites can only be determined following a review of the Local Plan. This has not happened and application should be rejected [See *Paragraph 7.4 below*];
- The appeal decision SU/14/0532 should not be seen as a precedent for the release of such land [See *Paragraph 7.4 below*];

- Combined impact with other nearby proposals [*Officer comment: Each application is to be determined on their own merits*];
- The site is on safeguarded land [see *Paragraph 7.4*];
- The West End reserve sites should not be used to fill the Borough five year supply [see *Paragraph 7.4*];
- 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 7.4*];
- No sign of by-pass [*Officer comment: The bypass proposal has been deleted*];
- The site is unsustainable having a Minus 15 rating in the Site Allocations work (SA/SEA Interim Report 2013) [See *Paragraph 7.4*];
- Non-conformity with NPPF policy on sustainable development [see *Paragraph 7.4*];
- Site should be returned to Green Belt [*Officer comment: This can only be undertaken through a Green Belt boundary review*];
- Restraint on development in order to protect the intrinsic character of the countryside [See *Paragraph 7.4*];
- The proposal should follow the Windlesham decision [See *Paragraph 7.4*];
- The principle for sustainable development in the NPPF does not apply [See *Paragraph 7.4*];
- The site is so rural that it falls outside of the West End Village Design Statement [*Officer comment: The site falls outside of the scope of the West End Village Design Statement 2016, but other locations outside of the settlement are within its scope. Please also see Paragraph 7.5*].

## 6.2 Character and Green Belt reasons

- Layout is cramped and unimaginative [see *Paragraph 7.5*];
- Impact on the character of the village and countryside [see *Paragraph 7.5*];
- Impact on character of open space and fields [see *Paragraph 7.5*];
- Merging of settlements (Bisley and West End) [see *Paragraph 7.5*];
- Loss of trees and woodland [see *Paragraph 7.5*];
- Overdevelopment of the site [see *Paragraph 7.5*];
- Incongruous [see *Paragraph 7.5*];

- Small front garden depth would be out of keeping [see *Paragraph 7.5*];
- Loss of open space and fields [see *Paragraph 7.5*];
- Density of development much greater than adopted West End Village Design Statement indicates. The density of nearby (reserve) sites should not be used as a precedent [see *Paragraph 7.5*];
- A lack of a meaningful relationship between the development and its immediate surroundings [see *Paragraph 7.5*];
- Impact on local character/streetscene [see *Paragraph 7.5*].

### 6.3 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [see *Paragraph 7.6*]
- Increased air and noise pollution [see *Paragraph 7.6*]
- Increased light pollution [see *Paragraph 7.6*]
- Loss of sunlight [see *Paragraph 7.6*]
- Overbearing impact on, and loss of privacy and visual amenity to, adjoining residential properties [see *Paragraph 7.6*].

### 6.4 Highway and transportation matters

- Impact on road infrastructure from increased traffic [see *Paragraph 7.7*];
- Increased traffic resulting in traffic congestion and increased risk of accident, including with pedestrians on Kings Road, at local road junctions and wider road network [see *Paragraph 7.7*];
- Insufficient provision for refuse vehicles [see *Paragraph 7.7*];
- Highway (Kings Road) should be made up to (adoptable) highway standards [see *Paragraph 7.7*];
- Highway (Kings Road) should be improved at the developer's expense [*Officer comment: This is not a planning matter*];
- Unsuitable access [see *Paragraph 7.7*];
- Poor condition of Kings Road [see *Paragraph 7.7*];
- Bus services less than indicated in statement [see *Paragraph 7.7*];
- Impact on highway network during construction [*Officer comment: If minded to approve, details of a method of construction would consider this issue*].

### 6.5 Other matters

- Impact on the SPA [see *Paragraph 7.8*];

- Impact on wildlife and their habitats – bats, birds (including red kites, buzzards, sparrows, goldfinches, greenfinches, kingfishers, woodpeckers and sparrowhawks), hedgehogs, grass snakes, deer, owls and frogs. [see *Paragraph 7.8*];
- Lack of SANG development in West End. People will not travel to Chobham SANG. The combination of the housing reserve development sites should require the provision of a SANG in West End [see *Paragraph 7.8*];
- A sensitive lighting scheme is likely to be required for ecological reasons [see *Paragraph 7.8*];
- The proposal fails the appropriate assessment under the Bird Directive, with no binding commitment to pay the required SAMM contribution [see *Paragraph 7.8*];
- Impact on drainage (including local ditches/Bourne stream, dirty water/run-off) and flooding [see *Paragraph 7.9*];
- Impact on the flood risk and the floodplain (Zone 2 – medium risk) [see *Paragraph 7.9*];
- Impact on local infrastructure (school places, doctors) which is unsustainable [see *Paragraph 7.10*];
- The lack of a legal agreement to provide affordable housing [see *Paragraph 7.11*];
- Impact on Brentmoor SSSI/SPA [*Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. See also Paragraph 7.8*];
- Impact on local services (sewage system, water and electricity) and liability for their cost [*Officer comment: This is not a material planning matter*];
- Impact on property value [*Officer comment: This is not a relevant planning matter*];
- Land contamination [see *Paragraph 7.9*]; and
- Applicant should be bound to invest in community or infrastructure initiatives in order to secure support from residents [see *Paragraph 7.10*].

At the time of preparation of this report, 7 representations in support had been received making the following comments:

- 6.6
- Proposal will deliver high quality new homes, including 40% much-needed affordable homes to help young people get onto the property ladder; and
  - Need provision of rented properties of social housing.

## 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).
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, 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; and the West End Village Design Statement 2016 (VDS) 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 2016-2021 (September 2016).
- 7.3 The main issues and considerations:
- The principle for the development;
  - Impact on local character and trees;
  - Impact on residential amenity;
  - Impact on highway safety;
  - Impact on ecology and the Thames Basin Heaths Special Protection Area;
  - Impact on land contamination, drainage and flood risk;
  - Impact on local infrastructure and financial considerations;
  - Impact on affordable housing provision and housing mix;
  - Impact on archaeology; and
  - Open space provision.

#### **7.4 Principle of development**

- 7.4.1 Policy CP1 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. 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. As such, it is clear that the local spatial strategy would not support the release of the application site for housing.
- 7.4.2 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental; and within its series of core principles includes the proactive delivery of housing, by providing a rolling five year supply of housing (plus buffer). The economic and social benefits of the

proposal have to be weighed against any environmental harm caused by the proposal. The NPPF also has within its core principles the need to recognise the intrinsic character and beauty of the countryside. However, in the balancing of these and other core principles, the need for housing is a very strong material consideration in favour of housing development, particularly where a five year supply (plus buffer) of housing cannot be demonstrated. The conclusions in paragraph 7.9 of this report regarding the acceptable impact of the proposal on the SPA would indicate that the proposal would be regarded as sustainable development and Paragraph 119 of the NPPF and Footnote 9 are not engaged.

- 7.4.3 The HLSP 2016-2021 confirms that the Borough cannot demonstrate that a five year supply of housing (plus buffer) can be currently provided for the Borough, and this position has not changed since its publication in September 2016. The application site forms a part of a housing reserve site, under Policy H8 of the Surrey Heath Local Plan 2000 (as saved), demonstrating its acceptability for release for housing at some stage.
- 7.4.4 Whilst a different conclusion has occurred for the Heathpark Wood Windlesham housing reserve site (March 2016 refusal SU/15/0590 now subject to appeal), the circumstances for the current proposal are significantly different with a number of housing releases already on the West End housing reserve site. Following the appeal decision for SU/14/0532 (Land south of 24-46 Kings Road and 6 & 9 Rose Meadow), and other decisions under SU/16/0323 (Land north of Beldam Bridge Road), SU/14/0451 (Land south of Beldam Bridge Road) and SU/15/0594 (Land north and east of Malthouse Farm, Benner Lane), all of which fall within the same West End housing reserve site, the principle for the current proposal is considered to be acceptable, subject to the following assessment.

## **7.5 Impact on local character and trees**

- 7.5.1 Policy DM9 of the CSDMP indicates that development should respect and enhance the local natural or historic character of the environment and provide high quality design layouts which maximise the opportunities for linkages to the surrounding area and local services. Paragraph 56 of the NPPF indicates that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 of the NPPF indicates that it is important to plan positively for the achievement of high quality and inclusive design for all development.
- 7.5.2 The residential development part of the application site falls outside of the character areas within the West End Village Design Statement SPD 2016 (VDS), but the access road falls within Character Area 3 of the VDS. The VDS indicates that this Character Area has an open and rural feel with larger rear gardens and vegetation between properties. The proposed access road would have very little impact, in itself, on this Character Area and the relationship of the proposed development with this adjoining Character Area is addressed below (Paragraphs 7.5.5 to 7.5.10). The application site is fairly well contained with views into the site from the south (i.e. the Green Belt) by the heavy tree and vegetative screen and topography.
- 7.5.3 The proposal would provide a cul-de-sac form of development, providing two smaller road branches with a connecting footpath link and would have one sole

principal access from Kings Road. Whilst the applicant has no control of land to the west and east of the site, which form a part of the wider West End housing reserve site, scope for connections to these sites would be provided. The proposed development would be located on land set back from, lower than, and behind the residential properties on, Kings Road. Views of the proposed development from Kings Road, and any other public vantage point, would be fairly limited.

- 7.5.4 The current proposal would extend the built edge of the settlement of West End towards the settlement of Bisley. The nearest edge of Bisley is 355 metres from the application site. However, the proposal would not result in a significant reduction in the minimum gap between these settlements and, noting the Green Belt status of land in between; the proposed open space to the south edge to the site; the housing reserve status of the application site; and, the limited views across this gap, this proposal in the officer's opinion would therefore not result in the coalescence of the settlements.
- 7.5.5 The application proposal has been the subject of a Design Review process in liaison with the Council's Urban Design Officer and, following the receipt of the comments of the Design Review Panel, has been the subject of amendments. The main conclusions of the panel and how those issues have been addressed follow and the Council's Urban Design Officer is satisfied that the scheme has addressed the comments of the Design Review Panel and will deliver a high quality housing scheme.

#### The design response to the wider context

- 7.5.6 The Design Review Panel considered that, for the original scheme, there was scope to improve access to the stream and onto the wider countryside and the rationalisation of green space could improve opportunities to provide more usable amenity space for residents. The Panel considered that opportunities for improved connectivity should be explored including the provision of future connections to the west and east of the site (to other parts of the housing reserve site). Concern was raised about the proposed access to the site, and the wider access from Kings Road, which could be relieved, in the future, by connecting to other parts of the housing reserve site.
- 7.5.7 The proposal has been amended to indicate potential future links to the sites to either flank, including a potential pedestrian link from the access road into the adjoining site to the east (land south of 20-24 Kings Road) to improve connectivity. The south boundary of the site is the limit of land ownership for the applicant and, as such, no access to The Bourne further south could be achieved. The land in between is wooded and would provide, with the proposed open space, a green backdrop to the southern portion of the site.

#### The layout and public realm

- 7.5.8 The Design Review Panel did not object to the general layout but considered that more could be made of the open space at the southern part of the site and, the purpose of green space, further north and closer to the site entrance be better rationalised and used to provide a harder, more urban square. The Panel considered that although there are a large number of trees on the site, these trees

are predominantly not of good quality but some could be retained to help structure the layout. The Panel was of the view that the overall layout needed to be reinforced to provide a stronger north to south link and improve links between the housing to the north part of the site and the open space to the south. The development also needed to provide a more positive relationship to the east boundary, where currently a close boarded fence is proposed, and provide porous surfacing to improve surface water drainage.

- 7.5.9 The design philosophy has been strengthened by a clearer definition of spaces within the site; including the green heart (as an entry point for the development and providing a focal point for the development); the mews to the north west corner of the site; and, the lower density of housing to the south and east sides of the site. The proposal has been amended to introduce a north-south pedestrian link to improve pedestrian access to the open space to the south boundary of the site and the provision of the open space to the south boundary softens the appearance of the site from the Green Belt to the south. The clearer definition of space and the improvements provided considerably improve the layout and connectivity within the site (and future connectivity outside of the site).
- 7.5.10 It is considered that the green heart closer to the site entrance would provide a soft landscaped entrance to the site, which would be used as an informal sitting-out area. The Urban Design Officer considers that this would provide an arrival point and would improve the distinctiveness of the development. The retention of groups of the plantation trees would not be practical where they have been formed in a much wider group and would appear misshapen if only retained in smaller groups. The quality of the majority of these trees, as former nursery stock, is also very poor. Only the best specimens, which are predominantly located close to the site boundaries, would be retained, and replacement planting proposed with structured soft landscaping using more appropriate species, taking into account the strong emphasis of the north to south lines of nursery trees on the site. The fence on the east boundary with the adjoining site to the east (land south of 20-24 Kings Road) is not owned or controlled by the applicant and therefore its removal cannot be enforced. However, soft landscaping including small tree groups in the shared spaces would be able to provide some softening of this edge. Whilst, the amendments include the introduction of some porous material, the drainage requirements would be considered as a part of the landscaping and surface water drainage details to be required by condition.

#### The built form and materials

- 7.5.11 The Design Review Panel considered that, architecturally, more could be undertaken to provide a distinct character. The site is visually isolated allowing a detailed design response that is not reliant upon cues from the immediate built environment. The applicant was encouraged to differentiate this scheme from local housing stock by exploring opportunities for providing a contemporary response and lowering energy usage. The original approach was over-complex and the Panel was of the opinion that a simpler range of materials and forms would help generate a more cohesive character. Furthermore, the Panel considered the necessity to demonstrate that the building heights respond to the topography of the site, with the flats provided close to the open space to allow the residents to take advantage of this amenity space.

7.5.12 The proposal has been amended to indicate a narrower palette of materials (principally brick and boarding – deleting a range of brick and render finishes) and has simplified the design to provide traditional, gable roofed dwellings with a contemporary design. This includes larger windows (than would traditionally be provided for residential properties) which improve solar gain, bay and box windows with fenestration improvements to key vista buildings. This is considered to be an acceptable approach. The use of boarding helps to provide a more rural/agricultural feel to the development, which is considered to be appropriate for its settlement edge location. The flats are provided to the west side of the development, but with adequate garden sizes provided and the additional pedestrian link, the occupiers of these properties would have access to an acceptable level of amenity space. The two storey form of the development is considered to reflect the general character of the adjoining settlement, and provide an appropriate design response to the application site. In the officer's opinion, the revised proposal would achieve a distinctive character.

### Conclusion

7.5.13 The current proposal would provide a form of development which helps reinforce the characteristics of the neighbouring settlement edge, and through the Design Review process genuine improvements have been provided. A balance has been struck between the more urban approach suggested by the Design Review Panel and the edge of settlement setting, and nature of the adjoining Character Area as set out in the VDS, with the use of materials and the provision of a green heart providing a focal point and a real sense of place for the development and to help reflect its edge of settlement location. It is considered that the proposal would not only integrate into its village context but also genuinely enhance the character and quality of the local area.

7.5.14 The proposed development is acceptable in terms of its impact on local character and trees complying with Policy DM9 of the CSDMP and the NPPF.

## **7.6 Impact on residential amenity**

7.6.1 Policy DM9 of the CSDMP indicates that development should provide sufficient private and public amenity space and respect the amenities of the occupiers of neighbouring properties and uses. The proposal would provide dwellings with rear gardens abutting the north boundary of the site with a minimum separation distance of 9.5 metres to the rear boundaries and 22.5 metres to the main rear walls to the properties fronting Kings Road (4-14 Kings Road).

7.6.2 The proposal would also provide rear gardens abutting the west boundary of the site with a minimum separation distance of 10 metres to the rear boundaries and 39 metres to the main rear walls to the properties fronting Guildford Road (149-159 Guildford Road). The side wall of the corner units (Plot 26-27) would, at 6.5 metres, fall closer to the west boundary of the site, with a separation distance of 30 metres to the main rear wall of 151 Guildford Road. Noting the two storey form of the development, these levels of separation are considered to be acceptable.

7.6.3 With rear garden depths predominantly around 10-12 metres, each unit would be provided with a sufficient level of private amenity space considered appropriate for

the size of the units.

- 7.6.4 The proposal would provide a form of development, including an access road, which would increase the level of noise in the local area, from the proposed use and traffic movements generated by the proposal. However, the level of increase is not considered to have any significant impact on residential amenity.
- 7.6.5 As such, no objections are raised on residential amenity grounds, with the proposal complying with Policy DM9 of the CSDMP.

## **7.7 Impact on highway safety**

- 7.7.1 The proposal would provide an access onto Kings Road, which is an un-adopted road, which for much of its length is in poor condition. Due to its closer proximity to the application site, the principal access to the site would be to the west access point on Kings Road, on the Guildford Road junction. The traffic assessment provided with the application has assessed the individual impact of the development, and the cumulative impact with nearby (housing reserve site) developments. It has concluded that the principal access onto the adopted highway network (Kings Road/Guildford Road junction) would operate within capacity and the proposal would not significantly add to the traffic on the wider highway network. The assessment also noted the sustainable location in close proximity to the A322 Guildford Road and the local bus routes and facilities.
- 7.7.2 The County Highway Authority has raised no objections to the proposal, on the basis of the provision of the best available visibility to this road junction within the scope of the road network with the principal access to the site would be from the west access point of Kings Road, and less likely to be from the east access with Beldam Bridge Road so reducing the conflict with the other housing reserve sites. Noting the size of the development, and likely traffic generation, it is not considered that the cumulative impact of this development along with other nearby sites would have an adverse impact on highway safety.
- 7.7.3 The proposed parking provision of 75 spaces for the development would meet the parking standard. As such, there are no objections to the proposal on highway safety and parking capacity grounds, with the proposal complying with Policies CP11 and DM11 of the CSDMP.

## **7.8 Impact on ecology and the Thames Basin Heaths Special Protection Area**

- 7.8.1 The current proposal has been supported by an ecological assessment which has concluded that there is no evidence of protected species on the site. Whilst there was no evidence of bats roosts identified, it was acknowledged that the site is used for foraging and commuting by bats and that the proposal would result in the loss of woodland habitat. As such, off-site compensatory works are required for this proposal. This includes woodland enhancement at a wooded site at Church Lane, Bisley. This approach has been supported by the Surrey Wildlife Trust, subject to the completion of a legal agreement to secure this long term provision. As such, there are no objections to the proposal on ecology grounds, with the proposal complying with Policy CP14 of the CSDMP.
- 7.8.2 The application site falls about 0.65 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the SEP 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.

- 7.8.3 As indicated in paragraph 7.11 below, the CIL charging schedule incorporates SANGS funding, for residential development of 100 dwellings or less. The SPD confirms that SANG development would be required for sites of over 100 dwellings, or where the proposal forms a part of a wider site. On the basis of the different ownerships across the housing reserve site, and the smaller proportion of 35 dwellings proposed on the application site, it is considered prudent, in the same manner as the other developments within the housing reserve site, to require a contribution towards the Chobham SANG through the CIL process.
- 7.8.4 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 of £20,369 is required. This contribution is required under a legal agreement.
- 7.8.5 On the basis of a completed legal agreement, the current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the CSDMP, Policy NRM6 of the SEP and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

## **7.9 Impact on land contamination, drainage and flood risk**

- 7.9.1 The application site relates to former nursery land, where the applicant's report has concluded that there is no contamination on the site, but a further assessment of ground gas would be required. The Council's Environmental Services team have concluded to raise no objections, subject to the provision of such a report (by condition).
- 7.9.2 The proposal has been supported by a surface water drainage strategy. The LLFA have raised no objections to the proposal on these grounds, subject to conditions. The south edge of the application site falls within flood Zone 2 (medium risk). None of the houses would fall within this Zone and the FRA provided for this proposal concludes that the proposal would not adversely affect flood risk. As such, there are no objections to the proposal on drainage and flood risk grounds, with the proposal complying with Policy DM10 of the CSDMP.

## **7.10 Impact on local infrastructure and financial considerations**

- 7.10.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments

where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable and the final figure would need to be agreed following the submission of the necessary forms. For example, the applicant is claiming part exemption due to the provision of affordable housing and at the time of writing the final amount of social housing relief is unknown. However, on the basis of the information submitted to date the amount of CIL payable is likely to be in the region of £400,000. Informatives would be added to the decision advising the applicant of the CIL requirements.

- 7.10.2 The CIL scheme provides for funding for SANG; open space; local transport projects and pedestrian safety improvements; play areas and equipped play space; indoor sports and leisure facilities; community facilities; waste and recycling; strategic transport projects; and flood defence and drainage improvements.
- 7.10.3 The CIL scheme does not provide for education. The Council has previously considered any request for contributions towards education under Paragraph 204 of the NPPF and the PPG. The comments of the Education Authority are awaited but the experience of recent appeal decisions for other parts of the West End reserve site (SU/14/0532 and SU/15/0594) indicate that the justification previously put forward by the Education Authority was not sufficiently justified enough, individually or cumulatively, to meet the tests set out in the NPPF and PPG.
- 7.10.4 Any development proposal for new residential development attracting New Homes Bonus payments as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) is a local financial consideration which must be taken into account, as far as they are material to an application, in reaching a decision. Whilst the implementation and completion of the development, if it were approved, would result in a local financial benefit, for reasons as already outlined it has been concluded that this proposal does not accord with the Development Plan as it would give rise to significant harm.

## **7.11 Impact on affordable housing provision and housing mix**

- 7.11.1 Policy CP5 of the CSDMP requires the on-site provision of 40% of dwellings (14 units) provided as affordable housing. Policy CP6 of the CSDMP also requires the Council to promote a range of housing types which reflect the need for market and affordable housing. The current proposal would provide 14 affordable housing units, secured through a legal agreement and provide a range of housing sizes, which will contribute towards the mix of new housing provided across the Borough. As such and subject to the completion of a legal agreement to secure the provision of the affordable units, no objections are raised on these grounds, with the proposal complying with Policies CP5 and CP6 of the CSDMP.

## **7.12 Impact on archaeology**

- 7.12.1 The current proposal has been supported by a desk top archaeological study as required under Policy DM17 of the CSDMP, which concludes that there is unlikely to be any significant archaeological remains due to the site history, including its former use as a nursery. The Surrey County Council Archaeological Unit raise no objections on archaeological grounds, subject to condition, with the proposal complying with Policy DM17 of the CSDMP.

### **7.13 Open space provision**

- 7.13.1 The proposal incorporates a play area as part of a wider open space of about 1,300 square metres, to the south west corner of the application site. The play area to be provided would be about 100 square metres which would provide adequate facilities to comply with Policy DM16 of the CSDMP, subject to the detail being agreed and provided condition. Under these circumstances, no objections are raised to the proposal, with the proposal complying with Policy DM16 of the CSDMP.

## **8.0 CONCLUSION**

- 8.1 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. In relation to the provision of off-site ecological compensation measures and affordable housing, and a contribution towards SAMM, a legal agreement is required and with this provision, no objections are raised on these grounds.
- 8.2 The proposal has been the subject of a Design Review process with significant benefits to local character provided from this development. The proposal would integrate well with its surroundings, noting its edge of settlement location and the setback of development from Kings Road and improve the character and quality of the area. As such, the application is recommended for approval, subject to the completion of a legal agreement.

## **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.

## **10.0 RECOMMENDATION**

GRANT subject to a receipt of a satisfactory legal agreement to secure off-site ecological compensatory measures, affordable housing provision and SAMM by 14 February 2017 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. The proposed development shall be built in accordance with the following approved plans: M-001 Rev. I, M-004 Rev. B, M-005 Rev. B, M-010 Rev. B, HT-01-2H6 Rev. C, HT-02-2H6 Rev. D, HT-02-2H7 Rev. B, HT-03-3H7b Rev. C, HT-03H7b PLAN, HT-06-3H7b Rev. C, HT-07-3H7b Rev. C, HT-08-3H10b Rev. C, HT-09-3H10b Rev. C, HT-10-3H10b Rev. C, HT-11-3H10b Rev. C, HT-3H10.4b, HT-12-3H12b Rev. C, HT-13-4H1 Rev. C, HT-14-4H1b Rev. C, HT-15-4H2f Rev. D, HT-16-4H2f Rev. D, HT-17-4H2f Rev. C, HT-18-4H2bf Rev. D, HT-19-4H2bf Rev. D, HT-20-4H2bf Rev. D, HT-21-4H2bf Rev. D, HT-22-4H2bf Rev. C, HT-23-1BF Rev. D, HT-24-1BF Rev. D, HT-25-1BF.1 Rev. C, HT-26-1BF Rev. C, and HT-27-S2F2 Rev. B, unless the prior written approval has been obtained from the Local Planning Authority.

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

3. No development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out using only the agreed materials.

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

4. 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, street furniture and bollards, public art, 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**
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 20 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 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 roads, private drives, 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. The garaging and parking spaces shown on the approved plan shall be made available for use prior to the first occupation of the development and shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure the provision of on-site parking accommodation and to accord with Policies CP11 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 and the National Planning Policy Framework.

8. No construction of the development hereby approved shall be commenced prior to the submission of a ground gas report (including a mitigation strategy) has been submitted to and approved by the Local Planning Authority. the approved development shall be implemented in accordance with the approved details.

Reason: In the interest of pollution control and to comply with the National Planning Policy Framework.

9. Prior to the implementation of the development hereby approved, details of the finalised drainage layout of the site including the carrier pipes and SuDS features and supporting microdrainage calculations, proposed flow controls including orifice controls of small diameters, flow control devices, lang and cross sections of each SuDS element and details of their proposed maintenance regimes for each of the SuDS elements shall be submitted to and approved by the Local Planning Authority.

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

10. Prior to the implementation of the development hereby approved, details of how the sustainable drainage system will cater for system failure or exceedence events, both on and off site, shall be submitted to and approved by the Local Planning Authority. The approved development shall be implemented in accordance with these approved details.

Reason To ensure that the proposal has fully considered system failure and to comply with Policy DM10 of the Surrey Heath Core Strategy and development Management Policies 2012.

11. Prior to the occupation of the approved development, a verification report carried out by a suitably qualified engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the sustainable drainage system has been constructed in accordance with the approved scheme.

Reason: To ensure that the sustainable drainage system has been constructed in accordance with Condition 12 above and to comply with Policy DM10 of the Surrey Heath Core Strategy and Development

Management Policies 2012.

12. Details of a high friction surfacing on the southbound A322 Guildford Road approach to Kings Road (to be extended to provide a minimum anti-skid length of at least 50 metres from the north edge of this junction) shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the approved development.

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

13. Details of visibility splays from Kings Road at the A322 Guildford Road junction shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the approved development.

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

14. 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) method of keeping the highway clean during site clearance and construction phases
- (g) hours of construction
- (h) confirmation that there will be no on-site burning of material

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 or have an adverse impact on residential amenity 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.

15. Details of the play area equipment and boundary treatment for the play area

shown on the approved drawings shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the approved development.

Reason: To support the provision of informal recreation space within the development and to comply with Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012.

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 Planning Authority.

Reason: In the interests of archaeology and to accord with the National Planning Policy Framework.

#### Informative(s)

1. CIL Liable CIL1
2. The applicant is advised of the requirements of the Section 106 legal agreement attached to this permission.
3. Party Walls (etc) Act 1996 DE3

**In the event that a satisfactory legal agreement has not been received by the 14 February 2017 to secure ecological compensatory measures, affordable housing provision and a contribution towards SAMM the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-**

1. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or payment of the SAMM payment in advance of the determination of the application, 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 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).
2. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, to secure affordable housing provision, the applicant has failed to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.
3. In the absence of the a completed legal agreement under section 106 of the Town and Country Planning Act 1990, to off-site ecological compensatory measures, the

applicant has failed to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.