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To: The Members of the **Planning Applications Committee**  
(Councillors: Edward Hawkins (Chairman), Victoria Wheeler (Vice Chairman),  
Graham Alleway, Peter Barnett, Cliff Betton, Stuart Black, Mark Gordon, David Lewis,  
David Mansfield, Charlotte Morley, Robin Perry, Darryl Ratiram, Graham Tapper,  
Helen Whitcroft and Valerie White)

**In accordance with the Substitute Protocol at Part 4 of the Constitution,  
Members who are unable to attend this meeting should give their apologies and  
arrange for one of the appointed substitutes, as listed below, to attend.  
Members should also inform their group leader of the arrangements made.**

Substitutes: Councillors Dan Adams, Paul Deach, Sharon Galliford, Shaun Garrett,  
Emma-Jane McGrath, Morgan Rise, John Skipper and Pat Tedder

#### Site Visits

**Members of the Planning Applications Committee and Local Ward Members may  
make a request for a site visit. Requests in writing, explaining the reason for the  
request, must be made to the Development Manager and copied to the Head of  
Planning and the Democratic Services Officer by 4pm on the Thursday  
preceding the Planning Applications Committee meeting.**

Dear Councillor,

A meeting of the **Planning Applications Committee** will be held at Council Chamber,  
Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Thursday, 10 February 2022  
at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

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#### AGENDA

**1 Apologies for Absence**

**Pages**

**2 Minutes of Previous Meeting**

To approve as a correct record the minutes of the meeting of the Planning

Applications Committee held on 20 January 2022. (Minutes to Follow)

### **3 Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

### **Human Rights Statement**

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. All planning applications are assessed to make sure that the subsequent determination of the development proposal is compatible with the Act. If there is a potential conflict, this will be highlighted in the report on the relevant item.

### **Planning Applications**

<b>4</b>	<b>Application Number: 20/0318 - Heathpark Wood, East Of Heathpark Drive, Windlesham, Surrey *</b>	<b>3 - 108</b>
<b>5</b>	<b>Application Number: 20/1070 - St Margarets Cottage And The Ferns, Woodlands Lane, Windlesham, Surrey, GU20 6AS *</b>	<b>109 - 162</b>
<b>6</b>	<b>Application Number: 20/0777 - Burnside Nursery, Philpot Lane, Chobham, Woking, Surrey, GU24 8HE</b>	<b>163 - 204</b>
<b>7</b>	<b>Application Number: 21/1302 - 39 Commonfields West End Woking Surrey GU24 9JA</b>	<b>205 - 222</b>

**\* indicates that the application met the criteria for public speaking**

- LOCATION:** Heathpark Wood, East Of Heathpark Drive, Windlesham, Surrey,  
,
- PROPOSAL:** Reserved matters application for 116 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions 5 (drainage strategy), 7 (greenfield runoff rates), 9 (programme of archaeological work), 15 (surface materials), 16 (visibility zones), 18 (travel plan), 19 (finished floor levels), 20 (tree reports), 21 (external lighting), 22 (badger method statement), 23 (landscape and ecological management), 25 (SANG management plan), 26 (bat survey), 27 (dormice survey), 28 (cycle and refuse storage areas), 29 (vehicle and cycle parking provisions) and 32 (sound attenuation) all pursuant to outline planning permission 15/0590 allowed on appeal dated 26 July 2017.
- TYPE:** Reserved Matters
- APPLICANT:** Mrs Laura Jackson
- OFFICER:** Mrs Sarita Bishop

This application is being reported to the Planning Applications committee as it is a major development i.e. more than 10 dwellings.

**RECOMMENDATION: GRANT subject to conditions and a legal agreement (refuse details for condition 23)**

**1.0 SUMMARY**

- 1.1 In July 2017 outline planning permission, with means of access being considered, was granted on appeal for up to 140 dwellings. This established the principle of the level of development which would be acceptable for this site and imposed conditions relating which needed to be complied with prior to the commencement or occupation of development i.e. the reserved matters and associated conditions.
- 1.2 This application relates to the outstanding reserved matters of appearance, landscaping, layout and scale of built development and the provision of a Site of Alternative Natural Greenspace (SANG) opposite the site on land to the south of Woodlands Road. The area of the site where housing is approved is part of a housing reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000. The remainder of the application site outside of the housing reserve area, where no buildings are proposed, is within the Green Belt.
- 1.2 The application also includes details to comply with a number of conditions imposed on the outline permission as amended, as detailed below:
- 5 (drainage strategy),
  - 7 (greenfield runoff rates),

- 9 (programme of archaeological work),
- 15 (surface materials)
- 16 (visibility zones),
- 18 (travel plan),
- 19 (finished floor levels)
- 20 (tree reports)
- 21 (external lighting)
- 22 (badger method statement)
- 23 (landscape and ecological management)
- 25 (SANG management plan)
- 26 (bat survey)
- 27 (dormice survey)
- 28 (cycle and refuse storage areas)
- 29 (vehicle and cycle parking provisions) and
- 32 (sound attenuation)

1.3 The application is considered to be acceptable in terms of appearance, landscaping, layout and scale in relation to the impact on Green Belt, local character, trees, residential amenity, parking and access, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, affordable housing and housing mix. A Section 106 agreement is required to secure the maintenance and management of the ecological mitigation and retained woodlands and the public open space within the development in perpetuity. The surveys in the Landscape and Ecological Management Plan are out of date for the purposes of condition 23 and are recommended for refusal. Subject to this and the completion of this agreement and the imposition of conditions relevant to this reserved matters application, no objections are raised to the proposal.

## **2.0 SITE DESCRIPTION**

2.1 The site extends to 20.13 hectares in total and is located to the east of Windlesham, outside but adjacent to the settlement boundary, to the north and south of Woodlands Lane. The northern part of the site extends to 10.75 ha and is adjacent to Heathpark Drive to the west, Chertsey Road to the north and Woodlands Lane to the south. It borders open land to the east and the curtilage of some residential properties with the M3 beyond including St Margaret's Cottage (please see relevant history below). This part of the site comprises coniferous plantation woodland with semi-natural woodland along some edges. Approximately 7.8ha of this land immediately north of Woodlands Lane falls within the housing reserve site as identified by the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and saved Policy H8 of the Surrey Heath Local Plan 2000. This land is subject to Tree Preservation Order 01/20.

2.2 The southern part of the site extends to 9.38ha and is open greenfield land, split into two by Scutley Lane. It borders Woodlands Lane to the north-east and the M3 motorway along the southern boundary. The western boundary borders the curtilage of residential properties and some open land.

## **3.0 RELEVANT HISTORY**

3.1 The part of the site that is identified as a Housing Reserve site was originally identified as such in the Surrey Heath Local Plan 1985, which was then carried over to the 1994 plan. It then formed part of the 'Land east of Heathpark Drive' Housing Reserve site identified by Policy H8 in the Local Plan 2000, which has been saved.

3.2 15/0590 Outline planning permission for the erection up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG). (Means of access being considered, shown on the north side of Woodlands Lane). This was



allowed on appeal on 26 July 2017. *A copy of this decision is attached as Annex A.*

This permission was subject to a section 106 agreement and a section 106 unilateral undertaking. The section 106 agreement secured the provision of SANG, the payment of Strategic Access Management and Maintenance (SAMM) contributions and that 40% of the dwellings within the proposed development would be affordable. The section 106 unilateral undertaking secured funding for education. However the Inspector was of the view that the provisions relating to early years and secondary education contributions did not satisfy the tests of the National Planning Policy Framework nor the Community Infrastructure Levy Regulations. In his view Surrey County Council had failed to demonstrate that the early years contribution would be directly related to the proposed development and the secondary education contributions were necessary to make the development acceptable in planning terms.

3.3 Although not on the application site, the following application adjoins the site to the east and is part of the remaining Housing Reserve site

20/1070/FFU	Erection of 34 dwellings (10 one bedroom, 6 two bedroom, 12 three bedroom and 6 four bedroom) with associated parking, access and landscaping following demolition of existing dwellings at St Margarets Cottage and The Ferns (formerly Kiltubride) Woodlands Lane. This application is elsewhere on this agenda.
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#### **4.0 THE PROPOSAL**

4.1 This application seeks reserved matters approval for

- 116 dwellings comprising a mix of types sizes and tenures (including 40% affordable housing)
- A new community building;
- Provision of open space and on site play facilities within the residential area;
- Provision of SANG;
- Retention of ecological mitigation area including badger setts;.

4.2 As originally submitted the proposal was for 120 dwellings. However to address the issues raised by Design South East and the Council's Urban Design Consultant the scheme was amended as follows:

- Reduction in units from 120 to 116;
- Replacement of the two apartment buildings with two terraces;
- Minor changes to the road layout and positioning of dwellings to provide an emergency loop through the site and incorporate the green woodland nodes/fingers;
- Minor changes to the open space to make it more functional of different age groups (location of open space being unchanged);
- Some changes to elevational detailing to dwellings and the community building;
- The footpath within the SANG repositioned slightly to accommodate the proposed 4m bund adjacent to the M3 motorway.

- 4.3 The site has two different component parts. The land to the north of Woodlands Road comprises the residential and community buildings with the land to the south of Woodlands Lane providing the SANG. These reflect the principles established by the outline approval.
- 4.4 In general terms the residential scheme proposes a combination of two storey detached, semi-detached, terraced and flatted family dwellings set in a semi woodland setting. The proposed housing tenure mix as set out below:

Bedrooms	Tenure	Number of units
2 bed	Private	24
2 bed	Affordable Rent	15
2 bed	Shared Ownership	15
3 bed	Private	38
3 bed	Affordable Rent	8
3 bed	Shared Ownership	8
4 bed	Private	8
Totals	Units	116
	Private	70 (60%)
	Affordable Rent	23 (20%)
	Shared Ownership	23 (20%)

- 4.5 Two character areas are proposed, namely the Woodland Edges which bounds the woodland areas to be retained and the Windlesham Heart which is largely located on the eastern side of the site.
- 4.6 The Woodland Edge area is characterised by deep front gardens with grass or low-planted frontages, located off the main access road, the two storey houses are mainly detached or semi-detached with greater spacing between buildings. The proposed houses are predominantly finished in brick (red multi) with tiled roofs (grey finish) with horizontal boarding/cladding and simple fenestration.
- 4.7 The community building is located within the Woodland Edge area. It is located at the entrance to the site. The building has been amended from the original submission primarily to remove the amount of glazing in the building to give it a more rural feel. It comprises two wings connected by a single storey flat roofed glazed link and has a floor area of 190 square metres. Each wing has a barn style design with half hipped roofs. The building is proposed to be finished in black Cedral boarding with a red multi brick and dark grey tile roof. Cycle and bin storage are also incorporated into the building.
- 4.8 The Windlesham Heart area is characterised by a tree lined main street with footpath and tree lined verges, detached, semi-detached and terraced houses with flats above garages, having continuous frontages onto the road, spacing between dwellings and smaller front gardens. These two storey dwellings are predominantly finished in brick with occasional tile hanging. On the main street dwellings have tile hung gables. Porches are proposed to have lean to or hipped roofs. The window hierarchy is characterised by larger/taller windows on the ground floor with smaller windows on the upper floors. The external materials to the main street are predominantly clay tiled roofs and a red multi brick with occasional tile hanging. Towards the Woodland Edge character are the brick is proposed to be a brown multistock.

- 4.9 An area of public open space is to be provided on the eastern side of the site and bisects both proposed character areas. It incorporates a Local Area of Play (LAP) with an area of 104 square metres and a Local Equipped Area of Play (LEAP) with an area of 404 square metres and a grassed attenuation basin which is part of the proposed drainage system. A footpath within this open space provides a link between the character areas which facilitates a circular walk within the site.
- 4.10 The means of access has been established by the outline permission. The road hierarchy proposes a main loop road through the site with secondary roads leading to pockets of development. The main estate road is a two way carriageway road of 5.5 metres in width which is widened on approach to the junction with Woodlands Lane. To the east of the site access dropped kerbs and tactile paving are to be provided on both sides of Woodlands Lane immediately west of its junction with Scutley Lane to facilitate safe pedestrian movement to and from the SANG and the existing public right of way.
- 4.11 Every residential property, irrespective of tenure, is provided with two allocated car parking spaces. The 3 bedroom private dwellings are also provided with a single garage to provide a total of 3 allocated spaces. The 4 bedroom private dwellings will either be provided with an additional allocated space and a single garage or a double garage to provide a total of 4 allocated spaces. All parking spaces and garage will be provided to accord with dimensions set out in the Windlesham Neighbourhood Plan. All dwellings have their own electric vehicle 7kW fast charge charging point. Residential bin stores will be located within the curtilage of each dwelling.
- 4.12 All private dwellings with garage provision provide space for cycle storage. All of the two and three bedroom dwellings without garages will be provided with a lockable cycle shed within their curtilages.
- 4.13 There are 20 unallocated visitor parking bays incorporated into the estate roads across the site including two with electric charging points. 10 unallocated parking bays are also provided to serve the community building, two of which are for disabled use. Two electric charging points are also to be provided. Covered bin and cycle storage are also incorporated into the building.
- 4.14 A SANG of 9.38 hectares is to be provided on the south side of Woodlands Lane. The key principles of the design of the SANG include:
- The provision of a 2.4km circular walking route with connections to public rights of way and the village;
  - 4 metre high bunds created along the eastern boundary with the M3 to provide a visual screen and noise attenuation from the M3;
  - Opportunities to enhance biodiversity and ecological habitat enhancement;
- Deciduous woodland will be planted throughout with an understorey of native planting to supplement the woodland character of the area and to mitigate for the loss of trees as part of the residential development.
- 4.15 The application also includes details to comply with a number of conditions imposed on the outline permission as amended, as detailed below:
- 5 (drainage strategy),
  - 7 (greenfield runoff rates),
  - 9 (programme of archaeological work),
  - 15 (surface materials)

- 16 (visibility zones),
  - 18 (travel plan),
  - 19 (finished floor levels)
  - 20 (tree reports)
  - 21 (external lighting)
  - 22 (badger method statement)
  - 23 (landscape and ecological management)
  - 25 (SANG management plan)
  - 26 (bat survey)
  - 27 (dormice survey)
  - 28 (cycle and refuse storage areas)
  - 29 (vehicle and cycle parking provision) and
  - 32 (sound attenuation)
- 4.16 Submissions pursuant to conditions 6 (ground investigation for drainage) and 8 (proposed surface water management scheme) were withdrawn during the course of the application and are to be submitted following site clearance.
- 4.17 The application is supported by a Planning Statement, a Design and Access Statement and addendum, a SANG Management Plan, an Air Quality Assessment, an Environmental Impact Noise Assessment, a Travel Plan, a Tree and Woodland report, an Arboricultural Impact Assessment and Method Statement, a Drainage Statement, a Lighting Design and Specification document, a Landscape and Ecology Management Plan, an Energy Statement, an Archaeology and Heritage Assessment, a Badger Method Statement, a Bat survey, a Dormouse survey and a Biodiversity Net Gain Assessment (Biodiversity Metric 3).
- 4.18 The application is also supported by a Statement of Community Involvement. A public consultation event took place in Windlesham which was attended by 90 recorded attendees including local councillors and Michael Gove MP. Many of the comments received related to technical matters such as trees, drainage and noise. These matters were considered at the outline stage and are subject to conditions on the outline permission. Responses were also received in relation to traffic, access and the nature of the development. However the principle of residential development with access onto Woodlands Lane was established by the outline permission.

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority (CHA) No objection subject to conditions on both the original and amended schemes. *A copy of their latest response is attached as Appendix B.*
- 5.2 Windlesham Parish Council (WPC) Raised concerns on the original submission about the ability to meet the requirements of condition 31 [*Officer comment: this is not for consideration as part of this application*], the funding for the maintenance and management of the SANG, lack of information on improving sustainable travel with specific reference to bus services, lack of information on electric vehicle charging points which should be in accordance with Surrey County Council standards. WPC also expressed support for Natural England's concerns on noise and air pollution and requested that full consideration be given to consultee responses and the Heathpark Woods Group. In response to the amended submission WPC commented that the tree report does not seem robust enough to meet the obligations on the applicant, the travel plan is not sufficiently detailed to understand how the targets set will be met and the accuracy of the

		ecology reports with particular reference to red kites nesting on the site.
5.3	Highways England	Initially sought further information on the bund adjoining the M3 which was submitted by the applicant. No objection was subsequently raised to the original submission subject to conditions.
5.4	Arboricultural Officer	Has sought amendments to the submitted tree and landscape documents
5.5	Natural England	Initially sought further information on noise and air pollution with further information being submitted by the applicant. No objection was subsequently raised to the original submission subject to the SANG being carried out in accordance with the most up to date SANG Management Plan and the Section 106 agreement.
5.6	Contaminated Land Officer	No objection [ <i>Officer comment: condition 10, 11, 12 and 13 on the appeal decision address the issue of contaminated land</i> ]
5.7	Environmental Health	No objection to the original or amended submissions subject to conditions.
5.8	Surrey Wildlife Trust (SWT)	No objection subject to all works taking place in accordance with the submitted documents with a recommendation to build badger tunnels under Woodlands Lane and retain existing grass land for the SANG. Views awaited on further lighting information submitted
5.9	SCC Lead Local Flood Authority (LLFA)	No objection to the original or amended submissions. The LLFA notes that the surface water drainage for this site will be dealt with under a discharge of planning condition.
5.10	Drainage Officer	No views received
5.11	Environment Agency	Advise that they are not a statutory consultee for reserved matters applications and were unable to provide comments. However they have been requested to provide a response on the drainage conditions and a response is awaited.
5.12	Thames Water	Sought further information on proposed pump rates in relation to the original submission. Further information was submitted as part of the amended submission. No objection was raised on surface water drainage or waste water grounds.
5.13	Housing Manager	No objection
5.14	West Surrey Badger Group	No objection to the mitigation package that complies with Natural England guidelines, and the Protection of Badgers Act.

5.15	Surrey Bat Group	Sought further information on the original proposal on how light spill from new houses built along the woodland edge would be controlled, how the bat mitigation relates to the extent of loss of trees with roosting potential or to the species found on site which are likely to use bat boxes, bat roost boxes to be incorporated into buildings and clarification on biodiversity enhancements
5.16	North West Surrey Commissioning Group	Clinical No views received
5.17	Surrey Police	No views received
5.18	Joint Waste Solutions	Provided information on bin and servicing requirements on both the original and amended submissions
5.19	Affinity Water	No views received
5.20	Planning Policy	Provided advice on the energy statement
5.21	SCC Education	No views received
5.22	Urban Design Consultant	Objected to the original scheme in terms of setting, design, layout of built form, car parking and open space, streetscape, character areas, legibility, placemaking, density and building line. No objection is raised to the amended scheme subject to conditions. <i>See Annex C for a copy of these comments.</i>
5.23	Windlesham Society	Views awaited

## 6.0 REPRESENTATION

6.1 A total of 580 individual letters were sent out to properties in Windlesham including Baigents Lane, Bishops Grove, Bosman Drive, Broadley Green, Broadway Road, Caldwell Road, Chertsey Road, Chewter Lane, Church Road, Cochrane Place, Cooper Road, Dairy Mews, Deans Court, Edward Road, Fromow Gardens, Heathpark Drive, Highwaysmans Ridge, Hutton Close, Kent Road, Kings Lane, London Road, Loneacre, Millpond Road, Oakwood Road, Orchard Hill, Owen Road, Pine Grove, Poplar Avenue, Post House Mews, Pound Lane, Ramsay Road, Rectory Lane, School Road, Smithys Green, Snows Ride, Thorndown Lane, Turpins Rise, Updown Hill, Westwood Road, White Hill, Windle Close, Windmill Field and Woodlands Lane. A site notice was displayed on site on 28 May 2020 and press notices were put in the Surrey Advertiser on 12 June 2020 and the Camberley News on 10 June 2020.

6.2 A total of 76 responses were received which objected to the original application as follows:

### Character

- Layout and density of building in what is a small community;
- Overdevelopment of Windlesham village particularly where the proposal is out of character in the area;
- Negative/adverse visual impact;
- It will take from the quaint village look and be out of keeping with what already exists;

## Landscape

- Loss of woodland/green space; *[Officer comment: The principle of development for up to 140 dwellings with the associated loss of woodland/green space to facilitate this level of development was established by the outline permission. This is not for consideration as part of this reserved matters application];*
- Lack of clarity on how the woodlands will be managed;
- Lack of information of service routes and potential impact on trees and landscaping; *[Officer comment: this information is to be secured by way of condition]*

## Residential amenity

- Removal of trees will result in increased noise levels and pollution from the M3 for local residents;
- Increased noise and disturbance resulting from use;
- Disruption during the construction process;
- Loss of privacy;
- The proposed flats do not have private garden space *[Officer comment; this was true in relation to the original scheme but the proposed flats have their own private gardens];*

## Environmental matters

- The screening decision under the Environmental Impact Assessment Regulations was flawed *[Officer comment: The decision was undertaken in accordance with the requirements of these regulations. For information the need to screen the proposal was as a result of the overall site area not the number of dwellings proposed. The Conservation of Habitats and Species Regulations 2017 as amended are a separate legislative regime. An appropriate assessment of the development has been undertaken in accordance with these regulations, see paragraph 7.8 below];*
- Air and noise pollution impact have been largely ignored; *[Officer comment: see paragraphs 7.6.4 and 7.6.5 below];*
- Insufficient attention was given to air pollution at the Public Inquiry *[Officer comment: The Planning Inspector concluded that the proposal would not have a materially harmful effect on air quality and there would be no conflict with national or local planning policies in this respect];*
- A noise report should be provided and supplied to Environmental Health *[Officer comment: This report is part of the application documents and has been subject to consultation with Environmental Health];*
- Is the Council considering abandoning its policies of “protecting greenspace” and contributing positively to help mitigate climate change”?;
- We need to look after our planet and respect nature;
- Light pollution *[Officer comment: this is considered at paragraphs 7.76 and 7.11.3-6 below];*

- Woodland has great value as a carbon deposit;

Highway and Transport Matters *[Officer comment: see section 7.7 below]*

- Not prioritising cycling, electric cars or home working;
- Increase in traffic in Woodlands Lane, Heathpark Drive and Valley End will add to the pressures on these roads already used as rat runs and along with Chertsey Road cause unwelcome disruption to the village in the form of congestion, noise, pollution and danger. *[Officer comment: The principle of development for up to 140 dwellings with the associated vehicular movements and impact on the local highway network was established by the outline permission. This is not for consideration as part of this reserved matters application];*
- Adequacy of parking/loading and turning and impact on existing road infrastructure;
- Tandem parking arrangement is highly unsatisfactory and likely to lead to parking on the roads and pavements thereby restricting access within the development for both walkers and cyclists;
- Parking arrangements are too complex;
- Tandem parking in front of garages creates an obstruction to the use of the garages contrary to the Windlesham Neighbourhood Plan *[Officer comment: parking in front of garages is a typical pattern of on curtilage parking. The Windlesham Neighbourhood Plan sets out the size and number of spaces to be provided];*
- There is an irregular bus service and no consistent cycle path *[Officer comment: The proposal can only address its impact rather than existing shortcomings in service provision in the village. This matter was considered as part of the outline application. In respect of this proposal these issues are dealt with by conditions 30 and 31 on the outline permission];*
- Horrified by the proposed access from Woodlands Lane. *[Officer comment: Means of access was granted as part of the outline permission and is not for consideration as part of this reserved matters application];*
- Travel plan is unworkable eg minimal take up of car club;
- The travel plan is too modest;
- A proposed cycle/path on Woodlands Lane is not workable with additional traffic on the road. *[Officer comment: The provision of a shared footway/cycleway on Woodlands Lane is required by condition 31 on the outline permission];*
- The means of access do not give priority to cyclists as required by national strategies;
- No cycleway through the housing;
- Car parking at Sunningdale and Bagshot stations is already overloaded;



- The travel plan should have a proposal to provide a more suitable service to serve the local community better in particular the young and more elderly residents [*Officer comment: The proposal can only address its impact rather than existing shortcomings in service provision in the village;*]
- There should be an exit onto both Woodlands Lane and Chertsey Road [*Officer comment: Means of access was granted as part of the outline permission and is not for consideration as part of this reserved matters application. Notwithstanding this there would be an objection to access (vehicular/pedestrian/cyclist onto Chertsey Road due to the loss of further trees and impact on what is to be retained as a woodland/nature conservation area);*]
- 8 visitor spaces for 120 dwellings is inadequate which will result in parking on estate roads [*Officer comment: 20 visitor spaces are proposed;*]
- Impact of Longcross Garden Village [*Officer comment: this was considered at the outline stage;*]
- Developer intends to apply for an alternative for condition 31 [*Officer note: planning legislation allows applicants to vary conditions on permissions granted. Each application is considered on its own planning merits based on the application made;*]
- Pedestrian crossing should be located outside the Old Post Office [*Officer note: this falls within the remit of the County Highway Authority;*]
- The proposal will worsen the existing parking situation;
- Public footpath will be destroyed [*Officer comment; the public footpath is unaffected by this application;*]
- Application suggests that the roads/infrastructure will be constructed to adoptable standards but stops short of being any agreement by the appropriate local authority to formally adopt them. [*Officer note: it is for the developer to decide if they wish to offer the roads to the CHA for adoption and for the CHA to agree whether they want to accept them. If not they would fall within the works overseen by the management company. Future buyers will be aware of this when making their decision as to whether to buy a house on the site;*]

### The Water Environment

- Application is premature in that conditions 5 and 8 have not been complied with [*Officer comment: It is not a requirement for all of these matters to be considered at the reserved matters stage. Given that the layout is not fixed until reserved matters approval is given it is not unusual for developers to submit these details post a reserved matters approval but pre-commencement. However details have been provided in respect of condition 5 and in section 7.16 below;*]
- Insufficient information on groundwater flows through the village [*Officer comment: this matter is dealt with by condition 8 on the outline permission;*]
- Failure to discover how floodwater flowing off hard surfaces on the housing site would affect adjoining land [*Officer comment: this matter is dealt with by condition 8 on the outline permission;*]
- Lack of information on groundwater investigation [*Officer comment: this matter is dealt with by pre-commencement condition 6 on the outline permission;*]

- Insufficient information on waste water management [*Officer comment: this matter is dealt with by condition 5 on the outline permission and is considered at section 7.16 below*];
- With disturbance to land at Heathpark Woods who will be held accountable for claims for flooding [*Officer comment: the drainage details required by conditions will be considered by Surrey County Council as Lead Local Flood Authority and Thames Water as the sewerage authority. Approval will only be given when they are satisfied that the proposed drainage details are appropriate for this site*];
- Sloping site will place homes in Heathpark Drive and Oakwood Drive at an increased risk of flooding [*Officer comment: this will be dealt with by condition 8 on the outline permission*];
- Existing issue with water pressure in Heathpark Drive;
- Configuration of the open space is problematic due to drainage issues;
- Lack of information on the maintenance and management of the drainage system [*Officer comment: The maintenance and management measure specific to the drainage system outside the public open space will be dealt with as part of the discharge of the drainage conditions*];

Nature Conservation [*Officer comment : see section 7.11 below*]

- Conditions are too cramped for badgers and are seeking to hem them in too much;
- Failed to understand the behaviour of bats who use the land;
- Seem unaware of a globally threatened species of bird (Red Kite) living and nesting in the site [*Officer comment: This was referred to in the appeal decision. Natural England has confirmed in respect of the current application that as suitable bird habitats will be maintained and all tree removal would be undertaken outside the bird breeding season, a survey should not be required and the surrounding woodland habitat would still provide suitable nesting opportunities*];
- Have not yet legally committed themselves or the Save Me Trust to permanent management either the unadopted drainage system or the retained woodland. [*Officer comment: the transfer of Ecological Management area and retained woodland to the Save Me Trust is to be secured by a section 106 agreement. See comments above in relation to the maintenance and management measure specific to the drainage system*];
- Loss of further green space particularly that which houses rare and protected species would be undesirable;
- Lack of clarity on how the woodlands will be managed and who will look after safeguarded land;
- Unaware of slow worms on site of which five seen in garden in Heathpark Drive;
- Too little weight is being attached to the presence of the Common Pipistrelle bats;
- How will the SANG be managed given issues at Earlswood Park Bagshot [*Officer note: this is addressed by the section 106 agreement attached to the outline permission*];

- If people don't walk to it, where will they park their cars *[Officer comment: The SANG is provided to address the impact of the housing development on the Thames Basin Heaths Special Protection Area. The housing is within walking distance of the proposed SANG and is why car parking is not provided];*
- The proposed SANG will have a greater capacity for housing than the proposed development which will tempt and support other developers to the village which is very likely to traffic volumes into the village *[Officer comment: Please see paragraph 7.8.11 below];*
- Over capacity in the SANG could have been used to provide allotments or other village facilities *[Officer comment: the principle and size of the SANG on this site was established by the outline permission]*
- It is the intention for residents to fund the maintenance of the SANG through a maintenance company which does not seem equitable *[Officer comment; the responsibilities for the SANG were set out in the Section 106 agreement attached to the outline permission. The use of a management company for communal public spaces is typical where land is not being transferred to the Local Authority. Future buyers will be aware of this when making their decision as to whether to buy a house on the site];*
- Road alignments on the west and north west sides of the development footprint encroach on the green corridors that must be maintained in order to sustain badger territory;
- Sett building opportunities in the bund should be discounted;
- Concern about efficacy of the mitigation measures on badgers and bats;
- Concern about public access into the areas to be safeguarded and enhanced;
- The LEMP is inadequate *[Officer comment: see paragraph 7.9.9 below]*

#### Other matters

- The developer has not yet checked whether the land has been contaminated by past military, forestry or farming activities *[Officer comment: this matter is dealt with by condition 10 on the outline permission. This requires the submission of a scheme prior to the construction of the dwellings or highway works to assess the nature and extent of any contamination on the site and includes provisions for an investigation and risk assessment. Condition 11 secures a detailed remediation scheme for the site];*
- Failure in their commitment to adhere to the conditions laid down *[Officer comment: the applicant is required to comply with the pre-commencement conditions before development commences on site. It is not a requirement for pre-commencement conditions to be complied within or as part of the reserved matters approval process. The timing of submissions to comply with conditions is a matter for the applicant];*
- Lack of assurance on the ongoing property management and maintenance required to deliver the benefits that have been promised to offset adverse impacts of the development *[Officer comment: The management and maintenance of the SANG is secured by the existing section 106 agreement, please see comments above about the ecological mitigation area and retained woodland and the management and maintenance of the public open space is to be undertaken by a management company which is to be secured by way of a section 106 agreement];*

- Understand that the screening application is made by Charles Church Southern and Vestal Developments and the screening decision has been made in favour of Persimmon Homes Thames Valley. As such the Council have failed to deliver an opinion at all in the matter of the legal applicant;
- Accuracy of the Council's 5 Year Housing Land supply at the time of the appeal [*Officer comment: This was examined in detail at the Public Inquiry for the outline application with the Inspector determining that*  
  
*"I find the benefits of releasing the appeal site for development now would substantially outweigh the harm that would be caused by the resultant conflict with the NPPF's safeguarded land policies and with their counterpart saved policy H8..."*];
- Legitimacy of the section 106 legal agreement as it is in a different name or legal entity; [*Officer note: It is a well established principle of planning law that the development of land is bound by the permissions and legal agreements applicable to it ie any party who has a legal interest in the land would be required to fully comply with all conditions and obligations applicable to the land*];
- The presumption that mitigation measures incorporated into the section 106 agreement and conditions could obviate the need for an Appropriate Assessment [*Officer note: an Appropriate Assessment has been completed for this reserved matters application*];
- Surrey is not in need of meeting any housing targets, as was the case. Other brown field sites could be used [*Officer comment: this site forms part of the Council's 5 Year Housing Land supply. If removed, this housing would have been found elsewhere in the Borough. Furthermore the Council does not have a current 5 Year Housing Land supply*];
- This unsustainable development conflicts with the Local Plan Saved Policy H8 for safeguarding land to protect the Green Belt [*Officer comment: Policy H8 was critically examined at the Public Inquiry held in relation to the outline permission with the Inspector concluding that outline permission was to be granted*];
- An independent environmental assessment is needed;
- Local infrastructure is insufficient to support this development. [*Officer comment: The principle of development for up to 140 dwellings with the associated impact on local infrastructure was established by the outline permission. This is not for consideration as part of this reserved matters application*];
- Superfast broadband needs have not been adequately met [*Officer comment: please see paragraph 7.17.6 below*];
- A question is asked whether the developer would support residents in securing a 20 mph limit enforced with cameras in the village [*Officer comment: This would be a matter for the applicant as part of the highway/traffic legislation process*];
- Independent Environmental Assessment for the village would show that the Heathpark Woods should be retained as now for all the benefit they give [*Officer comment: the application is accompanied by a Biodiversity Metric 3, please see paragraph 7.11.10 below*];
- Why not build on the fields and open the woods for public access [*Officer comment: the area shown for built development is within the housing reserve site whilst the fields are within the Green Belt*];

- Adverse effect of the development on the character and appearance of the Conservation Area or heritage assets within it [*Officer note: the application site is not within nor does it adjoin a Conservation Area*];
- Conflict with the requirements of Windlesham Neighbourhood Plan; [*Officer comment: this is assessed in detail in sections 7.5 and 7.7 below*];
- Potential for increased crime associated with increased traffic eg road rage and damage to cars;
- Loss of property value [*Officer comment: not a material planning consideration*];
- There is no GP surgery in the village [*Officer comment: this is a matter for the relevant Clinical Commissioning Group*];
- The 2017 public inquiry could not have foreseen the coronavirus pandemic and the impact on working from home resulting in a high number of empty office premises that will be available for housing development.

6.3 A letter of support for a Zebra crossing in front of the old post office was also received.

6.4 On 2 July 2021 all neighbours and contributors to the original plans were re-consulted on the amended plans. A further 36 responses were received which objected to the amended plans which reaffirmed the objections as set out above and raised the following matters:

- The revised application is not a minor change but is in effect a substantially different application that is invalid because it is out of time and the Council's officers should not be processing it [*Officer comment: it is an established planning principle that an applicant may propose changes to a submitted scheme or submit supplementary information to address objections received in response to the consultation or neighbour notification processes. Whether such changes are accepted is at the discretion of the Local Planning Authority. In this case the proposed changes were mainly design led and were not considered to be so significant that they would materially alter the scheme*];
- As the amended details are substantially different from those originally submitted they must be the subject of a fresh application as a matter of law (the Wheatcroft Principles) [*Officer comment: see comments above about the nature of the changes. With regard to the Wheatcroft Principle, this is not considered to be relevant in this case. This case related to whether a refused planning application may be amended on appeal. Under the Wheatcroft principle amendments would not be accepted if the development was so changed that to allow consideration of it would deprive those who should have been consulted on it the opportunity for consultation. With regard to the reserved matters application currently under consideration it remains with the Local Planning Authority for determination. A full re-consultation process with consultees and residents was undertaken on the amended plans so that all relevant stakeholders had the opportunity to comment on the revisions*];
- The application should be refused on the grounds that the statutory time limit has now expired [*Officer comment: see above commentary*];
- Attitudes and knowledge have sufficiently moved on since the original application, the importance of climate change, pollution and biodiversity are seeing much more understanding and support for nature and the wider ecology [*Officer comment: the site benefits from outline planning permission with the matters currently being considered relating to the appearance, landscaping, layout and scale*];

- No mention of any mitigation for the impact of additional traffic on the residents on the southern side of Woodlands Lane or of Broadley Green with a request that a pedestrian crossing be provided and enforcement of the 30mph speed limit;
- Concern about heavy lorries using local roads during construction;
- Impact of using trickle vented windows in the proposed housing and impact on future residents;
- The community building and its curtilage must be held in trust for Windlesham Village and its Community. A mechanism not dissimilar to that of the Windlesham Field of Remembrance would seem equitable by way of example *[Officer comment: please see paragraph 7.13.3 below];*
- The provision of a pedestrian crossing in the Village is nothing to do with condition 31 and is not a suitable negotiation with the developer *[Officer comment: the terms of condition 31 do not secure a pedestrian crossing. Any variation will require a separate approval];*
- There is a commitment to provide a pedestrian crossing in the Village and this should not be used as a negotiation to let the Developer escape his responsibilities to deliver the required works *[Officer comment: This is not part of the current proposal and the terms of condition 31 are clear on what is to be secured in terms of pedestrian/cycle improvements. This will be the subject of a separate conditions application to the Council. For information condition 31 states:*

*“No dwelling hereby permitted shall be occupied until the existing footway along the north side of Woodlands Lane between the access to the site and Updown Hill has been converted into a shared footway/cycleway, to include any necessary trimming of vegetation, signs, road markings, and any other necessary works, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority];*

- Intention of condition 31 is that the existing path would be expected to be widened to accommodate the shared use which would create a slight narrowing of the carriageway thus producing a traffic calming measure on the approach to the new development;
- Whilst “Save Me” management could well be beneficial to the areas hatched in the LEMP the freehold should be held in trust in perpetuity by the Village residents and “Save Me” possibly appointed one of the managing trustees *[Officer comment; the overarching management of the woodland and retained ecological areas will be determined by the LEMP submitted pursuant to condition 23. The applicant has agreed to transfer these area to The Save Me Trust. To ensure that appropriate safeguards are in place to secure the long term management of these areas, a section 106 agreement is proposed in this regard];*
- Impact of service runs required to link the proposed and existing drainage system in Chertsey Road on trees *[Officer comment: see proposed condition 21];*
- The LEMP is obviously inadequate as it contains very little ecological planning as distinct from landscaping. *[Officer comment: The acceptability of the contents of the LEMP is subject to the views of SWT, please see paragraph 7.9.9 below];*
- Landscaping cannot be determined separately from the LEMP *[Officer comment: the proposed landscaping may be determined separately from the LEMP as the issue is whether the proposed landscaping is an appropriate landscape solution to the site];*

- The modern statutory concept of making amendments that are not material is applicable only to the wording of an existing planning permission not to changes in the details of a yet to be determined application *[Officer comment; the consideration of the materiality of amendments is an established planning principle when determining whether to accept amendments during the consideration of an application];*
- Even making amendments to an existing permission is subject to an existing permission is subject to a procedure laid down under Section 96a of the Town and Country Planning Act 1990 which was not followed in this case *[Officer comment: This is not relevant to the consideration of this proposal];*
- SHBC officers have acted improperly in changing without due process the fresh description of development on the official planning register *[Officer comment: please see previous commentary on materiality and also note that full reconsultation was undertaken with consultees and the community];*
- The standard landscaping conditions perplexingly preferred by the officers would be relatively short terms controls for the LEMP incapable of ensuring the environmental gains that persuaded the Inspector to allow this otherwise unsustainable development *[Officer comment; The longterm management and maintenance of landscaping outside residential curtilages would fall to the management company with the longterm management and maintenance of the woodland/ecological areas to be transferred to the Save Me Trust, all to be secured by way of a section 106 agreement];*
- The surveys in the LEMP are out of date *[Officer comment: This is agreed]*
- The adequacy of the submitted Biodiversity Net Gain Metric 3.0 *[Officer comment: see paragraph 7.9.15];*
- SWT's previous recommendation to modify the lighting design to reduce light spill for bats has not been implemented *[Officer comment: see paragraph 7.9.6 below];*

## 7.0 PLANNING CONSIDERATION

- 7.1 The part of the application site where the housing is proposed is located within the boundary of a housing reserve site under Policy H8 (saved) of the Surrey Heath Local Plan 2000, adjoining the settlement of Windlesham, but is defined as Countryside beyond the Green Belt. The SANG part of the proposal, the NW triangle and northern woodland areas all fall within the Green Belt.
- 7.2 As such Policies CP1 (Spatial Strategy), CP2 (Sustainable Development and Design), CP3 (Scale and Distribution of Housing), CP5 (Affordable Housing), CP6 (Dwelling Size and Type), CP11 (Movement), CP12 (Infrastructure Delivery and Implementation), CP14A (Biodiversity and Nature Conservation), CP14B (European Sites), DM9 (Design Principles), DM10 (Development and Flood Risk), DM11 (Traffic Management and Highway Safety), DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2011-2018 (CSDMP) are relevant to the consideration of this proposal. The Council's Supplementary Planning Documents in relation to the Residential Design Guide (RDG) September 2017, Infrastructure Delivery July 2014 and the Thames Basin Heaths Special Protection Area (TBHSPA) Avoidance Strategy 2019, the Windlesham Neighbourhood Plan 2018-2028, the Vehicular and Cycle Parking

Guidance November 2021 published by Surrey County Council (SCC) , the National Planning Policy Framework 2021 and associated /Practice Guidance and saved Policy NRM6 of the South East Plan are also relevant to the consideration of the submitted proposal.

7.3 The main determining issues are considered to be as follows:

- Principle of development;
- Impact on the character of the area including trees and landscapes;
- Impact on residential amenity, noise and air quality;
- Highways and access;
- Thames Basin Heaths Special Protection Area / SANG proposals;
- Open space provision;
- Green Belt;
- Ecology and biodiversity;
- Climate change;
- Infrastructure;
- Affordable housing and housing mix;
- The Water Environment; and
- Other matters including Archaeology and land contamination.

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

7.4.1 This site is the subject of an outline planning permission. This means that the general principles of how the site may be developed for up to 140 dwellings and a community building with SANGS and open space have been approved. Means of access onto Woodlands Lane is also approved. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more “reserved matters” ie an application for reserved matters is not an application for planning permission, it is an application to comply with conditions imposed on the outline permission.

7.4.2 The current application provides the details of the remaining reserved matters for the development allowed on appeal i.e. appearance, landscaping, layout and scale being considered. The principle of development is therefore considered to be acceptable subject to the consideration of the following matters.

#### **7.5 Impact on the character of the area including trees and landscape**

7.5.1 Paragraph 126 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 130 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and effective landscaping. Paragraph 134 states that permission should be refused for development that is not well designed, taking into account any local design standards or style guides in plans or supplementary planning documents.

7.5.2 Policy CP2 of the CSDMP 2012 states that new development should be ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM7 encourages energy efficient buildings. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density, and that trees and vegetation worthy of retention should be protected and DM7 encourage energy efficient buildings. This approach is also supported by Policy Numbers WNP2.1 and 2.2 of the Windlesham Neighbourhood Plan 2018-2028.



7.5.3 The RDG also emphasise the need for new development to respect, enhance and have regard to distinctive patterns of development and take opportunities to add to the positive features of the area. Principle 6.5 advises that new residential development should contribute to the provision of balanced communities through the provision of a mix of residential densities, housing forms, sizes and tenures. Principle 6.6 expects new residential development to respond to the size, shape and rhythm of surrounding plot layouts. Principle 6.7 of the RDG SPD advises that parking layouts should be high quality and designed to, inter alia, reflect the strong heathland and sylvan identity of the borough and ensure developments are not functionally and visually dominated by cars. Principle 6.8 further advises that where front of plot parking is proposed, this should be enclosed with soft landscaping and not dominate the appearance of the plot or the street scene with extensive hard surfacing. Principle 7.4 advises that new residential development should reflect the spacing, heights and building footprints of existing buildings. The RDG also sets out standards for new development including guidance on architectural detailing, use of natural light, window design, internal space standards, density and layout.

7.5.4 Principle 6.7 of the RDG advises that ;

Parking layouts should be high quality and designed to:

- Reflect the strong heathland and sylvan identity of the borough. All parking arrangements should be softened with generous soft landscaping and no design should group more than 3 parking spaces together without intervening landscaping;
- Ensure developments are not functionally and visually dominated by cars;
- Maintain activity in the street without adversely affecting the attractiveness of the streetscene;
- Minimise impact on the amenity of residents;
- Be safe, overlooked and convenient for users;
- Be spaces that are visually and functionally attractive in the street scene.

Principle 6.9 of the RDG advises that car parking courts should be designed with active frontages, be multi purpose, be attractive places with high quality hard and soft landscaping and where located to the front of dwellings they should be enclosed by strong soft landscape screens and not be dominant elements in the streetscene.

7.5.5 The original submission was the subject of review by Design South East. They made the key following recommendations:

- Set homes within groups or clusters of trees to maximise the feeling of them being situated in woodland;
- Increase the amount and quality of amenity space that interacts within the woodland;
- If possible, include an active pedestrian route to the north of the site;
- Introduce more attractive and legible routes around the site for pedestrians to allow the possibility of circular walks;
- Include a loop that enables cars to turn without three point turns in the road and reduce the impact of parked cars on the streetscape; and
- Give more consideration to the uses, users and catchment of the community hall, to make it as attractive and as well used as possible.

7.5.6 This revised scheme is considered to reflect and address previous urban design concerns raised in 2019 during pre-application stage and later in 2020 with regards to the overall character, landscape strategy, detailed layout, building pattern and place making. A previous consultation response to this planning application was provided on the 6<sup>th</sup> of July 2020.

- 7.5.7 The Council's Urban Design Consultant has been consulted on these proposals and makes the following comments:

#### Layout

The proposal includes the retention and reinforcement of the existing woodland character for the development scheme as a whole, a key design objective for the scheme, and now demonstrates a well-integrated green infrastructure. As a result, the scheme now proposes a generously tree-lined, winding primary street with an abundance of trees scattered in an irregular pattern, in a similar fashion to the adjacent residential Heathpark Drive. The development is also characterised by generous front gardens along the primary street, to ensure the streetscene is not vehicle-dominated. Secondary streets spur off from the principal route, whilst shared surfaces and smaller private drives lead to private parking and smaller parking courts. The grain decreases towards the edges of the site. Due to the organic street pattern and the coherent woodland boundaries surrounding the development, the streetscene has a verdant character in the area as a whole. Generous tree planting now also characterises the central village green, which has been redesigned to accommodate activities for a wide range of age groups in line with previous design advice, providing a LAP, a LEAP as well as seating areas. The area now offers a range of well-integrated play equipment including a jungle walk and climbing equipment. The application site itself with its generous open space, nature areas and woodland also provides excellent opportunities for exercise, walks, relaxation and play of importance for social aspects, wellbeing and health.

The scheme benefits from more clearly defined and a reduced number of character areas, which have resulted in a simplified, more distinct development, clearer orientation and improved connectivity, supported by a coherent new network of footpaths. The public realm has been reinforced with subtle placemaking in strategic places such as focal points, in corner positions and at end destinations, which assists in creating a strong sense of place and provides good way-finding. The distribution of buildings and building lines has also been revised to create a more dynamic, gently flowing building pattern and to improve orientation. The previous flatted blocks at the centre of the scheme which due to their scale, massing and character were considered incongruous with the leafy garden village design aspirations have been replaced by small-scaled dwellings and a short terrace, which positively frame the new village green.”

- 7.5.8 Having regard to the above commentary the proposed scheme is considered to create a new residential area which is an appropriate environment for future residents whilst being compatible with adjoining residential development. It has its own identity and has an attractive spacious character. As such the proposal is considered to be acceptable in terms of layout.

#### Design and built form

- 7.5.9 The Council's Urban Design Consultant has made the following comment on design and built form:

“The building design now benefits from a more coherent approach with regards to elevational detailing, with a distinct window hierarchy and an improved distribution of materials which reflects the requirements of the Surrey Heath Residential Design Guide (SHRDG). The amendments affect a range of house types including Charnwood, Danbury, Haldon, Kielden, Sherwood, Whiteleaf and house types Nos. 2B4P, 2B FOG, HT 2B4P, and 3B5P. The parking courts have been enhanced with more extensive landscaping which reduces the scale, creates better spatial separation, and improves safety.

The proposed building materials, rustic brickwork in earthy, warm terracotta tones with hanging tiles details and roof tiles, and in places in combination with dark stained horizontal weather boarding, are considered to reinforce the vernacular design approach and are strongly supported from an urban design point of view. The central part of the scheme, the “Windlesham Heart” is defined by a warmer, lighter colour scheme primarily in reds, whilst the outer boundaries, the woodland edge character, is characterised by distinct weather boarding and darker grey roof tiles, which all contribute to the local distinctiveness. The Forterra Oakthorpe and Surrey Hill red multi bricks, the Ibstock Capital Brown stock brick, the sandfaced roof tiles in Heather, the handcrafted clay tiles in Ashurst, the Marley Anthracite roof tiles as well as the Hardiplank vertical cedar cladding in Midnight Black. Iron Grey and Harley White are all considered suitable materials from an urban design point of view. Boundaries are defined by brick walls and close boarded fence, which need to integrate well (detail/colour of close boarded fence to be conditioned due to scale)”

- 7.5.10 Having regard to the commentary above, the appearance, design and scale of the proposed housing is considered to create an appropriate streetscape for this new housing area. Furthermore the proposed external materials bring a visual cohesion to the scheme which contributes to this new environment.
- 7.5.11 With regard to the community hall a redesign of the proposed community building to a traditional vernacular approach with appropriate proportions and typical, simplified openings in the barnlike, weather-boarded structure. The new landmark building is set well back from the main road in a generous green setting, which will offer glimpses of the new development from Windlesham Road and contribute to the local distinctiveness.
- 7.5.12 With regard to the SANG the principle of footpaths, mounds, bunds and planting in making this area accessible to the public was established at the outline stage. The proposal will create a well landscaped open space which will make a positive contribution to the character of the area and the local community. The impact of the SANG on landscape character and the Green Belt are considered at paragraphs 7.5.17 and 7.10 below.
- 7.5.13 Details of the surfacing materials to be used in the development have been submitted pursuant to condition 15. These include the use of bitmac for the main estate road, permeable paving in brindle or charcoal colour finish to the shared surfaces and driveways, permeable paving in a natural colour finish hoggin or Saxon paving slabs in a natural colour finish for the footpaths, conservation setts for the rumble strips. No objection has been raised to these materials by the LLFA or the CHA in drainage or highway terms. Works in proximity to trees will be undertaken in accordance with the reports considered under condition 20. The submitted surfacing materials are acceptable for the purposes of condition 15.
- 7.5.14 Details of boundary treatment have also been submitted for this development. 1.8m high close boarded fencing and brick walls are proposed to enclose gardens, 0.9m knee high rail within the public open space, and post and rail fence to the edge of the woodland. Hedgehog holes are to be provided in the fencing to allow movement for these animals through the site. The proposed boundary treatments are typical of those seen in a residential environment and are acceptable.
- 7.5.15 Details of proposed site levels have been submitted for the buildings, roads and driveways pursuant to condition 19. As existing there is a difference in level across the site. In terms of the developed area there land levels are some 0.35 metres higher on the western boundary than the eastern boundary at the southern end of the site and about 0.55 metres at the northern end of the developed area. There is a greater change in site level in the centre of the site of about 5 metres between the eastern and western boundaries. The proposed site levels have been designed to site buildings and roads at levels which are compatible with the topography of the site where they are located. It is also noted that the land to the east at the lowest levels is within the forms part of the

woodland buffer and open space. No objection has been received from the Arboricultural Officer nor the CHA on these details. However, it is noted that the submitted levels plans advise that additional topographical surveys are to be carried out following the tree removal and the levels could be subject to change as a result of this work. Furthermore in discharging condition 8 on the outline permission, further amendment to the site levels may be required. Based on the available information the submitted details are considered to be acceptable for the purposes of condition 19. However it is considered appropriate to advise the applicant, by way of informative that any changes to site levels from those shown on the submitted plan will require a further submission pursuant to condition 19.

### Trees and Landscape

- 7.5.16 The visual impact of providing residential development on the landscape character of this site was considered in detail as part of the outline application. In allowing the appeal the Inspector established the principle of extensive tree removal on the land to the north of Woodlands Lane to provide up to 140 dwellings. In this regard it is noted that the predominant tree species on this part of the site is Scots Pine characterised as a plantation woodland ie the trees were originally planted to be harvested as timber. With landscaping to be dealt with as a reserved matter the Inspector imposed conditions relating to the submission of tree reports and landscape management.
- 7.5.17 This application includes a submission pursuant to condition 20 which requires the submission of a tree survey, an arboricultural impact assessment, an arboricultural method statement and tree protection plan. These reports and associated plans have been considered in detail by the Council's Arboricultural Officer. He is generally satisfied with the submitted documents subject to confirmation in the method statement that works within the root protection area of retained trees will need to be done under direct supervision. The applicant is currently addressing this and an update will be given. Subject to this the submitted documents and plans are acceptable for the purposes of condition 20.
- 7.5.18 The landscape strategy reflects the two different landscapes to the north and south of Woodlands Lane. With regard to the land to the north a tree buffer, with a minimum width of 10 metres, is proposed to be retained along the western site boundary on the land north of Woodlands Lane and with adjoining properties to the east. The existing Holly trees will be retained along the common boundary with Heathpark Drive as part of the buffer with supplementary tree planting also proposed. Extensive new tree planting, predominated by a variety of native tree species, is proposed throughout the new housing area and open space including along the length of the main estate road with fruit trees also proposed within the development. Extensive shrub planting is also proposed within garden and public areas. The proposed landscaping scheme would result in a development with a sylvan character which would be compatible with the landscape character of the surrounding area. The Arboricultural Officer is satisfied with this approach to landscaping subject to an update to the soft landscape specification which the applicant is currently addressing and an update will be given.
- 7.5.19 The land to the south accommodates the SANG. The landscape strategy proposes the planting of deciduous woodland to be underplanted with an understorey of native planting, mixed native hedgerow planting and wildflower grassland areas. This approach is considered to be acceptable by Natural England. The resultant landscape is also considered to be a positive addition to the landscape character of this part of the village to the benefit of the community
- 7.5.20 The application includes a submission pursuant to condition 23. A landscape and ecological management plan has been submitted which sets out the objectives, management responsibilities and maintenance/schedule of works. The Arboricultural Officer is satisfied with this approach to maintenance and management subject to the removal of the use of fertilizer in relation to the newly planted trees. The applicant is currently addressing and an update will be given. Subject to this the submitted plan is

acceptable in landscaping terms for the purposes of condition 23. However, this is subject to the commentary at paragraph 7.9.9 and as such may not be approved at this time.

## **7.6 Impact on residential amenity, noise and air quality**

7.6.1 Paragraph 130 of the NPPF states that planning decisions should ensure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form. Principle 8.1 states that new development should have a degree of privacy and should not have a significant adverse effect on the privacy of neighbouring properties.

### The impact on neighbouring properties

7.6.2 The proposed dwellings are located centrally within the north/north west half of the site with a minimum separation distance of over 30 metres being retained to the common boundaries with properties in Heathpark Drive to the west and The Ferns (Kiltubride) and St Margaret's Cottage to the east respectively. Notwithstanding intervening tree cover which is to be retained/supplemented, this amount of separation exceeds the Council's minimum distance of 20 metres, as set out in the RDG to ensure that there would be no material loss of privacy between buildings, and is considered to provide appropriate levels of occupational privacy.

7.6.3 Given the proposed separation distances between the proposed dwellings and the retained woodland and ecological areas which would act as a visual buffer between existing and proposed development, this part of the proposal is not considered to result in unacceptable overbearing or overshadowing impacts nor a material loss of privacy. As such no objection is raised to the proposal in this regard.

7.6.4 As existing the fields to the south of Woodlands Lane are currently being occupied by horses. The proposed SANG will introduce a new pattern of recreational activity in this area when compared to that currently experienced by adjoining residents. The location and size of the proposed SANG was established by the outline permission. The detailed landscaping scheme includes supplementary planting, new bund and a circular walk. The proposed detailed design of the SANG is considered to have an acceptable relationship with adjoining properties which will also be a benefit to the local community.

7.6.4 The M3 motorway is located to the east of the site. The principle of development in the context of air quality and noise pollution were considered at the Public Inquiry for the outline application. In his decision (see Annex A) the Inspector concluded at paragraph 112 that:

“The Air Quality Technical Report prepared for the development by Peter Brett Associates (PBA) demonstrates that any degradation of air quality due to the proposed development would be insignificant and its impacts negligible. That report, and PBA's Noise Impact Assessment, show that the removal of woodland from the appeal site would not result in any exceedance of air quality objectives or increase the noise exposure of existing properties. No substantial evidence was submitted to contradict those assessments”

7.6.5 Notwithstanding this, the applicant has submitted updated Environmental Noise Impact and Air Quality Assessments in support of the application. As set out above the noise assessment recommends the use of double glazing for the proposed dwellings. The Air Quality assessment includes details of the baseline conditions and assessments of the air quality impacts. It concludes by advising that at any proposed sensitive receptors, there is not predicted to be any exceedance of NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub> pollutant concentrations and therefore mitigation is not required at the proposed development. However mitigation measures are required during the construction phase which may be secured by way of

condition. Both assessments have been considered in detail by the Council's Senior Environmental Health Officer. He is satisfied with the submitted assessments and raises no objection to the proposal on these grounds.

#### The impact on future occupiers

- 7.6.6 Principle 8.3 of the RDG states that the occupants of new dwellings should be provided with good quality daylight and sun access, and that developments should not result in occupants of neighbouring dwellings suffering from a material loss of daylight and sun access.
- 7.6.7 All dwellings within the development meet the minimum space standards as prescribed in the Governments Technical housing standards – nationally described space standard dated March 2015.
- 7.6.8 The submitted Environmental Noise Impact Assessment advises that subject to the use of double glazed windows the proposal would provide an appropriate internal environment. The Senior Environmental Health Officer agrees with this conclusion which may be secured by way of condition. These details are acceptable for the purposes of condition 32.
- 7.6.9 Principle 8.4 sets out the minimum garden space standards of up to 65 square metres for 2/3 bedroom dwellings and 85 square metres 4+ bedrooms. Principle 8.6 states that unless conservation, privacy or heritage issues negate against the use of balconies all flats above ground floor should be provided with balconies.
- 7.6.10 The proposed garden areas for the houses would meet the minimum sizes as set out in the RDG. The proposed flats (plots 83, 84 and 103) do not have balconies. However each flat has its own privately accessible garden space which would meet the minimum size for a two bedroom house. The proposal is therefore considered to provide appropriate levels of private outdoor amenity space for all proposed residents.
- 7.6.11 Bin storage for the houses/flats will take place on curtilage with the bins presented on collection day which reflects the typical situation seen in the area. Joint Waste Solutions advise that the presentation points have been well thought out and confirm the requirements for the road (see paragraph 7.7.6 below) and types of bins. The proposed details are considered to be acceptable for the purposes of condition 28.
- 7.6.12 The proposed community hall will be in proximity to existing and proposed residents. To minimise the impact on these residents it is proposed to impose an hours of operation restriction in the interest of amenity. This may be secured by way of condition. The proposed bin storage and servicing for the community hall is proposed from within the car park. However, it is considered appropriate to impose a condition relating to servicing hours to safeguard the amenities of adjoining residents.
- 7.6.13 The proposal is not considered to have any significant material impact on the residential amenities of adjoining occupiers. The proposal would provide an acceptable living environment for future residents. As such no objection is raised to the proposal in this regard.

### **7.7 Highways and access**

- 7.7.1 Paragraph 110 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. Policy CP11 requires all new development to be appropriately located in relation to public transport and comply with the Council's car parking standards. The SCC Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development November 2021 and

the Windlesham Neighbourhood Plan provide information on parking requirements for new development. Please see Annex B for the County Highway Authority's comments on this submission. For information where conditions replicate those imposed on the outline permission, they are not included in the conditions for this reserved matters application.

- 7.7.2 The approved access is to be provided from Woodlands Lane. This would be the sole access providing entry and exit to the site. At the outline stage the CHA, in assessing the potential impact of up to 140 dwellings on the local highway network, acknowledged that key junctions within Windlesham were analysed to predict the likely impact of the proposed development at peak hours. The analysis demonstrated that the additional queuing and delay caused by the development would be small and would not result in a significant impact on these junctions during peak hours. It also acknowledged that the village being used as a "rat run" was an existing concern that could not be addressed by the outline permission. Whilst noting that the location is not well located with regard to non- car travel opportunities and the walk times to local bus stops are further at 800 metres than is normally recommended, the CHA were of the view that as the proposed increase in cars had not been shown to be severe (paragraph 111 of the NPPF) no objection was raised to the proposal in this regard. The Inspector recognised that there was a conflict with policies to promote sustainable patterns of development, minimise the need to travel and prioritise non car modes of transport but was of the view that the very substantial benefits that would arise from the provision of up to 140 dwellings outweighed this harm.
- 7.7.3 The current application provides details of the internal road layout and includes submissions pursuant to conditions 16 (visibility zones), 18 (travel plan), 21 (external lighting), 28 (cycle and refuse storage areas) and 29 (provision of car/cycle parking).
- 7.7.4 A continuous 2 metre footway is proposed along the western side of the main estate road which loops around the site. A series of shared surfaced streets and private driveways extend off the main estate road with every dwelling having its own access. Informal recreational paths are provided within the site which promotes permeability and connects the developed area with the surrounding open space. The proposed vehicular access to Woodlands Lane will be provided with appropriate width and junction geometry and visibility splays of 2.4 metres by 120 metres which meet the required standards. As such these details are acceptable for the purposes of condition 16. It notes that tracking has been provided which demonstrates that a large refuse vehicle can navigate all sections of the site and is able to turn in order for it to leave in forward gear. The proposed community building will be serviced from its car park. The CHA is satisfied with the proposed internal road layout for all highway users which is considered to be appropriate for the development.
- 7.7.5 The application is supported by a Travel Plan. This sets out its aim and objectives, targets, sustainable travel initiatives, an action plan and sets out the roles and responsibilities of the travel plan co-ordinator. The CHA is satisfied with this plan for the purposes of condition 19 subject to an implementation condition. However this is not considered necessary as there is a requirement to implement the travel plan as approved within the provisions of condition 19.
- 7.7.6 The application is supported by Road Lighting and Illuminance Layouts. The proposed lighting strategy includes 6 metre high columns along the main estate and the majority of the shared surface streets. Minimal lighting is provided for the houses that front onto the retained woodland on the west of the site to minimise potential light pollution for the local bat and badger populations. This is considered in more detail at paragraph 7.11.3-6 below. The illuminance of the proposed luminaires will be dependent on their proximity to the retained woodland. The proposed road lighting is considered to be acceptable in highway terms for the purposes of condition 21.
- 7.7.7 Each dwelling will have its own secure cycle parking provision either within a garage or a

shed/cycle shed within its' curtilage. The application is also supported by a refuse collection and storage plan which details bin storage and collection points and kerbside collection areas. The CHA is satisfied with this provision which is acceptable for the purposes of conditions 28 and 29 in highway terms. Joint Waste Solutions are satisfied with the refuse storage and collection arrangements for the purposes of condition 28.

7.7.8 Whilst the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development November 2021 are relevant to the consideration of this proposal it is noted that the Windlesham Neighbourhood Plan sets out parameters for the design and provision of vehicle parking which are more stringent than the County standard for residential development. Of particular note is that:

- Garages should have minimum internal dimensions of 3m wide by 7m long with an unobstructed entry width of 2.3 metres. Other vehicle parking facilities should have a minimum dimension of 2.9m by 5.5m.
- Where space permits, 2 vehicle parking spaces should be provided for 1 and 2 bedroom dwellings and 3 vehicle parking spaces for 3+ bedroom or larger dwellings

The application is supported by a parking allocation plan which demonstrates that each dwelling will have its own dedicated parking spaces. All parking spaces and garages have been provided to meet the standards in the Windlesham Neighbourhood Plan. The CHA is satisfied with the proposed parking provision serving both the residential and community uses within the site. Given compliance with the Windlesham Neighbourhood Plan and the CHA response the proposed parking provision is considered to be acceptable for the purposes of condition 29 in relation to vehicle parking. All dwellings are proposed to have their own electric vehicle charging point with two of the visitor parking bays within the highway also being provided with charging facilities. These may be secured by way of condition.

7.7.9 In terms of parking provision for the community building, the SCC Vehicular and Cycle Parking Guidance 2021 recommends a maximum of 1 car space per 3 members, or per 20 square metres, or an individual assessment and justification. The proposed floor area for the building of 190 square metres equates to a requirement of 9 spaces. A total of 10 spaces are proposed, two of which are for disabled use and two which have electric vehicle charging points. Passive provision of a feeder pillar or equivalent will also be provided to enable future connection to a further 3 spaces. A covered and secure cycle store for 24 cycles is also proposed. This level of parking provision including for alternative modes of transport is considered to be acceptable. These details are acceptable for the purposes of conditions 28 and 29.

7.7.10 Due to the relationship of the site to the M3 motorway, Highways England were consulted. Its area of interest related to the construction and drainage of the SANG bunds that adjoined the boundary with the M3. It is satisfied with the submitted details and raises no objection to the proposal in terms of its impact on the M3.

## **7.8 Impact on the Green Belt**

7.8.1 The proposed SANG is located within the Green Belt. At the outline application stage it was recognised that the proposed SANG would introduce footpaths, mounds, bunds and planting in making this area accessible to the public. These works included the provision of a 4 metre high bunds which would extend some 650 metres in two parts |along the



boundary with the M3 (this was required by Natural England for noise attenuation and visual amenity purposes) and the provision of further mounding within the SANG of smaller size and reduced height for ecological purposes and to guide walkers around the site.

- 7.8.2 Paragraph 150 of the NPPF, states that engineering operations are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. In this case it was acknowledged that the bunds would affect openness. However this would be reduced by its location on the edge of the SANG close to the M3. They would be planted with semi mature trees and native scrub planting and would be used as an ecological corridor through the SANG. The Inspector raised no objection to the SANG in Green Belt terms.
- 7.8.3 The reserved matters proposals are generally in line with those considered at the outline stage with footpaths, mounds, bunds and planting being proposed. The proposed bunds are wider, albeit slightly shorter, than that considered at the outline stage. They have also been sited slightly further into the SANG to meet the requirements of Highways England in terms of construction and drainage. As with the outline application the bunds are considered to affect the openness of the Green Belt. However, they are also proposed to be planted with semi mature trees and dense native scrub planting which will act as a landscaped buffer between the SANG and the M3. Views of the bunds would be limited from Woodlands Lane though they would be visible from within the SANG, the adjoining Public Right of Way and the M3. However, they would appear an extension of the existing bank which in combination with the proposed planting would result in a landscape which is not considered to result in any significant harm to the Green Belt. Furthermore, paragraph 145 of the NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt including looking for opportunities to provide access, retain and enhance landscapes, visual amenity and biodiversity. Having regard to the above no objection is raised to the proposal in Green Belt terms.

## **7.9 Ecology and Biodiversity**

- 7.9.1 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising the impacts on biodiversity and providing net gains in biodiversity where possible. Policy CP14A states that the Borough Council will seek to conserve and enhance biodiversity within Surrey Heath and development that results in harm to or loss of features of interest for biodiversity will not be permitted. It is therefore considered appropriate to impose a condition to secure biodiversity improvements.
- 7.9.2 In determining the appeal the Inspector considered the impact on protected species and biodiversity in detail with particular reference to bats, badgers, breeding birds, dormice and reptiles. He concluded that the proposed development would not lead to any adverse impact on biodiversity. However conditions were imposed in relation to the submission of external lighting (condition 21), a badger method statement (condition 22), an updated landscape and ecological management plan (condition 23), a bat survey (condition 26) and a dormice survey (condition 27). Submissions pursuant to these conditions have been made as part of this application.

### Condition 21

- 7.9.3 The proposed lighting strategy submitted pursuant to condition 21 includes 6 metre high columns along the main estate and the majority of the shared surface streets. Minimal lighting is provided for the houses that front onto the retained woodland on the west of the site to minimise potential light pollution for the local bat and badger population.

7.9.4 The application is also supported by lighting design notes. It confirms that the lighting scheme has been undertaken in consultation with an ecologist who has recommended low lighting levels in the vicinity of the badger setts and provided a plan with sensitive areas for all ecology species. The West Surrey Badger Group and SWT raise no objection to the proposed lighting in relation to badgers.

7.9.5 In determining the appeal the Inspector advised that in relation to bats and lighting:

“Whilst night time lighting would be introduced into the proposed development area, unlit flight corridors around it would remain”

It is also noted that bat breeding sites and resting places (roosts) are protected by law and are subject to licensing by Natural England.

7.9.6 The lighting has been designed in line with the Bats and Artificial Lighting in the UK document published by the Institution of Lighting Professionals and the Bat Conservation Trust. Unlit flight corridors beyond the development area would be retained. This includes the use of warm white LED with light fittings installed horizontally having regard to mounting heights to avoid upward tilt and the need to minimise light spill. The Surrey Bat Group raised concerns about the need to ensure that reduction in illuminance below 1 lux is effective at canopy height as well as nearer the ground and the potential impact on light spill from the new houses along the woodland edge. SWT has also been consulted on this application. It has sought further information on the potential for light spill. The applicant has provided this and the views of SWT are awaited and an update will be given on any views received. Notwithstanding this it is considered appropriate to remove the right to install external lighting within the development without permission and to switch the streetlighting off between the hours of 1am to 5am in line with the hours that the County Council streetlights are switched off to facilitate a dark environment.

#### Condition 22

7.9.7 The application is supported by a badger method statement which considers impacts, proposed mitigation measures and maintenance and monitoring during the construction process. The West Surrey Badger Group has confirmed that the mitigation package that complies with Natural England guidelines, and the Protection of Badgers Act. SWT has recommends that badger tunnels be constructed under Woodlands Lane due to the foraging potential within the proposed SANG. This has not been requested by the West Surrey Badger Group and is not considered to be proportionate in relation to the level of development proposed. However, it is considered appropriate to seek the installation of signage on Woodlands Lane to advise highway users of the presence of badgers in the area. This may be secured by way of condition. The submitted document is therefore considered to be acceptable for the purposes of condition 22.

#### Conditions 23, 26 and 27

7.9.8 Surrey Bat Group has raised concerns about the adequacy and location of the boxes as mitigation and monitoring of the bat boxes and how the proposals will enhance biodiversity, recommending the use of the Biodiversity Metric referred to in the Environment Act 2021.

7.9.9 In determining the appeal the Inspector advised that:

“Some low quality bat foraging habitat would be lost as a result of the appeal proposals, but the better quality habitat in the adjacent deciduous woodland and on the proposed SANG and triangle areas would be retained and enhanced in accordance with the specific recommendations in the KE (Keystone Ecology) report thereby compensating for that loss”

The application is supported by a landscape and ecological management plan submitted pursuant to condition 23 which confirms that it has been written in accordance with the Keystone Ecology reports and has been updated to include the updated survey information on bats, badgers and dormice. The report sets out aims and objectives, the proposed mitigation and enhancement measures for site habitats including the SANG, measures for species and management measures to maintain and enhance retained and created habitats, to maintain populations of protected species at a favourable conservation status and to increase biodiversity by maximising opportunities for flora and fauna. No objection has been received from Natural England nor SWT. However as more than two years have passed since the surveys were done as required by the condition this submission cannot be approved. As such it is recommended that the details submitted for condition 23 are refused.

- 7.9.10 A bat survey report has been submitted pursuant to condition 26. The Surrey Bat Group has raised concerns about the adequacy of the surveys. It is noted that bat surveys have been previously undertaken on this site in 2007, September 2013, September 2014, May and July 2015 and August, September and October 2016 to inform the outline planning application. The Surrey Bat Group made substantial criticisms of these surveys during the Public Inquiry. The Inspector concluded that the submitted surveys in combination with the professional judgement of the ecologists and the site characteristics were proportionate and acceptable to enable the impact on the bat population to be appropriately considered. The submitted report advises that further surveys were done in 2018 and into 2019. These concluded that bat activity and automated surveys recorded a limited range of common and widespread bat species. High levels of Common Pipistrelle activity were recorded but significantly lower levels of activity for all other species. This pattern is consistent with the results of the previous surveys undertaken between 2013 and 2016. Surrey Wildlife Trust has not objected to the submitted surveys. The submitted survey is considered to be acceptable for the purposes of condition 26. However it is recommended given the time that has elapsed since the surveys were done, an up to date survey is undertaken before works commence on site. This may be secured by way of condition.
- 7.9.11 The application is supported by a dormouse survey submitted pursuant to condition 27. This survey advises that no dormouse or evidence of dormouse have been recorded on site. This reflects the surveys undertaken in 2007/08 where no dormouse were recorded on site. No objection has been received Surrey Wildlife Trust in this regard. The submitted survey is considered to be acceptable for the purposes of condition 27. However, it is recommended given the time that has elapsed since the surveys were done, an up to date survey is undertaken before works commence on site. This may be secured by way of condition.

#### Other matters

- 7.9.12 The applicant has been actively engaging with the Save Me Trust, a local animal welfare organisation who, amongst other things seeks to achieve sustainable change that supports wildlife, business and the environment through working together. They have agreed to take on the future management of the retained badger setts (identified as the ecological area) and woodland areas on the site. To ensure that these areas are appropriately managed and maintained the Council requires a mechanism to secure the transfer of these areas to the Save Me Trust (or other appropriate person/group). This is to be achieved by way of a section 106 agreement which is in the process of being drafted.
- 7.9.13 It is recognised that there should be no unrestricted public access into the retained ecological and woodland areas to safeguard nature conservation interests. To this end post and rail fencing is proposed to edge the woodland to restrict public access. This will be secured by way of condition.

- 7.9.14 The submitted Air Quality Assessment has also considered the impact on habitats. This assessment concludes by advising that the maximum predicted increase in the annual average exposure to NO<sub>x</sub> at the identified ecological receptor, due to changes in traffic movements associated with the development is below the development contribution stated within the guidance of “A Guide to the Assessment of Air Quality Impacts in Designated Nature Conservation Sites IAQM 2019. As such no further assessment is required and the impact is considered to be negligible. Natural England raise no objection to the proposal on air quality grounds.
- 7.9.15 The application under consideration is for reserved matters. As it is not an application for planning permission the provisions of the Environment Act 2021 do not apply in relation to Biodiversity Net Gain which includes the need to complete Biodiversity Metric 3. For information these provisions do not become mandatory for applications for planning permission until 2023. This metric is a habitat based approach to determining biodiversity value. Notwithstanding this the applicant has submitted a Biodiversity Metric 3 which demonstrates a net gain in biodiversity from this development. Natural England have confirmed that they would be satisfied with a net gain in biodiversity achieved using this metric. SWT has made various comments on the metric to which the applicant has provided supplementary information. Any further views received from SWT on this will be updated at the meeting.

## **7.10 Appropriate Assessment and the Thames Basin Heaths Special Protection Area**

- 7.10.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).
- 7.10.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 780m from the SPA at its closest point which begins to the north of the site along Chertsey Road. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide Suitable Alternative Natural Green Space (SANG) on site as is secured for this development or for smaller proposals make a financial contribution towards SANG provided, which is collected as part of CIL.
- 7.10.3 The Inspector considered the need for an Appropriate Assessment in his assessment of the appeal for the outline application. The Section 106 agreement which is attached to the outline permission provides for avoidance and mitigation measures in the form of the proposed SANG and the Strategic Access Management and Monitoring (SAMM) contributions. In the Inspector’s view the agreement also contained an appropriate definition of the SANG management company including that it has responsibility for managing and maintaining the SANG in perpetuity; appropriate arrangements for collecting a service charge from purchasers of the proposed dwellings to pay for the management and maintenance of the SANG; secure arrangements for the maintenance of the SANG until it is transferred to the management company and arrangements for monitoring by the Council, backed up “step in” rights should the management company fail to discharge its responsibilities satisfactorily. He also imposed a condition (25) to secure an updated SANG Management Plan to ensure that the plan that guides the management company’s work would be fully reflective of current circumstances.

- 7.10.4 With the above measures in place he was satisfied that the proposed development, either alone or in combination with other plans and projects; would not have a significant impact on the Thames Basin Heaths SPA, on the Thursley, Ash, Pirbright and Chobham SAC or on the Chobham Common Site of Special Scientific Interest (SSSI). He concluded that it was not necessary for an appropriate assessment to be carried out and that the appeal proposal would comply with Policies CP14B and NRM6. In this regard it is acknowledged that the established case law at this time was to the effect that mitigation measures could be considered at the screening stage.
- 7.10.5 Part 6 of the Habitats and Species Regulations 2017 requires a Habitats Regulations Assessment (HRA) of plan and projects that are likely to have a significant effect on a "European site. The HRA involves a four stage process – screening, an Appropriate Assessment, consideration of alternative solutions and considerations of overriding public interest. In April 2018 the European Court of Justice judgement in People Over Wind v Coillte Teoranta clarified that mitigation measures were not to be taken into account at the screening stage. Subsequent case law confirmed that mitigation can only be considered at the appropriate assessment stage.
- 7.10.6 Having regard to the above it is considered that the proposal, when combined with other development in the area would be likely to have significant impact on the SPA particularly in relation to ground nesting birds through increased disturbance as a result of recreational activity. As such it is therefore necessary to undertake an Appropriate Assessment of the proposal.
- 7.10.7 The Appropriate Assessment has considered the implications of the plan or project on the site's conservation objectives. Natural England (NE) has been consulted on this proposal. The agreed approach with NE is that proposals which meet the requirements of the Thames Basin Heaths Special Protection Area Avoidance Strategy supplementary planning document 2019 are deemed to not have an adverse effect on the SPA.
- 7.10.8 Avoidance measures in the form of the provision of an on-site SANG and contributions towards SAMM are required. The section 106 agreement attached to the outline permission secured the SANG and its future management/maintenance and contributions towards SAMM. It is considered that there are sufficient measures in place to enable the delivery of proportionate and relevant mitigation in line with the Council's strategy for development which could affect the SPA. The proposed mitigation measure are intended to avoid or reduce the effects. NE have confirmed that the identified impacts on the Thames Basin Heaths SPA and the Thursley, Ash, Pirbright and Chobham SAC can be appropriately mitigated with measures secured via planning conditions or obligations. As such the proposal is not considered to have any adverse effects on the integrity of the SPA either alone or in combination with other plans or projects. As such the proposal would comply with Policies CP14 and NRM6 and the provisions of the Conservation of Habitats and Species Regulations 2017 as amended as they seek to secure the long term protection of the SPA and mitigate any harmful impacts to them.
- 7.10.9 A SANG Management Plan has been submitted pursuant to condition 25 of the outline permission. This sets out the capital works required to deliver the SANG including a circular walk of 2.4km to provide alternative green space for dog walkers /general recreation users, incorporation of a mix of habitats, creation of mounds/bunds, enhancement/supplementary planting of existing hedgerows, appropriate signage and provision of bird and bat boxes. The plan sets out how the SANG will be delivered, maintained and managed. This also links into the provisions in the section 106 agreement. Natural England has been consulted on this document and raises no objection to its provisions. As such the submitted SANG Management Plan is considered to be acceptable for the purposes of condition 25.

7.10.10 The proposed SANG has an area of 9.38 hectares. The Council's Thames Basin Heaths Special Protection Area (TBHSPA) Avoidance Strategy 2019 sets out that Surrey Heath will provide SANGS for new developments at a standard of at least 8 hectares per 1000 head of population. Having regard to the proposed housing mix and the levels of occupancy for each dwelling type (i.e. 1.85 persons per 2 bedroom, 2.5 per 3 bedroom and 2.85 per four bedroom) set out in the TBHSPA strategy above, the proposed development would generate an occupancy level of 257.7 persons. This means that there would be spare capacity for this SANG to support other qualifying residential developments. As this SANG is to be privately maintained and managed this will be with the agreement of the landowner. However it is noted that as the SANG has been designed to serve the locality, no car park has been provided. This will limit the catchment area for this SANG.

## **7.11 Open space provision**

7.11.1 Policy DM16 states the Council will encourage new and enhanced opportunities for formal and informal recreation including promotion of dual use facilities or through the provision of new green infrastructure. New residential development will be expected to provide or contribute towards open space, equipped play spaces including teen facilities and outdoor sports facilities.

7.11.2 The application is supported by an open space plan. This identifies four specific areas of open space, three to the north of Woodlands Lane and one to the south. To the north open space of some 1.4 hectares, predominantly provided in the centre of the site adjacent to the eastern site boundary, is to be provided. This includes the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and grassed areas which include attenuation as part of the drainage strategy. An ecological mitigation area of some 2.25 hectares is proposed on the western side of the site adjoining Heathpark Drive. An area of woodland of some 2.88 hectares located to the north of the proposed housing area, up to the boundary with Chertsey Road, is also to be retained. The SANG of some 9.38 hectares is proposed to the south of Woodlands Lane. As policy DM16 would require an open space provision of 1.29 hectares for the proposed development, based on the occupancy levels set out in the TBHSPA strategy, the proposed level of open space would be significantly in excess of this figure. As such the open space provision on this site would meet the recreational needs for the development and is acceptable.

7.11.3 In terms of play provision the proposed LAP has an area of 104 square metres. It would include a timber toddler cradle swing and a log walk. The proposed LEAP has an area of 404 square metres. It would include Caledonian boulders, a Rocking Log, a log walk, a timber team swing, a log frame and a jungle walk. Seating and bin provision are also made within both areas. The proposed play provision is in excess of that required by policy DM16 and is acceptable to serve the development.

7.11.4 With regard to the ongoing maintenance and management of the open space areas, with the exception of SANG as these provisions are already secured in the existing section 106 agreement, the applicant has agreed to enter into a section 106 agreement to secure these provisions in perpetuity which are envisaged to include details of structure and form of governance for the management company, details of the rent charge or service charge to be levied against the occupiers of the dwellings, details of any contingency sum to be held by the management company to meet any shortfall between the costs of maintaining and managing the open space and the revenue collected through the rent or service charge and details of contingency arrangements in the event that the management company is dissolved or goes into liquidation including the funding arrangements in such circumstances. This is considered acceptable subject to the completion of the requisite agreement which is currently being drafted.

## **7.12 Sustainable Design and climate change**

- 7.12.1 Paragraph 154 of the NPPF advises the new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and can help to reduce greenhouse gas emissions, such as through its location, orientation and design.
- 7.12.2 Policy CP2 indicates the development will be required to provide measures to improve energy efficiencies and sustainability. The amended energy statement submitted in support of the application includes measures to provide energy efficiencies through the fabric enhancement construction specification to provide a reduced space heating requirement for the development, the use of non-repeating thermal bridges to reduce air leakage loss and convective bypass of insulation, internal and external lighting will be low energy and the use of solar PV panels. Furthermore, it is noted that from June 2022 changes to the Building Regulations mean that new homes will have to produce around 30% less carbon emissions and will be subject to provisions to conserve fuel and power (Part L). Transitional arrangements mean that any dwelling commenced after 15 June 2023 will have to comply with the new regulations. Given the number of dwellings proposed on this site, a number will be subject to new regulations. All of the dwellings are also to be provided with electric vehicle charging points. Subject to a condition to secure the implementation of these measures, they are considered to be acceptable for the purposes of this application. It is also considered appropriate to impose a condition which requires each dwelling to be provided with a rainwater butt. Subject to this the submitted statement is acceptable. Furthermore, in imposing conditions to restrict the use of external lighting and operation of the street-lighting as set out at paragraph 7.9.7 above, these measures will also seek to minimise energy use.

## **7.13 Infrastructure**

- 7.13.1 Policy CP12 states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. Paragraph 153 of the NPPF states that policies should be used where they can aid infrastructure delivery. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.13.2 The CIL Charging Schedule came into force on 1 December 2014 and details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself. The new market dwellings would be CIL liable with the final figure being agreed upon completion of the relevant forms.
- 7.13.3 There is no policy requirement to provide a community building on this site. As such the provision of this facility is considered to be a positive benefit to the village community. The applicant proposes to transfer the ownership of this building to a local community organisation at no cost. The community organisation would then be responsible for the maintenance and management of the building. In the event that no community organisation is found to take the building on, then the applicant would retain ownership of the building including its maintenance and management.
- 7.13.4 It is also noted that a financial contribution towards primary school education is secured by the section 106 undertaking completed in 2017.

## **7.14 Affordable housing and housing mix**

- 7.14.1 Policy CP5 states that the Borough Council will seek a target of 35% of all net additional housing as affordable split evenly between social rented and intermediate. Developments of 15 or more units will be required to have 40% on site provision. The section 106 agreement attached to the outline permission secures a provision of 40% affordable dwellings on this site and the submission of an Affordable Housing Strategy to include details of the number, type, location and tenure split of the affordable dwellings, the arrangements and timescales for the provision of the affordable dwellings and the occupancy criteria. This provision is pre-commencement of the development and will be submitted in due course. For information, as the affordable housing provision on this site has been established and secured by the outline permission, this development is not subject to the First Homes provisions.
- 7.14.2 Notwithstanding this, the application details the provision of affordable dwellings as set out at paragraph 4.4 above. The dwellings are generally located in the centre of the site and are well integrated into the development in terms of design quality and use of materials.
- 7.14.3 Policy CP6 states that the Council will promote a range of housing types and tenures, and for market housing suggests that this should be approximately 10% 1-bed units, 40% 2-bed units, 40% 3-bed units and 10% 4+ bed units. The Windlesham Neighbourhood Plan promotes a mixture of housing sizes and types and prioritises two and three bedroom dwellings. This application proposes a mix of detached, semi-detached, terraced and flatted dwellings. This comprises 54 two bedroom dwellings (51 houses and 3 flats) with 54 three bedroom and 8 four bedroom houses also being proposed. Whilst it is recognised that the proposal does not include one bedroom units it does reflect the Priority Housing Needs identified in the Windlesham Neighbourhood Plan. On this basis the proposed housing mix is acceptable for the purposes of this application.

## **7.15 The Water Environment**

- 7.15.1 Policy DM10 expects development to reduce the volume and rate of surface water run off through the incorporation of appropriately designed Sustainable Drainage Systems at a level appropriate to the scale and type of development being proposed.
- 7.15.2 A Flood Risk Assessment (FRA) and Drainage Strategy were considered as part of the outline application. The current application is accompanied by a drainage statement which has been submitted pursuant to conditions 5 (drainage strategy) and 7 (greenfield runoff rates) of the outline permission. The LLFA are satisfied with the submitted details for the purposes of conditions 5 and 7 and provides advice on what information should be included in future submissions for conditions 6 and 8. Given this advice the proposed levels plan submitted pursuant to condition 19 is not approved for drainage purposes. Thames Water raises no objection to the submitted details on the basis that surface water will not be discharged into the public network and subject to approval by the LLFA
- 7.15.3 The FRA and Drainage Strategy included a foul drainage strategy comprising a pumped discharge in Chertsey Road. Thames Water's records show two foul sewers in Woodlands Lane to the west of the Heathpark Drive junction which run west away from the site. There is also a foul sewer in Chertsey Road, some 210 metres to the north of the site. Two options are proposed to different manholes. Thames Water has expressed a preference for Option 1. It is noted that Thames Water retains separate approval provisions under water legislation

## **7.16 Other matters**

- 7.16.1 Policy DM17 advises that on site of 0.4 hectares or over an assessment of archaeological significance has to be undertaken. In this case the application is supported by an Archaeology and Heritage statement which has also been submitted pursuant to condition 9 on the outline permission. The County Archaeologist has been consulted on



this application and advises that based on the desk based assessment alone she does not consider that there are any known issues with the reserved matters proposals in relation to archaeology and that the details could be approved. Whilst no archaeology of note was discovered it is acknowledged that given the existing tree cover makes any investigation at present impractical. The County Archaeologist notes that the trial trench evaluation and mitigation will still need to be completed. To this end it is considered appropriate to require further archaeological monitoring, a watching brief, during initial construction activity which may be secured by way of condition. Subject to this no objection is raised to the proposal on archaeology grounds.

- 7.16.2 Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application is supported by a Phase 1 Desk Study and Site Reconnaissance Report. This recommends a site wide ground investigation be undertaken to provide geotechnical information for the proposed development. It also recommends that on and off site sources of potential land contamination should also be investigated. These measures are secured by condition 10 on the outline permission and will be the subject of a future submission.
- 7.16.3 The proposed development will accessibility requirements in accordance with the Building Regulations. The community building will have level access and include two disabled parking spaces and a disabled WC. Tactile paving is also used within the development. These measures are acceptable in accessibility terms.
- 7.16.4 The applicant has confirmed that all dwellings will be provided with ultrafast, full-fibre broadband and voice communication services via FibreNest. All dwellings will be provided with totally unlimited full-fibre optic internet access. The service will be operational for each dwelling on the day of its occupation. The service is also totally unlimited with no data caps. Residents can chose between a range of packages to suit their needs.

## **8.0 POSITIVE/PROACTIVE WORKING AND THE PUBLIC SECTOR EQUALITY DUTY**

- 8.1 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. This proposal is not considered to conflict with this duty.
- 8.2 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included the following:-
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
  - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

## **9.0 CONCLUSION**

- 9.1 The application is considered to be acceptable in terms of appearance, landscaping, layout and scale in relation to the impact on Green Belt, local character, trees, residential amenity, parking and access, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, affordable housing and housing mix. It provides many community benefits in the provision of additional family housing having regard to the provisions of the Windlesham

Neighbourhood Plan, a new community building and significant provision of public open space for both future and existing residents. A section 106 agreement is required to secure the maintenance and management of the ecological mitigation and retained woodlands and the public open space within the development in perpetuity. The surveys in the Landscape and Ecological Management Plan are out of date for the purposes of condition 23 and are recommended for refusal. Subject to this, and the completion of this agreement and the imposition of conditions relevant to this reserved matters application, no objections are raised to the proposal.

## 10.0 RECOMMENDATION

GRANT subject to a legal agreement to secure the maintenance and management of the public open space, the ecological mitigation and retained woodland areas in perpetuity and the following conditions:

REFUSE details for condition 23

1. Subject to the conditions below the proposed development shall be built or be in accordance with the following approved plans and documents:

LP.01 rev B

Layout plans

CSL.01 rev C  
PERTV19715 15A  
OSP.01 rev C  
RP.01 rev C  
AHL.01 rev C  
PP.01 rev C  
BDML.01 rev C

Dwellinghouse plans

HT.2B4P-1e rev C  
HT.2B4P-2e rev B  
HT.2B4P-3-1e rev B  
HT.2B4P-4.e rev B  
HT.2B4P-5.e rev A  
HT.2B4P-p rev B  
HT.3B5P-1.e rev B  
HT.3B5P-1.p rev B  
HT.3B5P-SEM.e rev B  
HT.3B5P-SEM.p rev B  
HT.CHA-1.e rev B  
HT.CHA-2.e rev C  
HT.CHA-3.e rev B  
HT.CHA-4.e rev B  
HT.CHA-5.e rev B  
HT.CHA-6.e rev B  
HT.CHA-7.e rev B  
HT.CHA-p1 rev C  
HT.CHA-p2 rev B  
HT.CHA-CNR-1.e rev B  
HT.CHA-CNR-3.e rev C  
HT.CHA-CNR-4.e rev B  
HT.CHA-CNR-5.e rev B

HT.CHA-CNR-6.e rev B  
HT.CHA-CNR-p1 rev C  
HT.CHA-CNR-p2 rev B  
HT.DAN-1.e rev B  
HT.DAN-2.e rev B  
HT.DAN-3.e rev B  
HT.DAN-p rev B  
HT.FOG-2.e rev B  
HT.FOG-2.p rev B  
HT.HAL-1.e rev B  
HT.HAL-2.e rev B  
HT.HAL-3.e rev B  
HT.HAL.p rev B  
HT.KIE-2.e rev C  
HT.KIE-3.e rev B  
HT.KIE.p2 rev C  
HT.SHE-1.e rev B  
HT.SHE-3.e rev B  
HT.SHE-4.e rev B  
HT.SHE-5.e rev B  
HT.SHE-6.e rev B  
HT.SHE-7.e rev B  
HT.SHE-8.e rev B  
HT.SHE-9.e rev B  
HT.SHE.p1 rev B  
HT.SHE.p2 rev B  
HT.WHI-1.e rev C  
HT.WHI-2.e rev B  
HT.WHI-4.e rev B  
HT.WHI.p rev B  
P5-6.e rev A  
P5-6.p rev A  
P85-86\_91-92.e rev A  
P85-86\_91-92.p rev A  
P100-102.e rev A  
P100-102.p rev A  
CC.e rev E  
CC.p rev D  
SS.01.pe rev A  
CS.01.pe rev A  
GAR.01.pe rev B  
GAR.02.pe rev B  
GAR.03.pe rev B  
GAR.04.pe rev B

#### Landscape plans

PERTV19715 10B  
PERTV19715 11 D sheets 1-8 inclusive  
Soft Landscape specification rev A December 2021  
PERTV1975-12C Sheets 1-8

#### SANGS plans

PERTV19715 13 rev H  
PERTV19715 14D Sheets 1-7 inclusive

## Technical plans

7545-1102-P2  
7545-1105-P2  
7545-1106-P1  
7545/1301 rev P2  
18129/003  
2618-D-01 rev C sheet 1 of 2  
2618-D-02 rev C sheet 2 of 2  
PERTV19715-03A sheets 1 and 2

Tree and Woodland Report rev B PERTV19715trB ACD Environmental  
Arboricultural Impact Assessment and Method Statement rev B  
PERTV19715aia-amsB ACD Environmental  
Drainage Statement GTA Civils Ltd March 2020, ref 7545A  
Travel Plan dated April 2021 Milestone Transport Planning  
Energy Statement 26 April 2021 Southern Energy Consultants  
Environmental Noise Impact Assessment SA-5689 rev 5 Sound Advice Acoustics Ltd  
Statement of Intent for Woodlands Lane Windlesham - Noise Bunds ref LP2469 rev 2  
Leap Environmental Ltd  
Lighting Design Notes rev C by Nick Smith Associates  
Air Quality Assessment January 2021 issue 2 by Tetra Tech  
Badger Method Statement March 2020 Ecology Solutions  
Bat Survey Report March 2020 Ecology Solutions  
Dormice Survey Report March 2020 Ecology Solutions  
Woodlands Lane Windlesham 17/03/20 Nick Smith Associates  
SANG Management Plan March 2020 Ecology Solutions  
Archaeology and Heritage Assessment ACD Environmental

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

2. The external materials for the construction of the buildings hereby permitted on the land north of Woodlands Lane shall be completed in accordance with the details as shown on drawing number BDML.01 rev C.

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

3. The hard landscaping of the land to the north of Woodlands Lane including boundary walls and fencing shall be undertaken in accordance with the details shown on drawing numbers PERTV1975-12C Sheets 1-8 inclusive.

Reason: In the interests of the visual amenities of the area and drainage of the site and to accord with Policies DM9 and DM10 of the Surrey Heath Core Strategy and Development Policies 2012.

4. The LAP, LEAP and open space hereby approved shall be provided in accordance with the details shown on drawing numbers CSL.01 rev C, PERTV19715 15A and OSP.01 rev C and made available for use before the first occupation of any dwelling on the site.

Reason: To meet the recreational needs of future residents in accordance with Policy DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012.

5. Prior to the erection of any boundary fencing approved pursuant to condition 3 above, details of the colour finish to be used shall be submitted to the Local Planning Authority for approval in writing. The fencing shall then be finished in the approved colour finish prior to the occupation of the dwelling to which it relates.

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

6. The layout and landscaping of the proposed SANG shall be completed in accordance with the details shown on drawing numbers PERTV19715 13 rev H and 14D Sheets 1-7 inclusive and Soft Landscape specification rev A December 2021. The SANG shall be completed in full and made available for public use before the first occupation of any dwelling on the site.

Reason: To comply with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, the Thames Basin Heaths Avoidance Strategy 2019, the National Planning Policy Framework 2021 and the Habitats and Conservation of Species Regulations 2017.

7. The development on the north side of Woodlands Lane shall be undertaken in accordance with the site levels as shown on drawing numbers 7545-1102-P2 and 7545/1301 rev P2. If following the completion of the additional topographical survey it is found that development cannot be undertaken in accordance with the approved details, amended details relevant to that area where further change is required shall be submitted to Local Planning Authority for approval in writing. The development shall then proceed in accordance with the subsequently approved details.

Reason: To ensure appropriate relationships within the site and to safeguard trees in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. The soft landscaping of the site on the north side of Woodlands Lane shall be completed in accordance with the details shown on drawing numbers PERTV19715 11 D sheets 1-8 inclusive and Soft Landscape specification rev A December 2021. The soft landscaping shall be completed before the first occupation of any dwelling on that part of the site to which the soft landscaping relates.

Reason: To comply with Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012 soft landscaping outside of the LAP, LEAP and public open space.

9. All the dwellings hereby approved shall be fitted with glazing in accordance with the recommendations of the Environmental Noise Impact Assessment reference SA 5689 rev 5 dated April 2021 and thereafter retained and maintained.

Reason: To safeguard a suitable noise environment for future residents in accordance with the National Planning Policy Framework 2021.

10. The community building hereby permitted shall be used as a hall or meeting place for the principal use of the local community falling within Use Class F2(b) of the Town and Country Planning Use Classes Order 1987 as amended.

Reason: In the interests of residential amenity and to ensure appropriate car parking provision is available to serve the building having regard to Policies DM9 and CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

11. The community building hereby approved shall be available for use by the public between the hours of 8am to 10.30pm Sunday to Thursday and 8am to 11pm on Fridays and Saturdays.

Reason: To safeguard the amenities of adjoining and future residents having regard to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

12. Servicing of the community building hereby approved including deliveries and refuse collection shall take place between the hours of 10am to 5pm.

Reason: To safeguard the amenities of adjoining and future residents having regard to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

13. Refuse collection and storage for each property will be provided before first occupation of the dwelling to which they relate in accordance with the details as shown on drawing number RP.01 rev C.

Reason: To meet the functional requirements of future residential occupiers.

14. Notwithstanding the provisions of the section 106 agreement dated 20 March 2017 the dwellings for affordable rent or shared ownership as shown on drawing number AHL.01 rev C shall be completed and made available for occupation before the first occupation of the 53rd private dwelling .

Reason: To ensure the timely provision of the affordable housing on this site having regard to Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012.

15. Prior to the occupation of the 100th dwelling the proposed community building shall be completed and made available for use by the public.

Reason: To ensure that the new community building is provided in conjunction with the occupation of the residential development having regard to Policy DM14.

16. No dwelling, community centre or visitor parking bay shall be occupied or brought into use unless and until the fast charge Electric Vehicle charging socket (current minimum requirement for all sockets - 7 kw Mode 3 with a Type 2 connector - 230v AC Amp single phase dedicated supply) relevant to that dwelling, community centre or visitor parking bay as shown on drawing number EVCP.01 rev D has been provided and made available for use and thereafter permanently retained and maintained for its designated purpose.

Reason: To promote sustainable modes of transport in accordance with CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2021.

17. Within one month of the commencement of the works to create the bunds within the proposed SANG, details of advanced warning signage to be displayed on Woodlands Lane to advise highway users of the presence of badgers shall be submitted to the Local Planning Authority in consultation with the County Highway Authority for approval. Once approved the signage shall be displayed before the bunds are completed.

Reason: To raise the awareness of the presence of the local badger population to highway users, given the creation of potential badger habitats within the proposed SANG on the south side of Woodlands Lane having regard to policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012.

18. Unless specifically approved by this permission no further external lighting shall be installed within the development unless and until details have been submitted to the Local Planning Authority for approval. The external lighting details shall be implemented in accordance with the approved scheme and thereafter retained and maintained.

Reason: To control the impact of external lighting on the local bat population having regard to policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012.

19. The streetlighting hereby approved shall be switched off between the hours of 1am to 5am.

Reason: To control the impact of external lighting on the local bat population and to save energy having regard to Policies CP2 and CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2021.

20. Before the removal of trees on the site, updated bat and dormice surveys shall be submitted to the Local Planning Authority for approval. Following completion of the surveys, details of any necessary compensation/mitigation measures shall be submitted for the written approval of the Local Planning Authority. Any compensation/mitigation measure thus approved shall be implemented as approved.

Reason: To ensure that the impact on the potential bat and dormice populations is assessed on appropriate survey dates having regard to Policy CP14 A of the Biodiversity and Nature Conservation and to be consistent with the requirements of condition 23 on the outline permission 15/0590.

21. Notwithstanding the requirements of other conditions and prior to the installation of any services, details of all service runs including an assessment on the impact on trees and habitats with any requisite mitigation shall be submitted to the Local Planning Authority for approval. Once agreed the development will be undertaken in accordance with the approved details including any approved mitigation measures.

Reason: To ensure that an accurate assessment of the impact of the proposed service runs on trees and habitats may be fully considered having regard to Policies DM9 and CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012.

### **Informative(s)**

1. The applicant is advised that in discharging condition 8 attached to outline planning permission 15/0590, this may require a further submission pursuant to condition 19.
2. The applicant is reminded of the need to make submissions in relation to the SANG and the provision of affordable housing pursuant to the section 106 agreement dated 20 March 2017.
3. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.
4. Bats: All bats found in Britain are protected under Schedule 8 of the Wildlife and Countryside Act 1981. It is an offence to kill any bats or disturb their roosts. If bats are discovered during inspection or subsequent work. Natural England must be informed immediately.

5. All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.
6. The development hereby permitted is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended).

In accordance with CIL Regulation 65, the Council will issue a Liability Notice in respect of chargeable development referred to in this decision as soon as practicable after the day on which this decision first permits development. The Liability Notice will confirm the chargeable amount calculated by the Council in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted Surrey Heath Charging Schedule. Please note that the chargeable amount is a local land charge.

Failure to pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this decision may result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including the assuming, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Council's website.

7. Birds: All wild birds, their nests and eggs are protected under Schedule 1-4 of the Wildlife and Countryside Act 1981. It is an offence to damage or destroy a nest of any wild bird. Birds are generally nesting between March and July.
8. The applicant is reminded that there are trees within the development site protected by Tree Preservation Order and the consent of the Local Planning Authority is required for any works apart from those required to facilitate the development hereby permitted.
9. The applicant is advised that Water advises that of the two options proposed for the disposal of waste water Option 1 based on a discharge to mh SU94642102 AT 2.6L/S is the preferred option.
10. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
11. All bridges, buildings or apparatus (with the exception of projecting signs) which project over or span the highway may be erected only with the formal approval of the Transportation Development Planning Division of Surrey County Council under Section 177 or 178 of the Highways Act 1980.
12. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section



278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)

13. 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).
14. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
15. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
16. 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.
17. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>  
for guidance and further information on charging modes and connector types.
18. The Highway Authority has no objection to the proposed development, subject to the above conditions, but, if it is the applicant's intention to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
19. The applicant is advised that the submission of details to comply with condition 23 are REFUSED as the survey information submitted with the Landscape and Ecological Management Plan are more than two years old.

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## Appeal Decision

Inquiry held on 21, 22, 23 & 24 March and 13 & 14 June 2017

Site visit made on 15 June 2017

**by Roger Clews BA MSc DipEd DipTP MRTPI**

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

**Decision date: 26 July 2017**

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**Appeal Ref: APP/D3640/W/16/3158822**

**Land at Heathpark Wood, East of Heathpark Drive, Windlesham, Surrey GU20 6AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Charles Church Southern Ltd & Sentinel Housing Association against the decision of Surrey Heath Borough Council.
  - The application Ref 15/0590, dated 25 June 2015, was refused by notice dated 18 March 2016.
  - The development proposed is the erection of up to 140 dwellings and community facilities, with associated landscaping, open space, car-parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG).
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 140 dwellings and community facilities, with associated landscaping, open space, car-parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG), on land at Heathpark Wood, East of Heathpark Drive, Windlesham, Surrey GU20 6AR in accordance with the terms of the application, Ref 15/0590, dated 25 June 2015, subject to the conditions listed in the attached Schedule of Conditions.

### Procedural matters

2. A completed agreement made under section 106 of the Town and Country Planning Act 1990, as amended, and a completed unilateral undertaking made under the same section, were submitted at the inquiry. I consider their contents further in the Reasons section below. These documents and a list of suggested conditions prepared by the Council and the appellants were discussed at a round-table session during the inquiry.
3. At the inquiry the appellants made an application for costs against the Council. It is the subject of a separate decision.
4. The application was made in outline, with all matters other than access reserved for future determination. I have considered the appeal on the same basis.
5. During the inquiry I received a letter dated 12 June 2017 from Mr Michael Gove, MP for Surrey Heath, setting out his concerns regarding the appeal proposals. I also accepted written representations from a local resident,

Mr Ian Phillips, who had hoped to speak at the inquiry but in the event was not able to. I have taken the contents of those documents and all the other correspondence submitted on the planning application and the appeal into consideration in my decision, together with the written and oral evidence and submissions to the inquiry.

6. During the inquiry the Rule 6 party, Windlesham Heathpark Wood Group [WHWG], claimed that evidence had been submitted by the appellants and accepted by me in contravention of the *Town and Country Planning (Development Management Procedure) (England) Order 2015* [the DMPO] and the *Planning Inspectorate's Procedural Guide: Planning Appeals - England* (August 2016) [the PG].
7. Article 37 of the DMPO requires appellants to submit their full statement of case at the same time as the completed appeal form. It defines a full statement of case as containing full particulars of the case that it is intended to put forward and copies of any documents which it is intended to refer to or put in evidence. However, the appellants submitted a substantial number of additional documents in the weeks leading up to the inquiry and during the inquiry itself. In addition, I made arrangements for rebuttal proofs to be prepared and submitted eight days before the inquiry opened.
8. Article 16(10) of the *Town and Country Planning Appeals (Determination by Inspector) (Inquiry Procedure) (England) Rules 2000* [the Inquiry Procedure Rules] permits the inspector to allow any person to alter or add to a full statement of case so far as may be necessary for the purposes of the inquiry, provided that every other person entitled to appear at the inquiry is given an adequate opportunity of considering any fresh matter or document. Paragraph F12.4 of the PG sets out criteria to be taken into account by the inspector when deciding whether or not, exceptionally, to accept late evidence.
9. I considered those criteria when deciding whether or not to accept each of the additional documents submitted. I was satisfied that in all cases the material was directly relevant to and necessary for my decision, and that it was (a) not possible for the appellants to have submitted it with their full statement of case because the material was not available at that time or (b) reasonable to allow them to submit it in order to respond to the other parties' cases. I was also satisfied that in all but one case the material had been submitted in sufficient time to enable those entitled to appear at the inquiry to consider it. The one document to which that last point did not apply (Mr Burden's rebuttal appendix TBR3) was returned to the appellants. I have not taken it into account in my decision.
10. I am satisfied therefore that the inquiry was conducted in accordance with the Inquiry Procedure Rules and that there was no breach of any party's right to a fair hearing under Article 6 of the European Convention on Human Rights.

### **Background**

11. The appeal site falls into two distinct parts. To the north of Woodlands Lane is the area where the proposed dwellings and community facilities would be built, and to the south is the area proposed for a Suitable Alternative Natural Greenspace [SANG]. The northern part of the site corresponds to the area of land that is designated as a "reserve housing site" under saved policy H8 of the *Surrey Heath Local Plan 2000* [the 2000 Local Plan], except that it excludes

four existing dwelling plots along Woodlands Lane that are part of the policy H8 site.

12. Currently this northern part of the site consists of a 10.75ha area of woodland extending northwards from Woodlands Lane to meet Chertsey Road. The northern part of that woodland, nearest to Chertsey Road, lies outside the policy H8 site and in the Metropolitan Green Belt. No development is proposed on that part of the appeal site. All the new dwellings and the proposed community building would be built within the designated policy H8 site on what I shall call "the proposed development area".
13. The application was made in outline, but a Landscape Masterplan [LMP] drawing<sup>1</sup> was submitted with it showing an illustrative layout for the proposed buildings. That drawing also identifies areas of what is described as "retained woodland" around the edges of the proposed development area.
14. The other part of the appeal site lies to the south of Woodlands Lane, between it and the M3 motorway. It consists of two land parcels, some 9.38ha in total, which are separated by a public bridleway and are currently used for hay-cropping and grazing horses. The larger western parcel is proposed for development as SANG and would be available for public recreation. I shall call it "the proposed SANG area". The smaller, triangular eastern parcel, "the triangle area", is proposed for development as a wildlife area, with no public access.
15. Both parts of the appeal site lie immediately adjacent to the built-up area of Windlesham. That built-up area is inset in, and thus excluded from, the Green Belt<sup>2</sup>. The designated policy H8 site is also excluded from the Green Belt but the SANG and triangle areas lie within it, as does all the adjacent land to the north, east and south. The northern part of the appeal site is part of a larger area of woodland extending to the east away from Windlesham.
16. The planning application was refused, against the officers' recommendation, for four reasons. Only the first of these, concerning the site's safeguarded land status, was pursued by the Council at the inquiry. The Council were satisfied that the other reasons, concerning protected species, effect on the Thames Basin Heaths Special Protection Area, and provision of affordable housing, had been addressed by the provision of additional information and the completion of the section 106 agreement. However, WHWG presented evidence concerning protected species, effect on the SPA and other issues.

### **Main issues**

17. At the start of the inquiry I identified the main issues in this appeal as they appeared to me at that stage. After hearing and considering the evidence I have refined them as follows:
  - (a) Would the proposed development conflict with saved policy H8 of the *Surrey Heath Local Plan 2000*, with policies CP1 and CP3 of the adopted *Core Strategy & Development Management Policies 2011-2028*, and with national planning policy in respect of safeguarded land?

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<sup>1</sup> Ref PERTV19715 10, dated June 2015

<sup>2</sup> Because of Windlesham's particular geography, it is in fact one of two separate Green Belt inset areas for the village.

- (b) How much weight should be given in my decision to the policies of any emerging development plan documents?
- (c) Can the Council demonstrate a five-year supply of deliverable housing sites as required by paragraph 47 of the National Planning Policy Framework [NPPF]? If not, what is the extent of the shortfall?
- (d) Can I lawfully conclude that the proposed development would not have a significant effect on any European site, or is an Appropriate Assessment of its effects required?
- (e) Is the part of the appeal site north of Woodlands Lane a Plantation on Ancient Woodland Site [PAWS]?
- (f) What impact would the proposed development have on protected species and on biodiversity?
- (g) What other adverse impacts and benefits of the proposed development should be taken into account in my decision on the appeal?

18. After considering each of the main issues in turn I will set out my overall conclusions.

### **Reasons**

#### *(a) Consistency with local and national policies*

19. As noted above, the proposed development area lies within a site designated as a "reserve housing site" by policy H8 of the *Surrey Heath Local Plan 2000* ["the 2000 Local Plan"]. That policy remains part of the development plan, because it was "saved" by a direction of the Secretary of State, and it was not included in the list of policies superseded or deleted when the Council's *Core Strategy & Development Management Policies 2011-2028* ["the Core Strategy"] was adopted in 2012.
20. Policy H8 states that the site, together with two other areas of land at the village of West End, is *reserved to meet possible long-term development needs*, and that it is *excluded from the Green Belt*. It therefore has the status of "safeguarded land" between the urban area and the Green Belt, as referred to in NPPF paragraph 85. Indeed it has had that status ever since the first Local Plan for the borough was adopted in 1985.
21. Policy H8 goes on to say that *during the period covered by this Local Plan* [the site] *will remain subject to the restrictions set out in policy RE3*. However, policy RE3 is no longer extant following the adoption of the Core Strategy. The relevant table in the Core Strategy indicates that it was superseded by Core Strategy policy CP1, the most relevant parts of which read: *New development will come forward largely through redevelopment of previously developed sites in the western part of the Borough. [...] The smaller villages of Bisley, West End and Windlesham ... have limited capacity to accommodate development and this will be achieved primarily through redevelopment of existing sites. [...] Development in the Countryside Beyond the Green Belt (as shown on the Proposals Map) which results in the coalescence of settlements will not be permitted.*
22. Core Strategy policy CP3 is also relevant. It states that between 2011 and 2028 the Council will make provision for 3,240 additional dwellings, to be

- provided through a combination of redeveloping previously-developed land, a large site allocation at Deepcut Barracks, and small-scale affordable housing schemes on rural development sites. Additionally, policy CP3 contemplates *[a]fter 2025 if sufficient sites have not come forward within settlement areas release of sustainable sites in the Countryside Beyond the Green Belt.*
23. A table within policy CP3 indicates that Windlesham is expected to provide around 20 dwellings between 2011 and 2025, out of a total of 2,730 to be provided by 2025. Provision for the remaining 510 dwellings, the policy states, is to be made in the period 2026-2028 *within settlement areas or if insufficient sites come forward then through the release of sustainable sites within the Countryside Beyond the Green Belt.*
24. Taking policy H8 first, the key question is what is meant by the phrase *possible long-term development needs*. The reasoned justification to the policy explains, at paragraph 8.27, that the site has been excluded from the Green Belt *to meet possible longer term development needs beyond the current plan period, that is beyond the year 2006. [...] [Its] release for development will depend upon a further review of the Local Plan when it will be necessary to demonstrate that strategic housing requirements cannot be met by the release of other more appropriate land.*
25. While the reasoned justification is not part of the policy, it is part of the context within which the policy must be read and interpreted. Moreover, its explanation of the meaning of *possible longer term development needs* is entirely consistent with national policy towards safeguarded land set out in NPPF paragraph 85. That national policy also refers to longer-term development needs as *stretching well beyond the plan period* and indicates that *planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review that proposes the development.*
26. Taking all this into account, my view is that the proposed development would conflict with saved policy H8. In reaching this view I acknowledge that the end-date of the 2000 Local Plan was 2006 and that the policy's reasoned justification specifically refers to meeting possible longer-term development needs beyond that date, which is now 11 years ago. But that is not the end of the matter. Both the reasoned justification and, more significantly, NPPF paragraph 85 also make it clear that safeguarded land should not be released until there has been a review of the Local Plan that proposes its development.
27. In this case there has been a review of the 2000 Local Plan, in the form of the Core Strategy, but the Core Strategy did not release the site for development, and policy H8 remains part of the development plan. In my view this means that, according to local and national policy, the site should remain as safeguarded land until a further review of the Local Plan authorises its release.
28. Turning to policy CP1, there is a degree of conflict with the general statements that development will largely come forward in the west of the borough (Windlesham lies in the eastern part of the borough), and that the village has limited capacity for development which will be achieved primarily through redeveloping of previously-developed sites [my emphases]. While none of these statements places an absolute ban on greenfield development at Windlesham on the scale proposed, they indicate a clear preference for such development to be located elsewhere.

29. Similarly, while the distribution table in policy CP3 does not actually prohibit the development of more than 20 dwellings at Windlesham, it is evident that the policy does not contemplate the development of up to seven times that figure. To that extent there is conflict with this policy also.
30. The remaining relevant provisions of policies CP1 and CP3 concern land designated as Countryside Beyond the Green Belt [CBGB]. There was considerable discussion at the inquiry about whether or not the proposed development area should be seen as subject to this designation. It was suggested that the pale green wash which indicates that designation was applied to the safeguarded land at Windlesham in error when the Proposals Map for the Core Strategy was drawn up. In this regard, reference was made to a number of documents bearing on the designation of the CBGB in the Core Strategy and in previous iterations of the Local Plan, but in my view none of that material was conclusive on this specific point.
31. Article 9(1)(c) of the *Town and Country Planning (Local Planning) (England) Regulations 2012* requires that the adopted policies map must *illustrate geographically the application of the policies in the adopted development plan*. Policy CP1 refers in terms to the CBGB (as shown on the Proposals Map) [my emphasis]. There was no legal challenge to the adoption of the Core Strategy or to the *Surrey Heath Local Plan 2011-2028 Proposals Map* which accompanies it. In the absence of any conclusive evidence to support the contrary view, therefore, I consider that, because of how it is shown on the Proposals Map, the proposed development area is designated as CBGB for the purposes of the Core Strategy.
32. The proposed development would not result in the coalescence of settlements and so would not conflict with the specific provisions of policy CP1 as regards CBGB. The provisions of policy CP3, on the other hand, make it clear that sites with that designation are not intended to be released for development before 2025, and then only if insufficient sites to meet the Core Strategy's housing requirements have come forward. The proposed development is in conflict with those provisions.
33. Having said that, it will be noted that these restrictions of policy CP3 are less stringent than those of policy H8, which does not permit any development of the designated reserve housing site until after a review of the Local Plan has occurred. Even if I am wrong about the designation of the site as CBGB, therefore, it makes no difference in practical terms to the outcome of the appeal.
34. I conclude on this issue that the proposed development would conflict with those provisions of saved 2000 Local Plan policy H8 and NPPF paragraph 85 that make it clear that safeguarded land should not be released until there has been a review of the Local Plan which proposes its development. There is also conflict with Core Strategy policies CP1 and CP3, in respect both of their expectations as to the scale and location of development at Windlesham, and of the specific conditions which policy CP3 sets for the release of CBGB. I will consider the weight to be given to these conflicts, having regard to other material considerations, in my overall conclusions.



*(b) Emerging development plan documents*

35. After adopting the Core Strategy, the Council had envisaged that a Site Allocations Plan would be prepared and adopted by October 2015, according to their Local Development Scheme [LDS] of December 2012. However, their latest LDS, published in 2016, does not mention a Site Allocations Plan. Instead, it indicates that a new Surrey Heath Local Plan, setting out the Council's approach to strategic policies, land allocations and detailed policies to help deliver the vision and objectives for the borough, will be prepared.
36. According to the 2016 LDS, an Issues and Options document is to be published in October 2017, with adoption of the Plan envisaged for December 2019. That remains the intended timetable. Since no documents associated with the new Local Plan have yet been published, it can be given no weight in this appeal.
37. A draft *Windlesham Neighbourhood Plan 2017-2028* was published for consultation between February and April 2017. Its policies WNP 1.1 & 1.3 seek organic housing growth of 1-2%, primarily on brownfield sites, and envisage replacement of large houses on large plots in the Green Belt with a small number of smaller houses. Other draft policies deal with design standards, character and amenity, and vehicle parking. The appeal site lies within the Neighbourhood Plan area, but there is no reference in the draft document to saved 2000 Local Plan policy H8, which applies the reserve housing site designation to the northern part of the appeal site.
38. The appellants have made a substantial objection to the draft Neighbourhood Plan, alleging that it fails to meet the basic conditions for such documents. I have no information on any other objections that may have been made. Nonetheless, the facts that the plan is still at an early stage of preparation and that there has been at least one substantial objection to it mean that I can give only very limited weight to its policies in my decision.

*(c) Five-year housing land supply*

39. The Core Strategy requirement for 3,240 dwellings is based on the revoked South East Plan 2009 and no longer reflects the current level of need. The Council and the appellants agree that it is appropriate to base the five-year housing supply requirement on the objectively assessed housing need [OAN] figure identified in the November 2016 *Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment* [SHMA]. For Surrey Heath that figure is 382 dwellings per annum. I agree that the SHMA is the most up-to-date and comprehensive available assessment of housing need in the borough and that it is appropriate to use that figure for the purposes of assessing the five-year supply.
40. To accord with advice in the NPPF and the national Planning Policy Guidance [PPG], it is necessary to adjust the OAN figure to account for any shortfall in delivery since the start of the Core Strategy period (2011), and to apply a buffer of 5% or 20%, as appropriate, to arrive at the five-year requirement. I endorse the Council's and the appellants' agreed position that the shortfall since 2011 is 439 dwellings and that this figure should be added to the five-year OAN figure, in accordance with advice in the PPG. That gives a five-year requirement total, before application of the buffer, of 2,349 dwellings ((382 x 5) + 439 = 2,349).

41. In order to determine whether a 5% or 20% buffer is appropriate, it is necessary to consider whether there has been a record of persistent under-delivery of housing in the borough. Information on delivery between April 2006 and January 2017 is available. That period is long enough to take in peaks and troughs in delivery and therefore to be sufficiently representative.
42. In assessing the extent of any under-delivery in each year, I agree with the Council that delivery must be measured against the annual requirement, or "target", that actually applied during the year in question. In other words, I do not agree with the appellants that a requirement calculated, for example, in 2016 should then be "back-dated" in order to assess delivery in the two previous years. That may be appropriate practice when calculating OAN, but it is not appropriate to assess past delivery performance against a target that was not known at the time.
43. Assessed on the basis of targets applicable at the time, the extent of under-delivery in the borough was some 281 dwellings out of a total requirement of around 2,322. There were significant surpluses in 2006/07 and 2008/09, and significant deficits in 2009/10 and 2010/11, but the latter are largely explained by the effective moratorium on housing permissions that followed the designation of the Thames Basin Heaths Special Protection Area, until a mechanism for securing avoidance measures was put in place. Otherwise any deficits in past years are relatively modest, and figures for the current year are not yet complete. Taking all this together, I find that there has not been a record of persistent under-delivery of housing. A 5% buffer is appropriate.
44. In my view the buffer should be applied after the shortfall is added to the five-year OAN figure, not before as the Council contend. I disagree with their argument that this amounts to double-counting, because the buffer has a different purpose from the addition of past shortfall to the five-year OAN figure. Addition of the shortfall is necessary to ensure that the full need for housing is met, whereas the purpose of the buffer is to ensure choice and competition in the market for land. It is logical therefore that the buffer should be applied to the total requirement for housing land over the five-year period, including any shortfall from previous years.
45. Although the Secretary of State took the opposite approach in his decision on the appeal at Gresty Lane, Crewe<sup>3</sup>, other Secretary of State decisions<sup>4</sup> follow the approach I favour, which has also been endorsed by the Local Plans Expert Group. In any case, in this appeal it makes little difference to the final figure whichever approach is followed.
46. With the addition of a 5% buffer, the five-year housing requirement figure is calculated as  $2,349 \times 1.05 = 2,466$  for the five-year period from 1 April 2017 to 31 March 2022.
47. The Council accept that they cannot demonstrate a supply of deliverable housing land to meet that requirement. They say that the deliverable supply would provide land for some 1,942 dwellings. That is equivalent to about 3.9 years' supply against the requirement I have identified. However, the appellants challenge some of the Council's assumptions on sites included in the supply and propose an alternative supply figure of 1,333, or 2.7 years' worth of

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<sup>3</sup> Ref APP/R0660/A/13/2209335

<sup>4</sup> Refs APP/H1840/A/13/219905 & 219946 and APP/R0660/A/13/2197532 & 2197529

housing against the same requirement. I shall examine the more important differences between the parties in turn.

48. The Council's assumption that 390 units will come forward on the allocated Deepcut Barracks site depends on delivery of around 48 dwellings per annum (dpa) by each of two national housebuilders over a four-year period beginning in 2018. However, the evidence I heard concerning progress on infrastructure and the likely start-date for construction means that few, if any, dwellings will actually be completed before the 2019/20 monitoring year. 48 dpa per housebuilder may be a relatively high figure in national terms but I would expect this to be an area of strong market demand and I heard unchallenged evidence that 54dpa had been achieved by a housebuilder at nearby Wokingham. Accordingly it would be reasonable to expect Deepcut to be capable of delivering about 300 dwellings in the five-year period, 90 less than the Council assume.
49. I see no reason why 110 dwellings should not be delivered in the five-year period on the allocated site at Ashwood House, Pembroke Way North, given that site is owned by the Council and that a planning application for that number of dwellings is already under consideration. On the other hand, it would be unsafe to rely on the delivery of housing at the unallocated SHLAA site West of Sturt Road which is designated as CBGB and is in active employment use. That would reduce the Council's supply figure by a further 100 dwellings.
50. The smaller allocated sites at Woodside Cottage and East of Knoll Road are capable of delivering a total of 45 dwellings in the five-year period, since there is a current planning application on the former and development at the latter is already under way. It also appears feasible for a 20-dwelling rural exception scheme to come forward on the charity-owned, unallocated SHLAA site on Land rear of The Grange.
51. However, there is no current application on the unallocated SHLAA site at Pembroke House, and given that a proposal for 14 dwellings there was previously dismissed at appeal, it cannot be assumed to be capable of contributing to the five-year supply. Similar comments apply to the unallocated SHLAA site at London Road / Victoria Avenue, which has been the subject of two previous planning applications, one refused and the other withdrawn. These two sites contribute 64 dwellings to the Council's supply figure.
52. In total, therefore, 254 dwellings need to be subtracted from the Council's supply figure of 1,942 to reflect my findings on the sites at Deepcut Barracks, West of Sturt Road, Pembroke House, and London Road / Victoria Avenue. Some smaller elements of the Council's supply list, amounting to a further 67 dwellings, were also disputed by the appellants, but in total they contribute less than 3% of the five-year requirement and are not significant in assessing the overall supply position.
53. Drawing all the above points together, on the evidence before me I assess the deliverable supply of housing land in the borough, over the 2017/18-2021/22 period, as amounting to between 1,620 and 1,690 dwellings, in round figures. This equates to around 3.4 years' worth of housing land against the five-year requirement. The shortfall in supply, again in round figures, is between 775 and 845 dwellings.

*(d) Need for Appropriate Assessment?*

54. The requirements of the European Council Directive 92/43/EEC [the Habitats Directive] were transposed into UK law by the *Conservation of Habitats and Species Regulations 2010* [the Habitats Regulations]. Article 61(1) of the Habitats Regulations requires a competent authority, before deciding to give permission for a project which is likely to have a significant effect on a European site, to make an appropriate assessment [AA] of the implications for that site in view of that site's conservation objectives.
55. This effectively creates a two-stage process: it must first be determined whether or not the project, either alone or in combination with other plans and projects, is likely to have a significant effect on the European site in question, and if it is, AA must then be carried out. However, AA is not required if the competent authority is satisfied that no significant effect on the site is likely.
56. In this case, I am the competent authority for the purposes of the Regulations, and the European sites potentially affected are the Thames Basin Heaths Special Protection Area [SPA] and the Thursley, Ash, Pirbright and Chobham Special Area of Conservation [SAC]. Both the SPA and SAC cover extensive and quite widely dispersed tracts of land, but at their nearest point, they lie within 800m of the proposed development area. The boundaries of those parts of the SPA and SAC potentially affected by the proposed development are identical. Accordingly, measures that would obviate any significant effect of development on the SPA can be taken to have the same effect in respect of the SAC. The same applies to Chobham Common Site of Special Scientific Interest [SSSI], whose boundaries coincide with those of the SPA and SAC.
57. Core Strategy policy CP14B sets out requirements for new residential development that are designed to avoid any significant effect on the SPA. The requirements, which reflect those set out in saved South East Plan policy NRM6, involve the provision of SANG and contributions towards strategic access management and monitoring measures [SAMM]. Their purpose is to offset the impact of additional visitors on the SPA by providing alternative recreational space in the form of SANG, and by managing and monitoring the continuing use of the SPA through SAMM.
58. The section 106 agreement in this appeal makes arrangements for the provision of SANG and the payment of SAMM contributions in full accordance with the requirements of policy CP14B, and the terms of the agreement satisfy all the comments made by English Nature on the application and the appeal. In these circumstances, the Council and the appellants agree that it has been demonstrated that the proposed development is not likely to have a significant effect on any European site and that no AA is required.
59. However, WHWG's view is that the agreement would need to have been presented as an integral part of the proposal at the time the appeal was made, in order for me to take it into account in making a finding on the likelihood of significant effect. It is therefore not open to me, they say, to find that no AA is required.
60. It is necessary for me to reach a view on this matter, because it affects the way in which I consider the appeal as a whole. NPPF paragraph 119 advises that the presumption in favour of sustainable development does not apply where development requiring AA is being determined.

61. My attention was drawn to four relevant legal judgments. The *Waddenzee* judgment of the European Court of Justice [ECJ] established that, when determining whether or not a project would be likely to have a significant effect on a European site, that determination should proceed on a precautionary basis. AA must be carried out unless it can be excluded, on the basis of objective information, that the project will have a significant effect on the site, either individually or in combination with other plans or projects. The same principle was reiterated in the ECJ's judgment in the *Sweetman* case<sup>5</sup>.
62. The *Dilly Lane* judgment in the High Court concerned a decision by the Secretary of State to grant planning permission for residential development. Sullivan J considered whether or not avoidance or mitigation measures could be taken into account when determining whether or not that project was likely to have a significant effect on an SPA. He was *satisfied that there is no legal requirement that a screening assessment ... must be carried out in the absence of any mitigation measures that form part of a plan or project. On the contrary, the competent authority is required to consider whether the project as a whole, including such measures, if they are part of the project, is likely to have a significant effect on the SPA*<sup>6</sup>.
63. That finding of the *Dilly Lane* judgment is quoted with approval in the Court of Appeal judgment in the *Exminster* case, in which the same question was considered, this time with regard to an inspector's decision to grant planning permission for residential development. Sales LJ's lead judgment concluded that *The Inspector was lawfully entitled to take into account the proposed preventive safeguarding measures in respect of the SPA and SAC ... for the purposes of giving a screening opinion to the effect that no "appropriate assessment" would be required ... in the course of his consideration whether to grant planning permission*<sup>7</sup>.
64. Of significance for the present appeal is that, in the *Exminster* case, it appears that some elements of the safeguarding measures designed to avoid significant impact on the SPA and SAC were to be secured by a planning condition: see para 34 of the inspector's decision, quoted at paragraph 53 of Sales LJ's judgment. This indicates that not all those safeguarding measures were "incorporated" into the project at the point when the appeal was made. Yet this fact did not prevent the Court of Appeal reaching the conclusion that they did.
65. No legal authority supporting WHWG's position was drawn to my attention. Taking all the above into account, my view is that I am lawfully entitled to take into account both the section 106 agreement and the provisions of any conditions that may be imposed on any permission I may grant, when determining whether or not the proposed development in this case is likely to have a significant effect on any European site. It was not necessary for the section 106 agreement and any relevant conditions to have been presented as part of a complete package on the date the appeal was submitted, in order for me to take them into account in making that determination.

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<sup>5</sup> *Landelijke Vereniging to Behoud van de Waddenzee v Staatsecretaris van Landbouw, Natuurbeheer en Visserij* [2005] 2 CMLR 31 and *Sweetman v An Bord Pleanla* [2014] PTSR 1092

<sup>6</sup> *R (Hart DC) v SSCLG* [2008] EWHC 1204 (Admin), para 72

<sup>7</sup> *Dianne Smyth v SSCLG and others* [2015] EWCA Civ 174, para 77

66. If planning permission were granted for the proposed development, the section 106 agreement would provide avoidance and mitigation measures, in the form of the proposed SANG and the SAMM contributions. Those measures meet the requirements of Core Strategy policy CP14B and saved South East Plan policy NRM2.
67. The agreement also meets Natural England's specific requirements, subject to which they withdrew their previous objection to the proposed development. It contains an appropriate definition of the SANG management company, including that it has responsibility for managing and maintaining the SANG in perpetuity; appropriate arrangements for collecting a service charge from purchasers of the proposed dwellings, to pay for management and maintenance of the SANG; secure arrangements for the maintenance of the SANG until it is transferred to the management company; and arrangements for monitoring by the Council, backed up by "step-in" rights should the management company fail to discharge its responsibilities satisfactorily.
68. Condition 25 below requires the draft SANG Management Plan (February 2016) prepared by Keystone Ecology to be updated and finalised, and submitted for the written approval of the Council before development commences. This will ensure that the plan which guides the management company's work is fully reflective of current circumstances.
69. With those measures in place I am satisfied that I can lawfully conclude that the proposed development, either alone or in combination with other plans and projects, would not have a significant impact on the Thames Basin Heaths SPA, on the Thursley, Ash, Pirbright and Chobham SAC or on Chobham Common SSSI. It is not necessary for AA to be carried out and the appeal proposal would comply with Core Strategy policy CP14B and South East Plan policy NRM6.

*(e) Ancient woodland*

70. Ancient woodland is defined in the Glossary to the NPPF as *an area that has been wooded continuously since at least 1600 AD*. A Plantation on Ancient Woodland Site [PAWS] is an ancient woodland site which has been converted to a plantation dominated by non-native broadleaved or conifer species (Glossary to Forestry Commission, *Managing ancient and native woodland in England*, 2010). Thus the evidence to establish that land is a PAWS must show that it has had continuous woodland cover since at least 1600.
71. In this case the map series produced in Mr Forbes-Laird's proof, Appendix 8, shows beyond any reasonable doubt that the part of the appeal site north of Woodlands Lane was not wooded when it was surveyed for the 1806 Ordnance Survey draft maps. Nor is there any mapping evidence to show that it was wooded before 1750. The map series produced by Dr Berardi is less extensive and does not add to the evidence before me in these respects.
72. Evidence from the available mapping is supported by the April 2015 Ecological Appraisal of the site by Keystone Ecology. This found only limited ground flora and an understorey, in the conifer plantation area, dominated by dense stands of bracken. Those findings were confirmed by my site visit. The appeal site lacks the rich assemblage of indicator species that would typically be found on an ancient woodland site, whether or not it has been converted to plantation.

73. I conclude that the part of the appeal site north of Woodlands Lane is not a Plantation on Ancient Woodland Site.

*(f) Impact on protected species and biodiversity*

74. A wide range of species are protected by European and national legislation. Guidance on the conservation of protected species is given in ODPM Circular 06/2005. At paragraph 99 the Circular advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. However, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place before the permission is granted.

75. A Phase 1 Extended Habitat Study of the whole appeal site (both north and south of Woodlands Lane) was carried out by Keystone Ecology [KE]. Specific surveys by KE to assess the presence or otherwise of bats, breeding birds and badgers took place between 2013 and 2015. KE's work was subject to further check surveys by Ecology Solutions [ES] in 2016. Mitigation and compensation proposals arising from the surveys are set out in the draft *Landscape and Ecological Management Plan - Ecology* [LEMP] (June 2015), and the *SANG Management Plan - Ecology* (February 2016), also prepared by KE.

76. KE categorised the appeal site, in accordance with the guidance then applicable [the 2012 survey guidelines]<sup>8</sup>, as a medium-sized site of low habitat quality for bats and accordingly recommended that there should be three bat activity surveys, in spring, summer and autumn respectively. Each survey should include a manual survey of two transects on the site, and use of an automatic bat detector on four consecutive nights at one location in each transect. In the event, one spring, three summer and five autumn manual surveys were undertaken by KE and ES between September 2013 and October 2016, and automatic detectors were deployed on a total of 17 nights during that period.

77. Both the Surrey Bat Group [SBG] and WHWG made substantial criticisms of these surveys which I have taken into account in my decision. Having regard to the Circular's guidance on proportionality in survey effort, I consider it legitimate for KE to take account of previous survey results (from 2007) as well as features of the appeal site itself, when determining its habitat quality. As a safeguard, KE made provision for the habitat quality category to be upgraded if the later surveys had found additional bat species, higher levels of bat activity or greater evidence of roosting on site than in 2007. But in the event they did not.

78. I am also satisfied that, in combination, KE and ES's tree survey work was sufficient to establish that it is unlikely that any bat roosts would be lost as a result of the appeal proposals. From what I saw during my site visit, I agree with Mr Goodwin that the relatively sparse nature of the tree canopy over the proposed development area means that most trees could be effectively assessed for potential roost features from ground level. On that basis, ES were justified in their decision to confine climbing surveys to those trees which had

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<sup>8</sup> Bat Conservation Trust, *Bat Surveys: Good Practice Guidelines*, 2<sup>nd</sup> edition (2012)

high potential for bat roosts and would be likely to be removed if the development proceeds.

79. The absence of a dense tree canopy over the proposed development area or the SANG area also justifies the decision to place the microphones for the automatic bat detectors 1m or more above ground level, rather than in the canopy itself.
80. Weather conditions for the bat surveys generally met the recommendation in the 2012 survey guidelines to avoid wet or windy nights. The light winds and drizzle that occurred on some nights are unlikely to have affected the results significantly, especially in view of the warm temperatures that accompanied them. While the May 2015 manual survey took place in temperatures lower than those recommended in the current best practice guidelines [the 2016 survey guidelines]<sup>9</sup>, weather conditions that night were otherwise favourable to bat activity. Moreover, to give a complete picture the results of the May 2015 survey must be considered alongside those of all the other surveys that were carried out in appropriate weather conditions. Accordingly, I am not persuaded that the weather conditions for that survey would have resulted in substantial under-estimation of bat activity on the appeal site.
81. The surveys recorded relatively low levels of bat activity overall, with higher activity on the southern part of the appeal site (south of Woodlands Lane) than on the northern part. These findings are consistent with the view that the predominantly conifer woodland found on most of the proposed development area is of relatively low foraging value.
82. No rare bat species were recorded in the surveys. SBG and WHWG drew attention to the difficulty of distinguishing, in automatic surveys, between certain bat species. However, KE's assessment of the species present was a professional judgment informed by the appeal site's characteristics and by a combination of manual and automatic surveys. They used sound analysis to distinguish between *Myotis* species, thereby excluding the rare Bechstein's bat for which SBG acknowledge the site offers a sub-optimal habitat. I am satisfied that it is highly unlikely that any other species of bats, other than those identified by KE, are present on the site.
83. Moreover, the advance licence survey techniques that SBG advocate in order to gain a fuller picture of the range of species present, and to assess their age, sex and breeding status, are invasive and pose potential risks to sensitive bat populations. The 2016 survey guidelines recommend their use only where other options are ineffective or grossly inefficient and the level of potential impact on important bat populations is considered high, such as the loss of significant high-quality bat foraging or roosting habitat. For the reasons given above, I consider that those conditions do not apply in this case.
84. Some low-quality bat foraging habitat would be lost as a result of the appeal proposals, but the better-quality habitat in the adjacent deciduous woodland and on the proposed SANG and triangle areas would be retained and enhanced in accordance with the specific recommendations in the KE report, thereby compensating for that loss. While night-time lighting would be introduced into the proposed development area, unlit flight corridors around it would remain.

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<sup>9</sup> Bat Conservation Trust, *Bat Surveys for Professional Ecologists: Good Practice Guidelines*, 3<sup>rd</sup> edition (2016)



85. KE's breeding bird surveys found six bird species present on the appeal site that are on the England Biodiversity Priority list or are listed as Birds of Conservation Concern. A single Red Kite, a species listed in Schedule 1 of the Wildlife & Countryside Act 1981, was observed on both the northern and southern parts of the site, but was not considered to be breeding on-site. No evidence of the three qualifying bird species from the Thames Basin Heaths SPA was found. The surveys were conducted in the daytime, whereas the site may be within flying range of the SPA for the nocturnal nightjar. However, even if nightjars do resort to the site, the proposed development would not result in significant loss of suitable habitat for that species.
86. The observations of Mr Shuhood, who is a qualified ornithologist, were made without the benefit of access to the northern part of the appeal site. As a result he acknowledged that he could not be sure that any of the species to which he drew attention were nesting on that part of the site. The mitigation and compensation measures proposed as part of the development, including the retention of deciduous woodland habitat and additional landscape planting, would ensure that suitable bird habitats are maintained.
87. KE carried out both a badger survey of the appeal site, and a bait-marking survey to assess the foraging range of the badgers living on-site. There is an extensive main sett in the retained woodland area near the western boundary of the northern part of the appeal site, adjacent to the rear boundary fences of houses in Heathpark Drive. A nearby annexe sett and four active outlying setts are also present on the northern part of the site, together with two disused outlying setts.
88. Two outlying setts, one active and one disused, would be destroyed as a result of the proposed development if it proceeds as shown on the LMP drawing. A licence from Natural England would be required for this. The other setts, including the main and annexe setts, are within the retained woodland areas shown on that drawing. I see no reason why badgers should not continue to occupy those setts if the development were to go ahead. They have, after all, lived in the main sett for many years, cheek by jowl with the residents of Heathpark Drive. The LMP drawing shows how adequate wooded and planted 30m buffer zones around the retained setts and "commuting" corridors to link with the badgers' foraging territory could be provided. In my experience badgers are resilient animals and would not be deterred from using those corridors by the adjacent new housing and roads with their attendant lighting.
89. The SANG Management Plan includes the creation of extensive, fenced-off earth bunds within the SANG and triangle areas. These would be planted with suitable plant species to facilitate colonisation by badgers. KE also propose the construction of an artificial sett of main sett size as part of the proposed mitigation measures. This does not imply that the badgers are likely to abandon the existing main sett, which would be protected as described above.
90. The bait-marking survey indicated a foraging territory for the resident badgers of around 48ha. That territory includes the SANG and triangle areas as well as the northern part of the appeal site and woodland to the east of it. I note the West Surrey Badger Group's criticisms of the survey, but I consider that the method used was adequate for its purpose, following a precautionary approach. More sophisticated methods are unlikely, therefore, to have yielded a smaller territory size.

91. About 10% of that 48ha territory would be lost if the development were to proceed, but it would remain at or close to the average size of a rural badger group's territory. Moreover, the territory lost would be generally poor-quality foraging habitat, whereas the foraging potential of the SANG and triangle areas would be substantially increased by the new planting that is proposed. Thus I see little danger of inter-clan disputes or increased risk of disease arising because of loss of territory.
92. Because the resident badger group's territory already includes the area to the south of Woodlands Lane, it is unlikely that badger movements across the lane would increase substantially. The 20mph speed limit, no-parking zones and warning signs that are proposed as part of the mitigation measures would help to reduce the potential for badger road deaths. As badgers are nocturnal, it is also unlikely that public use of the SANG would lead to conflicts with people or dogs.
93. A survey by KE in 2007 and 2008 found no evidence of dormice on the northern part of the appeal site. It is highly unlikely that on-site conditions have changed sufficiently since that time to invalidate that assessment. As such, I am satisfied that dormice are unlikely to be affected by the proposed development. However, as a further safeguard a repeat survey should be carried out before development commences, as recommended by KE in their original survey report. This could be secured by a condition.
94. I consider that KE were justified in excluding the need for a reptile survey of the southern part of the appeal site in view of the very limited extent of suitable habitat it contains, which would be increased as a result of the SANG proposals. The SANG Management Plan contains appropriate recommendations for protecting any reptiles that are found on site during the landscaping works.
95. Drawing all these points together, therefore, and after taking into account the proposed mitigation and compensation measures, I find that the proposed development would not have any materially adverse effect on protected species or breach the legal protections afforded to them. Accordingly it is unlikely that any European Protected Species licence from Natural England would be required.
96. Section 40(1) of the *Natural Environment and Rural Communities Act 2006* imposes a duty on any English public authority to have regard, in the exercise of its functions, to the purpose of conserving biodiversity. The proposed development would lead to the loss of about 5ha of the existing woodland north of Woodlands Lane. That area consists principally of mature plantation conifers, although some younger, native deciduous trees, including birch, sweet chestnut, oak and beech, have established themselves, particularly in gaps where conifers have fallen. The understorey here is dominated by tail bracken, with clumps of holly and of invasive non-native species such as rhododendron and laurel. Ground flora is very limited in its diversity.
97. This is an environment of low biodiversity value, not a site having *the potential to contain a unique and rare insect, fern, moss and fungal species assemblage*, as Dr Berardi described it, albeit without the benefit of a prior site visit<sup>10</sup>. Any loss of biodiversity resulting from the loss of this woodland area would be more than compensated for by the proposed enhancements to the retained woodland

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<sup>10</sup> Dr Berardi used a drone-mounted camera for his surveys.

areas surrounding the proposed development area, and by the new planting and landscaping that is proposed for the SANG and the development area itself.

98. There is no evidence to show that the proposed development would have any material impact on the area of ancient woodland lying some 140m to the east. National standing advice is that the minimum buffer zone of semi-natural habitat between development and ancient woodland should be at least 15m<sup>11</sup>. As the planning application was made in outline, it would be possible to design the development in such a way as to avoid any significant encroachment onto the priority deciduous woodland habitat at the eastern edge of the proposed development area.
99. The concerns raised by WHWG regarding potential threats to trees from windthrow, desiccation and encroachment onto root protection areas were convincingly answered by the evidence of Mr Forbes-Laird and Mr Goodwin. The retained woodland area at the western edge of the proposed development area would remain connected to the surrounding woodlands by a wooded corridor, thereby reducing any fragmentation effects. Accordingly, I am satisfied that the loss of some 5ha of mainly coniferous woodland would not lead to adverse impacts on the biodiversity value of the retained woodlands around it.
100. Given that the SANG area is to be publicly accessible, some compromises in its design between recreational and wildlife considerations are inevitable. Nonetheless, the SANG proposals would enhance its biodiversity value compared with its current use mainly as pasture and agricultural grassland. The proposals do not envisage any increase in animals or birds crossing the M3, which runs along the southern edge of the SANG area. From the evidence I saw and heard, including observations made during my site visit, I am satisfied that the SANG area would not be affected by run-off from the motorway and that neither air pollution from traffic nor use of the SANG area by people and dogs would be likely to make the SANG area inhospitable to the plants and animals for which it is designed.
101. I conclude that the proposed development would not lead to any materially adverse impact on biodiversity. As a result there would be no conflict with Core Strategy policies CP14A and CP2(iv), which promote biodiversity and nature conservation and respect and enhancement of the natural environment, or with the biodiversity policies of the NPPF, in particular those at paragraph 118.

*(g) Other adverse impacts and benefits*

102. The proposed development would result in the loss of some 5ha of currently wooded countryside to residential development. However, the illustrative LMP shows how the impact of this development on public viewpoints from Woodlands Lane could be reduced by setting the main part of the developed area behind existing frontage development and retained woodland. Additional planting as proposed in the LEMP would help to give the development a character consistent with the sylvan setting of the neighbouring Heathpark Drive. With such a layout, only the site access, the proposed community building and a small number of dwellings would be located close to the lane,

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<sup>11</sup> Forestry Commission and Natural England, *Ancient woodland and veteran trees: protecting them from development* (October 2014, updated October 2015)

and their visual impact could be softened by retaining existing trees where possible and by new planting.

103. As the appeal site lies adjacent to the built-up area of Windlesham, the new development would not constitute an isolated incursion into open countryside but rather a contained eastward extension of the existing built-up area, going no further east than the existing dwelling plots on Woodlands Lane. It would remain visually contained by the extensive woodland area to the east, in much the same way as Heathpark Drive is currently contained by the woodland to its east (including the proposed development area of the appeal site).
104. While the development would lead to some loss of rural quality and character, therefore, the resultant harm would not be severe, given the site's location and the proposed landscaping measures. There would be only limited conflict with Core Strategy policy CP2(iv), which requires development to respect and enhance the quality of the rural environment, or with the requirement in NPPF paragraph 17 to recognise the intrinsic character and beauty of the countryside.
105. In reaching that view I have taken into account the relevant findings of the Core Strategy inspector and of the inspectors who examined the 2000 Local Plan and its predecessors. Unlike me, those inspectors did not have an illustrative scheme before them to inform their assessment. Moreover, they were contemplating the potential development of the entire policy H8 site, not the area excluding the existing dwelling plots along Woodlands Lane which forms the proposed development area in this case.
106. From the middle of the proposed development area it is about 800m, or 10-15 minutes' walk, to Updown Hill, in and around which most of the village shops and its two bus stops are located. There are two small convenience stores, one also containing a Post Office and the other a coffee and sandwich bar, a pharmacy, butcher's, hairdressers' and a public house. Thus many essential day-to-day facilities are within comfortable walking and cycling distance. A condition is proposed to secure improvements to the pedestrian and cycle route along Woodlands Lane.
107. Windlesham offers only very limited employment opportunities, and other facilities including schools, larger shops and supermarkets, doctors' and dentists', and leisure and entertainment venues, are too far away for most people to walk or cycle. On Mondays to Fridays the bus service provides some opportunities for reaching wider destinations for work and other purposes, with three journeys a day to and two from Sunningdale station for commuter trains to London, and five services a day to and from Camberley and Staines. But it provides only five journeys in total on Saturdays, finishing at around 2pm, and none in the evenings or on Sundays.
108. Thus public transport would only be a realistic option for some journey purposes and residents of the proposed development would have no alternative to the car for many of their journeys, especially in the evenings and at weekends. This would of course limit the opportunities available to those without access to a car. The local education authority must provide school places for all children seeking them, and transport to school for those living beyond the qualifying distance. But the distance even to the nearest primary schools makes it likely that most parents would drive their children to school.

109. In these respects the proposed development would fail to meet the objectives of Core Strategy policy CP2(i)&(v) to create sustainable communities with easy access to a range of high quality services and to contribute to a reduction in carbon dioxide emissions. These accessibility issues are also relevant to the conflicts I have already identified with policies CP1 and CP3, which set out a spatial strategy that is in part intended to concentrate new development in areas with good access to infrastructure and services.
110. That said, at paragraph 29 the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Relative to many other rural settlements, Windlesham has a reasonably good range of local facilities which an increase in its population is likely to help to sustain.
111. The proposed development would be subject to the national standards for energy and water efficiency which are applied through the Building Regulations. Its specific location may mean that it is somewhat less efficient in terms of energy use than developments of comparable size elsewhere, but that in itself would not create a significant conflict with Core Strategy policy CP2(ii) or (iii).
112. The Air Quality Technical Report prepared for the development by Peter Brett Associates [PBA] demonstrates that any degradation of air quality due to the proposed development would be insignificant and its impacts negligible. That report, and PBA's Noise Impact Assessment, show that the removal woodland from the appeal site would not result in any exceedance of air quality objectives or increase the noise exposure of existing properties. No substantial evidence was submitted to contradict those assessments.
113. The appellants drew attention to a number of benefits which, in their view, would arise from the proposed development. They include the provision of up to 140 dwellings, including up to 56 affordable homes, and a community building, an increase in Windlesham's working-age population, job creation associated with the development, provision of new public open space, creation of new ecological habitats, and a New Homes Bonus. I consider those benefits, and the weight that should be attached to them, in my overall conclusions.

### **Conditions**

114. The conditions in the attached Schedule are based on those suggested by the Council and the appellants, with one exception. Where necessary I have amended the wording of the suggested conditions in the interests of consistency and precision. I have added condition 27, dealing with dormice surveys, for the reasons given in paragraph 93 above.
115. Conditions 1 to 3 are the standard reserved matters conditions, and condition 4 is necessary to ensure that the development is constructed within the saved policy H8 site, that the access, which is not a reserved matter, is constructed in the right location, and that the SANG area is provided as proposed. Conditions 5 to 8 are needed to ensure that adequate provision is made for surface and foul water drainage. Condition 9 is required to ensure that appropriate archaeological investigations are carried out, while conditions 10 to 14 are needed to secure the investigation and, if necessary, remediation of any on-site contamination in the light of the findings of the June 2015 desktop assessment.

116. Conditions 15 to 17 are necessary to ensure that roads and parking areas are properly surfaced, and that access to the site and a management plan for construction transport are in place before building works begin. Condition 18 requires the preparation and implementation of a Travel Plan to promote the use of walking, cycling and public transport by residents of the development in accordance with national and local policy. Conditions 19 and 20 deal with proposed ground levels and tree assessment and protection, and are needed to ensure a satisfactory scheme of development and appropriate protection for existing trees.
117. Conditions 21 to 25 are concerned with external lighting, badger protection measures, and the approval and implementation of the LEMP, a construction environmental management plan and the SANG Management Plan. In accordance with the recommendations of previous surveys conditions 26 and 27 require additional surveys before development commences to establish the presence or otherwise of bats and dormice on the development site, and the implementation of any necessary mitigation or compensation measures. These conditions are necessary to ensure that the proposed development makes adequate provision to mitigate and compensate for its effects on wildlife, including protected species, and has no significant effect on the Thames Basin Heaths SPA.
118. Conditions 28 and 29 are required to ensure adequate provision of refuse storage areas, vehicular parking, and parking and storage for bicycles. Conditions 30 and 31 require improvements to bus stops and footways in Windlesham, in view of their increased usage by residents of the proposed development, while condition 32 is necessary in order to ensure that all the new dwellings are adequately protected against noise.

### **Section 106 Agreement and Unilateral Undertaking**

119. The section 106 agreement contains three planning obligations. As I have already shown, the obligations to provide an area of SANG and to make SAMM contributions are necessary in order to meet the requirements of Core Strategy policy CP14B and to ensure that the proposed development would not have a significant effect on the Thames Basin Heaths SPA.
120. The third obligation is that 40% of the dwellings within the proposed development will be provided as affordable housing. This means that up to 56 affordable homes would be provided from the proposed development of up to 140 dwellings. This obligation is necessary to accord with the requirements of Core Strategy policy CP5 and is further justified by evidence that over 500 households are currently registered for affordable housing on the Council's housing register.
121. Accordingly, I am satisfied that the planning obligations contained in the section 106 agreement meet the tests set out in article 122(2) of the *Community Infrastructure Levy Regulations 2010* [the CIL Regulations] and constitute a reason for granting planning permission in this case.
122. Turning to the unilateral undertaking, it contains obligations requiring contributions towards early years, primary and secondary education to be paid if planning permission is granted for the proposed development. However, it also contains clauses requiring me to state either that each obligation satisfies the tests in paragraph 204 of the NPPF (which mirror those of article 122(2) of

the CIL Regulations) and is material to my decision, or that it does and is not. In the latter case the relevant obligation(s) would cease to have effect.

123. Education infrastructure projects are not included in the Council's Regulation 123 list of projects that may be funded through CIL. But that would not prevent contributions being made by means of a unilateral undertaking, provided that the article 122(2) tests are met.
124. Surrey County Council [SCC], the local education authority, provided evidence to justify seeking education contributions. It demonstrates that junior schools in the local area are at capacity and that expansions are taking place at two schools within three miles of the development site. Those schools would take pupils from the appeal site or pupils displaced from other schools as a result of the new development. The primary education contribution sought from the proposed development would be applied to a specific project to deliver additional classrooms at one of those schools (Connaught Junior). It is therefore directly related to the proposed development.
125. SCC confirm that no more than five separate planning obligations, including the present unilateral undertaking, will be applied to the project, in accordance with article 123(3) of the CIL Regulations. The primary contribution requested is based on Department for Education build costs and standard yield factors and in my view is fairly and reasonably related in scale and kind to the proposed development. It is necessary to make the development acceptable in planning terms, having regard to the great importance given by NPPF paragraph 72 to providing a sufficient choice of school places.
126. As such, planning obligations 2 and 5 in Schedule 1 of the unilateral undertaking, which provide for the payment of the primary education contribution, satisfy the tests in NPPF paragraph 204 and article 122(2) of the CIL Regulations. They are material to my decision on the appeal and constitute a reason for granting planning permission in this case.
127. On the other hand, although SCC assert that early years provision in the local area is at capacity, they are unable to identify a specific project towards which any early years contribution would be put. It cannot therefore be demonstrated that the planning obligations requiring that contribution would be directly related to the proposed development.
128. In respect of secondary education, SCC say that *pressure on secondary places is beginning to increase and additional education infrastructure may be necessary at secondary schools in the area to cope with this growing and expected demand* [my emphasis]. In my view that somewhat equivocal statement fails to demonstrate that secondary school contributions are necessary to make the development acceptable in planning terms, even though a specific project to which they would be put has been identified.
129. I find therefore that planning obligations 1, 3, 4 and 6 in Schedule 1 of the unilateral undertaking, providing for the payment of the early years and secondary education contributions, do not satisfy the tests in NPPF paragraph 204 and article 122(2) of the CIL Regulations. They do not constitute a reason for granting planning permission in this case and no weight is attached to them.

## Overall conclusions

### *Status of safeguarded land policies*

130. At paragraph 49 the NPPF advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. That is the case here. Having regard to the "narrow" definition of the term *relevant policies for the supply of housing* recently endorsed by the Supreme Court in the *Suffolk Coastal* judgment<sup>12</sup>, I consider that policy CP3 is such a policy. Because it is deemed out of date by NPPF paragraph 49, the advice in the last bullet point of NPPF paragraph 14 is a material consideration in this appeal.
131. That bullet point says that where relevant policies for the supply of housing are out of date, the presumption in favour of sustainable development means granting permission unless one of two conditions apply. The first of those conditions, in logical sequence, is where specific policies in the NPPF indicate that development should be restricted. Footnote 9 gives a non-exclusive list of examples of such policies.
132. Because I have determined that Appropriate Assessment is not necessary in this case, the presumption in favour of sustainable development is not disapplied by NPPF paragraph 119. The NPPF's policies on ancient woodland do not apply, as I have determined that the northern part of the appeal site is not a Plantation on Ancient Woodland Site. However, it is necessary for me to determine whether or not the policies for safeguarded land at NPPF paragraph 85, and their counterpart saved policy H8 in the 2000 Local Plan, fall into the category of specific policies indicating the development should be restricted.
133. I was not made aware of any legal authority on this specific question. I was shown two appeal decisions<sup>13</sup>, one of them determined by the Secretary of State, in which the NPPF's policies for safeguarded land were held by the inspector not to fall into that category, and all three main parties agreed that they were unaware of any appeal decisions taking the contrary view. However, I note that the Secretary of State himself refrained from making any explicit finding on the NPPF's safeguarded land policies (as opposed to the counterpart local plan policy) in the decision which he determined. Moreover, in neither decision was there explicit reference to the *Forest of Dean* judgment<sup>14</sup> which bears specifically on this question.
134. Green Belt policies are specifically included in the non-exclusive list at NPPF footnote 9, but safeguarded land policies are not. However, in the *Forest of Dean* judgment Coulson J draws attention to the NPPF's policy concerning Heritage Coast, which is in the footnote 9 list. That policy is expressed in general terms: *Local planning authorities ... should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast ...* Its inclusion in the non-exclusive footnote 9 list suggests that a policy need be no more restrictive than

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<sup>12</sup> *Suffolk Coastal DC v Hopkins Homes Ltd & anr and Richborough Estate Partnerships LLP & anr v Cheshire East BC* [2017] UKSC 37

<sup>13</sup> Refs APP/N4720/W/15/3004034 and APP/N2739/W/16/3144900

<sup>14</sup> Judgment of Coulson J in *Forest of Dean DC v SSCLG* [2016] EWHC 421 (Admin), para 28



that in order to qualify as a specific policy indicating that development should be restricted.

135. It is true that, according to NPPF paragraph 85, the purpose of identifying safeguarded land in local plans is in order to meet longer-term development needs stretching well beyond the plan period. To that extent it differs from the other policies specifically listed in footnote 9, none of which apply to land specifically identified for development. But the identification of safeguarded land to meet longer-term development needs is subject to two important qualifications in paragraph 85: first, that the safeguarded land is not allocated for development at the present time, and secondly, that planning permission for its permanent development should only be granted following a Local Plan review which proposes the development.
136. It seems to me that, read plainly, those qualifications indicate that development should be restricted. The restriction is temporary rather than permanent, holding back the development of safeguarded land until there has been a Local Plan review which proposes the development, but it is a restriction nonetheless. Within the timeframe in which it operates, it is no less restrictive than the NPPF's policy for Heritage Coast: on the contrary, it is expressed in more explicitly restrictive terms.
137. I shall therefore apply the decision-taking process contained in the last bullet point of NPPF paragraph 14 on the basis that the NPPF's policies for safeguarded land indicate that development should be restricted.

*Assessment against safeguarded land policies*

138. The *Forest of Dean* judgment indicates that, where there are specific policies in the NPPF indicating that development should be restricted, the assessment against those policies, under Limb 2 of the last bullet point of NPPF paragraph 14, is to be carried out on an unweighted basis, without reference to the weighted test (or "tilted balance" as it is commonly known) contained in Limb 1.
139. Unlike the NPPF's policies for heritage assets, which were the relevant restrictive policies in the *Forest of Dean* case, its safeguarded land policies contain no specific advice on how harms and benefits should be treated when making that assessment. However, it seems to me that an appropriate approach would be to weigh the benefits of doing what the safeguarded land policies seek to prevent – releasing the appeal site for development now, rather than after there has been a Local Plan review which proposes the development – against the harm that it would cause.
140. The provision of up to 140 new dwellings, including up to 56 affordable homes, would be a very substantial benefit of the proposed development. It would make an important contribution to meeting the shortfall of at least 775 dwellings in the Council's five-year housing land supply, and to meeting the high level of need for affordable housing. It would reflect the strong emphasis given by NPPF paragraph 47 to boosting significantly the supply of housing and meeting both market and affordable housing needs.
141. The Council and WHWG argue that holding back development of the appeal site until after a local plan review has taken place would give the opportunity for more appropriate land to be identified to meet housing needs. Accordingly

it might not be found necessary to allocate the site for development at all, in the new local plan. In support of this argument it was pointed out that the site scored poorly in assessments of potential housing land carried out for the proposed Site Allocations Document and the 2000 Local Plan.

142. However, no evidence was presented to the inquiry to indicate where more appropriately-located housing sites, other than those already identified as part of the five-year supply, are likely to be found currently. I was told that the Council are pursuing the purchase of land for SANG provision and participating in the One Public Estate programme, which seeks to release publicly-owned land for housing development. But I heard nothing to indicate that those initiatives will yield a substantial increase in housing land supply in the near future.
143. There is no indication that neighbouring local planning authorities are willing to assist Surrey Heath in meeting its housing needs, or that the proposed Longcross Garden Village development just across the borough boundary would assist in this respect. Nor is it the role of this section 78 inquiry to assess whether there are constraints that might justify adopting a housing requirement lower than the objectively-assessed need<sup>15</sup>.
144. I see no real force in the argument that, now that all the other sites safeguarded by policy H8 have planning permission for development, the appeal site is, as Mr Howell Williams put it, *the last line of defence against the breach of Green Belt boundaries*. It will be for the Council to decide which sites to allocate for development, when reviewing the local plan, and whether any Green Belt land should be released. (For example, policy CP3 identifies the CBGB as a potential alternative source of future development land.)
145. Releasing the appeal site for development now, contrary to saved policy H8, would conflict with the emphasis of NPPF paragraph 17 on a plan-led planning system. But the NPPF also requires plans to meet objectively-assessed housing needs so far as is consistent with its policies. Currently the Core Strategy is failing in that task, given the shortfall in the five-year housing land supply, and a new local plan is not due to be adopted for over two years.
146. While maintaining the central role of the local plan in the planning system is an important consideration, it is also necessary to consider whether, in this instance, the safeguarded land policies are consistent with the planning system's equally important role of providing much-needed development. With no evidence to show where more appropriately-located sites are available for development, there is little justification for holding back development of the appeal site that could meet pressing current needs, merely in the hope that more appropriately-located sites might come forward in future.
147. Taking all these points into account, I find that the benefits of releasing the appeal site for development now would substantially outweigh the harm that would be caused by the resultant conflict with the NPPF's safeguarded land policies, and with their counterpart saved policy H8.

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<sup>15</sup> Judgment of Sir David Keene in *St Albans City & DC v Hunston Properties, SSCLG & anr* [2013] EWCA Civ 1610, para 26

***Assessment against NPPF policies as a whole***

148. I turn next to Limb 1 of the last bullet point of NPPF paragraph 14, which advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF's policies taken as a whole. As I have already noted, the provision of up to 140 new dwellings, including up to 56 affordable homes, would be a very substantial benefit of the proposed development in the context of the NPPF's policies to boost housing supply and meet objectively-assessed needs.
149. NPPF paragraph 28 advises that the rural economy in general, and the retention and development of local services and community facilities in villages in particular, should be promoted. In this regard the proposed new community building on the appeal site would also be a genuine benefit in view of the expressed wish of local residents for such a building in this part of the village. But as it could not be said to meet such a pressing need as the new housing, I give this benefit moderate weight.
150. The positive impact on the local economy from the increase in Windlesham's population also carries moderate weight, especially insofar as additional residents would help support the existing businesses and services in the village. However, I give limited weight to the job-creation effects of the proposed development in view of the low level of unemployment in the area and the temporary nature of those jobs.
151. I give limited weight also to the provision of new ecological habitats and new public open space, as these are designed principally to mitigate or compensate for the ecological effects of the proposed development, and to meet the needs of its future residents. However, there would be benefits for existing residents of Windlesham and others who would be able to use the new SANG area for recreation.
152. Section 70(2)(b) of the *Town and Country Planning Act 1990* provides that any local finance considerations should be taken into account in dealing with a planning application, so far as they are material to the application. New Homes Bonus would be paid in respect of the proposed development, if it is permitted. However, I have no other evidence on what impact the revenues from the bonus would have, or how it is relevant to the application. Accordingly I give it little weight.
153. I have found that the proposed development would have no significant effect on any European site, would not have any materially adverse effect on protected species or breach the legal protections afforded to them, and would not lead to any materially adverse impact on biodiversity. Nor would it have any materially harmful effect on air quality. There would be no conflict with national or local planning policies in these respects. Accordingly they are neutral factors in my decision.
154. For the reasons set out above in my assessment of the proposals against the safeguarded land policies in NPPF paragraph 85 and in saved policy H8, I give only moderate weight to the proposed development's conflict with those policies. It follows that I also give moderate weight to its conflict with the

similar, but less stringent, provisions of Core Strategy policy CP3 regarding CBGB<sup>16</sup>.

155. The loss of a 5ha area of wooded countryside to development would, to some extent, conflict with the NPPF's core principle advising that planning should recognise the intrinsic character and beauty of the countryside, as well as with Core Strategy policy CP2(iv). But the resultant harm would be limited, for the reasons I have set out in the preceding section of my decision, and therefore carries only moderate weight.
156. I accord moderate weight also to the harm arising from the proposal's conflict with the spatial strategy envisaged by Core Strategy policies CP1 and CP3, and with the objectives of Core Strategy policy CP2(i)&(v). In this respect, NPPF paragraphs 34 to 38 set out policies aimed at minimising the need to travel and prioritising non-car modes of transport. Many journeys to and from the proposed development would require the use of a car, and access to facilities outside the village, especially in the evenings and at weekends, would be limited for those without access to private transport. Nonetheless, residents of the new development would have access on foot and cycle to local shops and services, and public transport to destinations further afield, including London, is available during the working day.
157. For the reasons given under main issue (g), any conflict with the NPPF's policies for water and energy efficiency and with Core Strategy policy CP2(ii)&(iii) would be limited and carries similarly limited weight in my decision.
158. To sum up therefore, I give moderate weight to the proposed development's conflict with policies for safeguarded land and with policies to protect the countryside, promote sustainable patterns of development, minimise the need to travel and prioritise non-car modes of transport. I give limited weight to its conflict with policies to promote energy and water efficiency.
159. All these policy conflicts and the harm resulting from them weigh in the balance against granting planning permission. But they are heavily outweighed, in my judgment, by the very substantial benefits that would arise from the provision of up to 140 dwellings, including up to 56 affordable homes, to help meet current housing needs in the context of the large-scale shortfall in housing land supply.
160. The provision of a new community building and the benefits of the development to the local economy, and the provision of new ecological habitats and new public open space, contribute additional moderate and limited weight respectively in favour of the appeal proposal.
161. I conclude therefore that the adverse impacts of the proposed development would not significantly and demonstrably outweigh its benefits when assessed against the NPPF's policies as a whole. On the contrary, its benefits in terms of housing provision alone would heavily outweigh its adverse impacts when assessed against those policies.

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<sup>16</sup> See paragraph 33 above.

*Section 38(6) assessment*

162. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that I determine the appeal in accordance with the development plan unless material considerations indicate otherwise.
163. The proposed development would conflict with the Core Strategy's spatial strategy as expressed in policy CP1 and CP3, and with the provisions of saved policy H8 regarding safeguarded land and of policy CP3 regarding CBGB. There would also be conflict with some of the provisions of policy CP2. The proposal therefore conflicts with the development plan as a whole.
164. However, I have found that, when assessed both against the specific policies of the NPPF which restrict development and against its policies taken as a whole, the benefits of the proposed development would heavily outweigh its adverse impacts. In reaching that judgment I have also found that the harm caused by all the effects of the proposal which conflict with the development plan is heavily outweighed by the proposal's benefits. These are material considerations which justify granting planning permission notwithstanding the conflict with the development plan. There are no other material considerations indicating that permission should be withheld.
165. I conclude therefore that the appeal should be allowed and planning permission should be granted subject to the conditions in the Schedule which is attached.

*Roger Clews*

Inspector

## **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: SLP-01B *Site Location Plan* (revision B dated 22.06.15), and the access shall be provided in the location shown on plan No 30446\_5501\_SK04B *Indicative Site Access Point* (revision B dated 23.06.15). The SANG area shall be constructed in general accordance with plan No PERTV19715 13G *SANGS Proposal* (revision G dated 28.09.15). All dwellings shall be built wholly within the area of the site identified as a housing reserve site (Land East of Heathpark Drive, Windlesham) under saved policy H8 of the *Surrey Heath Local Plan 2000* as shown on the Proposals Map of the *Surrey Heath Local Plan 2011-2028*.
- 5) Development shall not commence until a drainage strategy detailing any on- and/or off-site drainage works has been submitted to and approved in writing by the local planning authority. The strategy shall include details of all foul water inspection chamber covers and invert levels, pipe sizes and gradients. Until the drainage works detailed in the approved strategy have been carried out, no foul or surface water shall be discharged from the site into the public drainage system and no dwelling authorised by this permission shall be occupied.
- 6) Development shall not commence until a ground investigation has been undertaken and a subsequent interpretative report undertaken by a suitably qualified person has been submitted to and approved in writing by the local planning authority. The ground investigation shall include:
  - (a) Infiltration testing to BRE 365 or other suitable method, and
  - (b) Groundwater monitoring to assess the highest typical annual groundwater levels in the soil.
- 7) Development shall not commence until the existing greenfield runoff rates for the 1 in 1, 1 in 30 and 1 in 100 rainfall events have been submitted to and approved in writing by the local planning authority. The greenfield rate shall be determined on the basis of the ground conditions determined under condition 6 above, and shall be calculated in accordance with the method given in the Flood Risk Assessment and Drainage Strategy (Project Ref 30446/2001 Rev A dated June 2015), prepared for the development by Peter Brett Associates. The peak surface water discharge from the site shall be limited to match the greenfield runoff rate for the equivalent rainfall events up to the 1 in 100 year (plus 30% allowance for climate change) event.
- 8) Development shall not commence until details of the proposed surface water management scheme have been submitted to and approved in writing by the local planning authority. The surface water management scheme shall:

- (a) follow the principles set out in the Flood Risk Assessment and Drainage Strategy (Project Ref 30446/2001 Rev A dated June 2015), prepared for the development by Peter Brett Associates;
- (b) be commensurate with the outcomes of the ground investigation and the runoff rates established under conditions 6 and 7 above;
- (c) demonstrate compliance with the *Non-statutory technical standards for sustainable drainage systems* published by DEFRA (March 2015);
- (d) provide design details (including long and cross sectional layout) of i) flow controls; ii) SuDs elements, iii) levels and iv) all other elements of the surface water management scheme;
- (e) provide an exceedance flow routing plan and mitigation details for key component failure;
- (f) provide details of how surface water drainage will be dealt with during construction; including how the sustainable drainage system will be protected and maintained during construction;
- (g) provide a schedule of maintenance required to maintain the safe operation of the drainage system throughout its lifetime, including proposed ownership and maintenance responsibilities, responsibility and regime of open watercourse clearance where required for discharge off-site, and detailed methods of capturing and removing debris through woodland areas;
- (h) include cover, invert and sump levels for all chambers, ground levels for all other drainage attributes, pipe sizes and gradients, and surface levels for boundaries of all hard surface areas including finished floor levels for buildings;
- (i) include typical section detail of any watercourses proposed to be used for discharge and full level information for channel and embankments along their route;
- (j) show that hard surface areas are contained to ensure failure discharge is conveyed back into the drainage system or overland towards the attenuation facility and that no alternative failure route is possible towards residential properties.

The development shall be carried out fully in accordance with the approved scheme and all surface water and attenuation systems shall be maintained to their full design capacity in perpetuity.

- 9) Development shall not commence 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 to and approved in writing by the local planning authority.
- 10) No construction of the dwellings hereby approved or highway works shall commence until:
  - (A) a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, has been submitted to and approved in writing by the local planning authority; and
  - (B) following approval of this scheme, an investigation and risk assessment has been undertaken by a suitable qualified person in accordance with the *Model Procedures for the Management of Land Contamination (CLR1)*

- published by DEFRA and the Environment Agency and a written report of the findings has been submitted to and approved in writing by the local planning authority. The report shall include:
- (a) a survey of the extent, scale and nature of contamination;
  - (b) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground water and surface waters, ecological systems, archaeological sites and ancient monument;
  - (c) an appraisal of remedial options, and proposal of the preferred option.
- 11) Development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment has been submitted to and approved in writing by the local planning authority. The scheme shall include proposed remediation objectives and remediation criteria, details of all works to be undertaken, a timetable of works and site management procedures. The scheme must ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out as approved before any development, other than that required to carry out remediation, commences. At least two weeks' written notification of commencement of the remediation scheme works shall be given to the local planning authority.
  - 12) Development shall not commence until a verification report that demonstrates the effectiveness of the remediation scheme approved under condition 11 above has been submitted to and approved in writing by the local planning authority.
  - 13) In the event that contamination that had not previously been identified is found at any time when carrying out the development hereby permitted, it shall be reported in writing immediately to the local planning authority. No further development shall take place, unless otherwise agreed in writing by the local planning authority, until an investigation and risk assessment is undertaken in accordance with the requirements of condition 10 above, and where remediation is necessary a remediation scheme has been prepared in accordance with the requirements of condition 11 above, and these have been submitted to and approved in writing by the local planning authority and approved remediation scheme measures carried out. Following completion of measures a verification report shall be submitted to and approved in writing by the local planning authority in accordance with condition 12 above.
  - 14) Development shall not commence until a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of any proposed remediation and the submission of reports to the local planning authority, has been submitted to and approved in writing by the local planning authority. As soon as practicable following completion of the measures identified in the scheme and when the remediation objectives have been achieved, a report that demonstrates the effectiveness of the monitoring and maintenance scheme shall be submitted to and approved in writing by the local planning authority. The scheme and reports should be prepared in accordance with *Model Procedures for the Management of Land Contamination (CLR1)* published by DEFRA and the Environment Agency.



- 15) Development shall not commence until details of the surface materials for the roads, car parking areas and driveways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 16) Construction of the buildings hereby approved shall not commence until the proposed vehicular / pedestrian access to Woodlands Lane and 20m of the new development access road have been constructed and the access has been provided with visibility zones in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The access visibility zones shall thereafter be kept clear at all times of any obstruction more than 1.05m high.
- 17) Development shall not commence until a construction transport management plan has been submitted to and approved in writing by the local planning authority. The construction transport management plan shall include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials;
  - (d) programme of works (including measures for traffic management);
  - (e) vehicle routeing;
  - (f) measures to prevent the deposit of materials on the highway; and
  - (g) on-site turning for construction vehicles.Development shall be carried out in accordance with the details in the approved construction transport management plan.
- 18) Development shall not commence until a detailed Travel Plan, in accordance with Surrey County Council's *Travel plans good practice guide* and in general accordance with the Framework Travel Plan (Project Ref 30446/5501 Rev 0 dated June 2015), prepared for the development by Peter Brett Associates, and including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The detailed Travel Plan, including any monitoring and review measures, shall be implemented as approved.
- 19) Development shall not commence until details of the proposed finished ground floor slab levels of all buildings and the finished ground levels of the site including all roads and driveways, in relation to the existing ground levels of the site and adjoining land (measured from a recognised datum point) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 20) Development shall not commence until a tree report, arboricultural impact assessment, arboricultural method statement and tree protection plan, covering the entire area to the north of Woodlands Lane within the application site boundary and prepared by a suitability qualified arboriculturalist, have been submitted to and approved in writing by the local planning authority. The submitted documents must be compliant with BS5837:2012 – *Trees in relation to design, demolition and construction – Recommendations* and shall include provision for an on-site meeting with the Council's Tree Officer prior to

- the commencement of any tree works. Development shall be carried out in accordance with the approved documents.
- 21) Development shall not commence until details of external lighting have been submitted to and approved in writing by the local planning authority. They shall include full details of the lighting supports, posts, columns, a plan showing the location of the lights and a full technical specification. They shall also include details of how the impact of the proposed lighting on wildlife (particularly bats) has been taken into account. No dwelling hereby permitted shall be occupied until the external lighting has been constructed in accordance with the approved details.
  - 22) Development shall not commence until a Method Statement for the protection of badgers on site has been submitted to and agreed in writing by the local planning authority. The Method Statement shall be prepared having regard to the measures proposed in the Keystone Ecology [KE] Response to West Surrey Badger Group (August 2015)<sup>17</sup> and the recommendations of KE's Badger Survey (December 2014) and Badger Bait Survey (March 2015) and shall include proposals for the retention of existing setts and provision of any artificial sett(s), with appropriate buffer zones of at least 30m in extent; provision and protection of badger routes to existing setts; and the enhancement of foraging areas to compensate for habitat lost. Development shall be carried out fully in accordance with the approved Method Statement.
  - 23) Development shall not commence until the submitted Draft Landscape and Ecological Management Plan (June 2015) [LEMP] by Keystone Ecology [KE] has been updated and finalised, and submitted to and approved in writing by the local planning authority. The mitigation and enhancement measures proposed in the final LEMP shall be no less than as proposed in the Draft LEMP, the KE Bat Activity Report (August 2015), the KE Breeding Bird Survey Report (July 2015) and the KE Badger Survey (December 2014), unless otherwise agreed in writing by the local planning authority. The LEMP should be based on up-to-date ecological surveys no more than two years old unless otherwise agreed in writing by the local planning authority. Development shall be carried out fully in accordance with the approved LEMP.
  - 24) Development shall not commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved CEMP.
  - 25) Development shall not commence until the submitted draft SANG Management Plan by Keystone Ecology (February 2016) has been updated and finalised, and submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved SANG Management Plan.
  - 26) Development shall not commence until details of surveys to establish the presence or otherwise of bats on site, including in the tree canopy, taking account of the Report from Surrey Bat Group dated 4 March 2016, have been submitted to and approved in writing by the local planning authority and the surveys have been carried out as approved. Following completion of the surveys, details of any necessary compensation / mitigation measures shall be submitted for the written approval of the local planning authority along with

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<sup>17</sup> Appendix 4 to Mr Goodwin's rebuttal proof

- the details of the reserved matters. Any compensation / mitigation measures thus approved shall be implemented as approved.
- 27) Development shall not commence until details of a survey to establish the presence or otherwise of dormice on site have been submitted to and approved in writing by the local planning authority and the surveys have been carried out as approved. Following completion of the surveys, details of any necessary compensation / mitigation measures shall be submitted for the written approval of the local planning authority along with the details of the reserved matters. Any compensation / mitigation measures thus approved shall be implemented as approved.
- 28) Construction of the buildings hereby permitted shall not commence until details of cycle and refuse storage areas and access thereto have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 29) No dwelling hereby permitted shall be occupied until space has been laid out within the site, in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, for vehicles and bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning areas shall thereafter be retained for and kept clear of any obstructions to their intended purposes.
- 30) No dwelling hereby permitted shall be occupied until the two existing bus stops on the north and south side of Updown Hill, between numbers 14 and 16 Updown Hill and adjacent to number 11 Updown Hill, have been provided with:
- (a) up-to-date timetable information;
  - (b) pole and flag signs;
  - (c) raised bus boarders to assist level access to buses; and
  - (d) any necessary bus stop road markings
- in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 31) No dwelling hereby permitted shall be occupied until the existing footway along the north side of Woodlands Lane between the access to the site and Updown Hill has been converted into a shared footway/cycleway, to include any necessary trimming of vegetation, signs, road markings, and any other necessary works, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 32) Each of the dwellings hereby approved shall be constructed so as to provide sound attenuation against external noise in general accordance with the recommendations of the Noise Impact Assessment (Project Ref 30446/3002 Rev 01 dated June 2015), prepared for the development by Peter Brett Associates. The sound attenuation measures shall be designed to ensure that internal noise levels in each of the dwellings hereby permitted do not exceed the LOAELs for internal noise set out in Table 2.2 of the Noise Impact Assessment, with windows shut and other means of ventilation provided where necessary to achieve those levels. The sound attenuation measures shall be completed before the dwellings are occupied and shall be retained thereafter.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr C Howell Williams, QC Mr R Williams, of Counsel Mr Howell Williams called: Mr C Wilmshurst MRTPI Ms J Ireland BA DipTP MRTPI	Instructed by Mid-Surrey Legal Services  Associate Partner, Vail Williams Planning Policy Manager, Surrey Heath Borough Council
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### **FOR THE APPELLANT:**

Mr S Choongh, of Counsel He called: Mr J Forbes-Laird BA MICFor MRICS MEWI MArborA DipArb(RFS) Mr T Goodwin BSc MSc MIEnvSc MCIEEM MIALE Mr T Burden BSc MSc MRTPI	Instructed by Turley  Principal Consultant, Forbes-Laird Arboricultural Consultancy Ltd  Director, Ecology Solutions  Director, Turley
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### **FOR THE WINDLESHAM HEATHPARK WOOD GROUP:**

Mr C McDonald MA DMA LMRTPI(Rtd) He gave evidence and called: Dr A Berardi BSc MSc PhD	Solicitor  Senior Lecturer, Environmental Systems Management, The Open University
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### **OTHER PERSONS WHO TOOK PART IN THE ROUND-TABLE SESSIONS**

Ms L Graham  Mr G John Ms E Pearman	Head of Planning, Persimmon Homes, Thames Valley Solicitor, Surrey Heath Borough Council Senior Planning Officer, Surrey Heath Borough Council
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### **INTERESTED PERSONS:**

Mr W Hague Mr DA Murphy Mr F Shuhood	Local resident Local resident Local resident
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**DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Signed Statement of Common Ground between the Council and the appellants
- 2 Completed Section 106 Agreement dated 20 March 2017
- 3 Submission by WHWG opposing acceptance of more documents from the appellants
- 4 Response from the appellants to Document 3
- 5 Opening submissions on behalf of the appellants (Mr Choongh)
- 6 Opening statement on behalf of the Council (Mr Howell Williams)
- 7 Opening statement by WHWG (Mr McDonald)
- 8 Planning Practice Guidance Reference ID 21b-014-20140306
- 9 Judgment in *Q (Cherkley Campaign Ltd) v Mole Valley DC & Longshot Cherkley Court Ltd* [2014] EWCA Civ 567
- 10 Appendices A & B to the inspector's report of the examination of the Surrey Heath Core Strategy & DMP DPD
- 11 Minutes of an extraordinary meeting of the Council, 1 February 2012
- 12 Schedule of suggested changes to the Surrey Heath Core Strategy & DMP DPD November 2011
- 13 Comments to the inquiry by Mr Murphy
- 14 Signed Statement of Common Ground on Five Year Housing Land Supply between the Council and the appellants
- 15 Bundle of emails headed *Heathpark Woods Appeal, SLAA sites in dispute, March 2017*
- 16 Email correspondence dated 23 & 24 March 2017 between Mr Burden and Ms Ireland concerning Document 15
- 17 Bundle of Officer Site Assessments from SLAA 2016
- 18 Bundle of eight documents submitted by Mr Forbes-Laird:
  - 18.1 Article by Al-Dabbous & Kumar
  - 18.2 Article by Popek et al
  - 18.3 Article by Ehn et al
  - 18.4 Article by Donahue et al
  - 18.5 Appeal decision & report ref APP/U2235/A/14/2227839
  - 18.6 CgMs, Archaeological desk-based assessment of the appeal site
  - 18.7 Extract from Windlesham Inclosure Act Awards Map 1814
  - 18.8 Note on accuracy of Ordnance Survey Draft map of locality
- 19 Letter dated 1 March 2017 from Ross Baker, Chairman, Surrey Bat Group to Emma Pearman, Senior Planning Officer at the Council
- 20 Letter dated 7 March 2016 from Dr S Cox, Keystone Ecology, to Mr Baker
- 21 Bat Conservation Trust, Bat Surveys, Good Practice Guidelines, 2<sup>nd</sup> edition (cover & p45 only)
- 22 Bat Conservation Trust, Bat Surveys for Professional Ecologists, Good Practice Guidelines, 3<sup>rd</sup> edition
- 23 English Nature, Bat mitigation guidelines (cover & p39 only)
- 24 List of suggested planning conditions, annotated by the appellants and the Council
- 25 Email dated 15 September 2015 from Ms Diane Doney to Mr Duncan Carty at the Council concerning the Rose Meadow appeal
- 26 Judgment in *Trustees of the Barker Mills Estate v Test Valley BC & SSCLG* [2016] EWHC 3028 (Admin)

- 27 Judgment in *Gladman Developments Ltd v Daventry DC* [2016] EWCA Civ 1146
- 28 Judgment in *St Modwen Developments Ltd v SSCLG & East Riding of Yorkshire Council* [2016] EWHC 968 (Admin)
- 29 Judgment in *Muller Property Group v SSCLG & Cheshire East BC* [2016] EWHC 3323 (Admin)
- 30 PPG2: Green Belts, versions dated January 1995 & March 2001
- 31 Judgment in *Suffolk Coastal DC v Hopkins Homes Ltd & anr and Richborough Estate Partnerships LLP & anr v Cheshire East BC* [2017] UKSC 37
- 32 Windlesham Heathpark Wood Group's comments on Document 31
- 33 Letter to the inspector from the Rt Hon Michael Gove MP, dated 12 June 2017
- 34 Email from Sarah Lindsay at the Council to Mr Burden concerning a Freedom of Information request about affordable housing
- 35 Interim Procedural Guidance for Core Strategy & DMP DPD: Affordable Housing Policies CP5 and CP6
- 36 Copy of policy RE3 from the *Surrey Heath Local Plan 2000*
- 37 Note entitled *Explanation of what SAMM is used for*, provided by the Council
- 38 Email dated 9 March 2017 from Mr John to Mr Marc Turner at Natural England, and earlier related email correspondence
- 39 Framework Travel Plan for the appeal site, dated June 2015, prepared by Peter Brett Associates
- 40 Completed Unilateral Undertaking dated 20 March 2017
- 41 Closing statement on behalf of Windlesham Heathpark Wood Group (Mr McDonald)
- 42 Closing statement on behalf of the Council (Mr Howell-Williams)
- 43 Closing submissions on behalf of the appellants (Mr Choongh)
- 44 Written costs application on behalf of the appellant (Mr Choongh)
- 45 Written response to cost application by the Council (Mr Williams)

**PLANS SUBMITTED AT THE INQUIRY**

- A Illustrative Masterplan IMP-01 (D) overlaid with data from the MAgiC database
- B PBA drawing ref 30446\_5501\_SK04 Rev B, *Indicative site access point*



<b>APPLICATION NUMBER</b>	<b>SU/20/0318/RRM</b>
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## DEVELOPMENT AFFECTING ROADS

### TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

**Applicant:** Mrs Laura Jackson

**Location:** Heathpark Wood East Of Heathpark Drive Windlesham Surrey

**Development:** Reserved matters application for 116 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions 5 (drainage strategy), 7 (greenfield runoff rates), 9 (programme of archaeological work), 15 (surface materials), 16 (visibility zones), 18 (travel plan), 19 (finished floor levels), 20 (tree reports), 21 (external lighting), 22 (badger method statement), 23 (landscape and ecological management), 25 (SANG management plan), 26 (bat survey), 27 (dormice survey), 28 (cycle and refuse storage areas), 29 (vehicle and cycle parking provisions) and 32 (sound attenuation) all pursuant to outline planning permission 15/0590 allowed on appeal dated 26 July 2017.

<b>Contact Officer</b>	Richard Peplow	<b>Consultation Date</b>	20 December 2021	<b>Response Date</b>	11 January 2022
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

#### **Conditions**

1. The development hereby approved shall not be commenced unless and until the proposed vehicular/pedestrian access to Woodlands Lane and 20 metres of the new access road have both been constructed and provided with 2.4 x 120m visibility zones in accordance with the approved plans (Drawing No. 18129/003), and thereafter the access visibility zones shall be kept permanently clear of any obstruction over 1m high.
2. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved Parking Allocation Plan (Drawing No. PP.01 Rev C), for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
3. No development shall commence until a Construction Transport Management Plan, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors

- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) vehicle routing
- (f) measures to prevent the deposit of materials on the highway
- (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) on-site turning for construction vehicles

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

4. The details within the approved Travel Plan, dated April 2021, shall be implemented upon first occupation. The approved detailed Travel Plan shall then be implemented and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

5. The development hereby approved shall not be occupied unless and until tactile paving crossings have been provided at the junctions where Heathpark Drive and Pine Grove meet Woodlands Lane to be in accordance with details to be submitted and approved in writing by the Local Planning Authority.

6. The development hereby approved shall not be occupied unless and until the two existing bus stops on the north and south side of Updown Hill, between nos 14 and 16 and adjacent to no. 11 shall be provided with replacement timetable information, poles, flag signs and raised bus borders to assist level access to buses and any necessary bus stop road markings in accordance with details to be submitted and approved in writing by the Local Planning Authority.

7. The development hereby approved shall not be occupied unless and until each of the proposed dwellings together with at least 6 visitor parking bays and at least 2 of the Community Building bays are provided with a fast-charge Electric Vehicle charging socket (current minimum requirement for all sockets - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) to be evenly distributed amongst the entirety of the proposed visitor parking bays within the development in accordance with the approved plans (Drawing No. EVCP.01) and thereafter permanently retained and maintained to the satisfaction of the Local Planning Authority.

### **Reason**

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

### **Policy**

Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2019.

### **Highway Informatives**

Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water



course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

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).

When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint maybe be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.

A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2 m in height above ground level shall be erected within the area of such splays.

The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

### **Note to Planner**

The proposal will lead to a reduction in the number of dwellings from 140 to 116 when compared to the previous planning application 15/0590. Sufficient parking will be provided within the site and there is adequate space for vehicles to turn in order for them to leave the site in forward gear. Tracking has been provided which demonstrates that a large refuse vehicle can navigate all sections of the site and is able to turn in order for it to leave in forward gear.

The inclusion of fast-charge Electric Vehicle charging points will encourage sustainable modes of travel to/from the site. Electric Vehicle charging points are to be provided for the community building and at visitor parking areas dispersed throughout the site.

The proposal will include the construction of tactile paving crossing points at the junctions where Heathpark Drive and Pine Grove meet Woodlands Lane, allowing for a safe pedestrian route to Windlesham's local facilities. In addition to this, an uncontrolled crossing point will be provided east of the site access to allow pedestrians a safe place to cross on Woodlands Lane. An improved continuous pedestrian route into Windlesham will be provided through the implementation of tactile paving at key junctions on this route.

Two of the existing bus stops on Updown Road will be upgraded which will encourage further sustainable travel to/from the site. The bus stop improvements will include timetable information, poles, flag signs and raised bus borders to assist level access to buses and any necessary road markings. Whilst there will not be an increase in bus services, the improvements to these bus stops will encourage further use of sustainable transport in the area.

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

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

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

**20/0318/RRM**

**Reserved matters application for 120 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions 5 (drainage strategy), 6 (ground investigation in part), 7 (greenfield runoff rates), 8 (surface water management) , 9 (programme of archaeological work), 15 (surface materials), 16 (visibility zones), 18 (travel plan), 19 (finished floor levels), 20 (tree reports), 21 (external lighting), 22 (badger method statement), 23 (landscape and ecological management), 25 (SANG management plan), 26 (bat survey), 27 (dormice survey), 28 (cycle and refuse storage areas), 29 (vehicle and cycle parking provisions) and 32 (sound attenuation) all pursuant to outline planning permission 15/0590 allowed on appeal dated 26 July 2017.**

**Heathpark Wood, East of Heathpark Drive, Windlesham, Surrey**Location and context

The proposal for the development of 120 residential units in the form of mainly detached and semi-detached 2-storey dwellings and two larger blocks of flats, a community hall, a central green and car parking is situated in an existing woodland setting, dense broad leaved semi-natural woodland along the boundaries, and large, cultivated pines in the more central areas. The woodland, which continues to the north of Chertsey Road B386, defines the eastern edge of the Windlesham, an attractive village of Medieval origin with high cultural and natural values.

The application site is situated to the east of the current village boundary. To the west of the application site is Heathwood Drive, a residential development characterised by generous, deep front gardens and an abundance of pine trees in an irregular pattern along the winding street, all contributing to an informal, peaceful and verdant character. Immediately to the east of the application site are two large detached residential properties set deeply back from the street in extensive gardens, followed by further woodland and the M3. To the north-east of the site is Uptown Court, a high end mansion residence, situated in a vast setting of landscaped gardens and woodland.

From an urban design perspective it's important to retain the existing woodland edges of the application site intact to avoid any visual impact of the proposed development or detrimental effects on the amenity of neighbouring properties. Also the natural, wooded character of the streetscene along Woodland's Lane, a main thoroughfare, needs to be retained intact. This is important also in longer views from the open countryside opposite the site, an attractive rural area well used for riding and walking.

Scale of development and interface

The proposed development is a major new development scheme which due to its scale will create a new neighbourhood and an extension to the village of Windlesham. The proposed site plan retains a natural, green edge of trees along Woodlands Lane, which is positive. The development has been set back from the streetscene, and will be presented by a glimpse of the new community hall, a large landmark building at an angle to the streetscene. At present time there are no detailed elevations available of the proposed community hall. An indicative impression on an elevational overview shows a single storey building in black stained weatherboarding with an extensive amount of finely paned glazing (main hall). Given the prominent gateway location and the sensitive setting at the village edge, a pure, vernacular

design approach with simple full height windows of good proportions echoing traditional larger openings of barns would have been preferable. The building proportions causes concern, as does the proposed fenestration which is considered is atypical and inappropriate. The Windlesham Church Road Conservation Area Appraisal gives baseline information with regards to suitable scale, massing, typical built details and materials to inspire a more contemporary approach as the Council has advised during pre-app stage. Fully detailed drawings of the proposed community hall are required to assess the building design and any potential impact it may have as part of this application. The cycle parking at the Community Hall would be better located in a less prominent position than at the main approach, to achieve a proper setting and to increase safety.

### Design vision, layout and streetscape

The vision for the site layout, according to the Design and Access Statement, is to blend in with the rural character of Windlesham and the adjacent Heathwood Drive, the latter characterised by an organic, sweeping street pattern as the primary spine, with detached and semidetached two-storey late 1960s residential buildings set back in deep, open front gardens. The neighbouring streetscene is characterised by buildings positioned relatively closely together, their main elevation facing the street and garages and car parking integrated in front of the buildings. Trees in a irregular, natural pattern along the central approach creates a sense of woodland setting which softens this adjacent residential area.

The proposed layout of Heathpark Wood is characterised by an undulating street pattern at the entrance which is positive and echoes the character of Heathwood Drive. However, the organic street pattern is less well defined and loses its' strength as you move further into the site. The main reason for this is the siting of buildings which does not always follow or support the flow of the streetscape. Especially the section Nos. 5-11(-18) appears disintegrated in the masterplan, mainly because of the angular street layout and plot pattern and the disproportions between buildings and the separating car parking spaces. The Surrey Heath Residential Design Guide (RDG) SPD, of material consideration, emphasises the importance of well balanced, design-driven streetscapes with a focus on placemaking and the key objective to deliver a vibrant, small scale, green streetscene, an essential quality of Surrey Heath's local distinctiveness. However, the proposal suggests street elevations with detached dwellings separated by double car parking spaces of equal width as the building frontages. This creates an unnecessary harsh streetscene dominated by hard-standing and a regularity which is alien to the semi-rural village character of Windlesham. The lack of strong landscaping provision including structural tree planting along the spine contributes to the urban appearance. The same issue appears in key views of Nos. 10-11 from the central green. The streetscene would have benefitted from a stronger rhythm of buildings, bounded by strategic tree planting and structural hedge planting along the spine and along the central green. The National Design Guide, adopted 2019, states "well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene" as the expected norm.

Also buildings Nos. 1-4 do not support the movement of the streetscape, due to their angular position. As a result they do not integrate very well.

### Character areas, legibility and placemaking

The proposed development has been divided into three character areas. One of them, "The village centre", is however split into two sections; the main part located at the northern end of the site, and a smaller one, 4 dwellings, at the south-eastern corner of the site. The location of the village "centre" at the far end, where the density is decreasing doesn't appear rational. The majority of the site, the development along the spine road falls within the "Woodland

edge” theme, whilst the central part of the development surrounding the green has a “Parkland edge” theme. From an urban design point of view the proposed application and distribution of the three different character areas is considered inconsistent and overly complicated.

In combination with the rich variation of building types and the many varieties of facing bricks, the variables are too many to create a distinct, well balanced scheme which provides legibility and clarity in line with good urban design practise. The masterplan also shows examples where the layout is a result of traffic movement, rather than integrating all required uses within a strong, coordinated design response. The streetscape south of No. 95 is an example of this. There are also inconsistencies how the hard landscape materials have been applied, for example with sudden changes of materials in one of the most important views along the green.

Apart from the central green, the layout does not demonstrate any additional placemaking which is regrettable and at odds with the SHRDG as well as the National Design Guide, adopted 2019. These could be small and informal places, created within the streetscape, for example north of No. 49, but are equally essential for people to meet, greet or rest a few minutes during a walk to make the environment inclusive and adaptable over time.

#### Density, building line and creating distinctiveness

The scheme aims to provide a variation in density between the central parts of the plan, which has a tighter grain, and the periphery of the site where the density eases out and plots increase in size towards the existing wooded boundaries. This principle may appear understandable in general, however given the scale of the site it is not consistent with good placemaking. For example, a continuous building line and a clear building pattern are required to create a strong sense of place along the village green. The current site layout does not optimise the opportunity to create true distinctiveness due to a lack of integration between built elements, streetscapes and open spaces. Whilst there is a strong focus on variation of building materials, the overall layout itself and the placemaking should assist better in the orientation and way finding throughout the site and should deliver a sequence of distinct, interesting and pleasant places.

From an urban design point of view a more traditional built form with smaller footprints, such as terraced buildings in combination with semidetached dwellings in a strong rhythm would have been preferable to create a stronger sense of place along the village green. The flatted blocks A and B at the junction with the main street with their substantial footprints and large massing are considered out of scale. Apart from the absence of a strong and consistent building line on both sides of the green, the lack of placemaking is exacerbated by the irregular building pattern with Nos. 90-94 and No. 99 turning their gables facing the green, whilst No. 42 appears disintegrated. The layout fails to create a proper contrast and backdrop to the open space and instead puts the emphasis on the junction. As the two blocks are not backed up by other buildings, due to the lack of structure and continuity along the green, the streetscape appear more unbalanced. A better building rhythm and a more distinctive streetscape would also enable a slightly higher density in certain areas of the scheme, without increasing the building height, which is desirable and in line with national planning guidance.

#### Building types, building materials, detailing

The proposed buildings are mainly two storey, residential dwellings in a wide selection of different house types, and two larger apartment blocks at the entrance to the park, all in a traditional, classic design approach. Apart from the main classic building type, there are landmark buildings in 8 pivotal locations, characterised by hipped feature gables, external

chimneys, tile hanging, finials and a 45 degree roof pitch. Also more bespoke than the classic range are the key buildings, with a 40-45 degree roof pitch, in important locations. The building materials are predominantly brickwork in combination with traditional hanging tiles to the south weatherboarding to the north, with clay tiles and slate as roofing materials. However, the built form and massing are considered rather uniform, except the blocks. A stronger degree of variation in built form and more slender proportions to reduce the massing would have been welcome, as well as more playfulness with details such as canopies to create interest. The design approach is more classical than based on small-scale vernacular, which influences the massing, proportions and detailing. In terms of building details, a stronger differentiation of fenestration would have been advisable in accordance with Surrey Heath RDG, which recommends a reduction of window sizes on upper storeys in line with traditional building character. Boxed eaves are not supported by Surrey Heath RDG.

### Layout of open spaces, connectivity

The village green provides both a LAP and a LEAP, which is welcome. However, the central green is the only shared open space within this large, new neighbourhood. Shared amenity space should also be provided directly in relation to Block A and B, in line with Surrey Heath Residential Design Guide, and can be accommodated with a more efficient layout.

From an urban design point of view and in accordance with national design guidance open space should be organised to cater for a broad range of activities and to serve all residents in the area, and their potential visitors, and to make more efficient use of the space. The centrally located leap dominates the green space physically and visually. It is important to create a variety of opportunities where people can meet, talk, sit and rest. The green should offer additional seating arrangements not directly linked to the play areas. Some of the seating should be found in half-shade, and others located in more quiet areas. The LEAP would therefore be better located at a slight angle and to the side to optimize the usability of the central green space and to visually separate the play area from the pond.

Unfortunately the connectivity for pedestrians to the north from the green is poor due to the squeezed layout and the positioning of buildings which creates a tight pinch point and hidden corners behind No. 94, which is detrimental to good legibility and orientation and contrary to national Secured by Design guidelines. The same issue applies behind Nos. 19, 35 and 70. This is not acceptable and needs to be rectified.

In direct line from the LEAP to the east are two large attenuation ponds, which at times will create a nice water feature. From a spatial perspective the green should serve a wide range of uses for a broad variety of people living in the area. Views across the green, views to the pond and towards the woodland edge are also important considerations that have to be taken into account in the proposed layout.

### Car parking layouts

Unfortunately none of the three larger surface car parks in the proposal meet Surrey Heath Residential Design Guide's standards, principle 6.6 and 6.8, and are therefore not acceptable. Principle 6.6, SHRDG, requires "parking layouts to be high quality and designed to reflect the strong heathland and sylvan identity of the borough. All parking arrangements should be softened with generous soft landscaping and no design should group more than 3 parking spaces together without intervening landscaping". Principle 6.8: "On-plot parking should generally be provided to the side or rear. Where front of plot parking is proposed this should be enclosed with soft landscaping and not dominate the appearance of the plot or the



street scene with extensive hard surfacing or multiple or over wide vehicle cross overs or result in vehicles overhanging the pavement or lying hard up against habitable rooms.”

The proposed car parking yards propose up to 10 car parking spaces without intervening landscaping. Also the proposed car parks at the flatted developments A and B cause concern because of their scale, visual dominance, proximity to buildings and the lack of screening vegetation between the buildings and the car park, which is also a potential safety issue.

### Summary

High quality urban design is a material consideration and inseparable from good planning. Officers have given extensive advice during the pre-applications stage of this scheme. However, the proposed scheme requires modifications on a range of matters highlighted above and cannot be fully supported in its current form.

M.Gustafsson  
MSc MA  
Principal Urban Design Advisor

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**URBAN DESIGN CONSULTEE RESPONSE****Heathpark Wood East Of Heathpark Drive Windlesham Surrey****20/0318/RRM PP-08586894**

**Reserved matters application for 116 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions 5 (drainage strategy), 7 (greenfield runoff rates), 9 (programme of archaeological work), 15 (surface materials), 16 (visibility zones), 18 (travel plan), 19 (finished floor levels), 20 (tree reports), 21 (external lighting), 22 (badger method statement), 23 (landscape and ecological management), 25 (SANG management plan), 26 (bat survey), 27 (dormice survey), 28 (cycle and refuse storage areas), 29 (vehicle and cycle parking provisions) and 32 (sound attenuation) all pursuant to outline planning permission 15/0590 allowed on appeal dated 26 July 2017.**

This revised scheme is considered to reflect and address previous urban design concerns raised in 2019 during pre-application stage and later in 2020 with regards to the overall character, landscape strategy, detailed layout, building pattern and place making. A previous consultation response to this planning application was provided on the 6<sup>th</sup> of July 2020. Notable changes include a redesign of the proposed community building to a traditional vernacular approach with appropriate proportions and typical, simplified openings in the barnlike, weather-boarded structure. The new landmark building is set well back from the main road in a generous green setting, which will offer glimpses of the new development from Windlesham Road and contribute to the local distinctiveness.

Other important changes include the retention and reinforcement of the existing woodland character for the development scheme as a whole, a key design objective in line with the initial urban design advice at pre-application stage in 2019, and now demonstrates a well-integrated green infrastructure. As a result, the scheme now proposes a generously tree lined, winding primary street with an abundance of trees scattered in an irregular pattern, in a similar fashion to the adjacent residential Heathpark Drive. The development is also characterised by generous front gardens along the primary street, to ensure the streetscene is not vehicle dominated. Secondary streets spur off from the principal route, whilst shared surfaces and smaller private drives lead to private parking and smaller parking courts. The grain decreases towards the edges of the site. Due to the organic street pattern and the coherent woodland boundaries surrounding the development, the streetscene has a verdant character in the area as a whole. Generous tree planting now also characterise the central village green, which has been redesigned to accommodate activities for a wide range of age groups in line with previous design advice, providing a LAP, a LEAP as well as seating areas. The area now offers a range of well integrated play equipment including a jungle walk and climbing equipment. The application site itself with its generous open space, nature areas and woodland also provides excellent opportunities for exercise, walks, relaxation and play of importance for social aspects, wellbeing and health.

The revised scheme proposal is a reduction of the originally proposed 120 units to a total of 116 residential units in the form of predominantly detached and semi-detached 2-storey dwellings and a short terraced building, a community hall, a central green and car parking, all imbedded in a semi-natural woodland setting. Garage buildings and other ancillary buildings are single storey. The woodland, which continues to the north of Chertsey Road

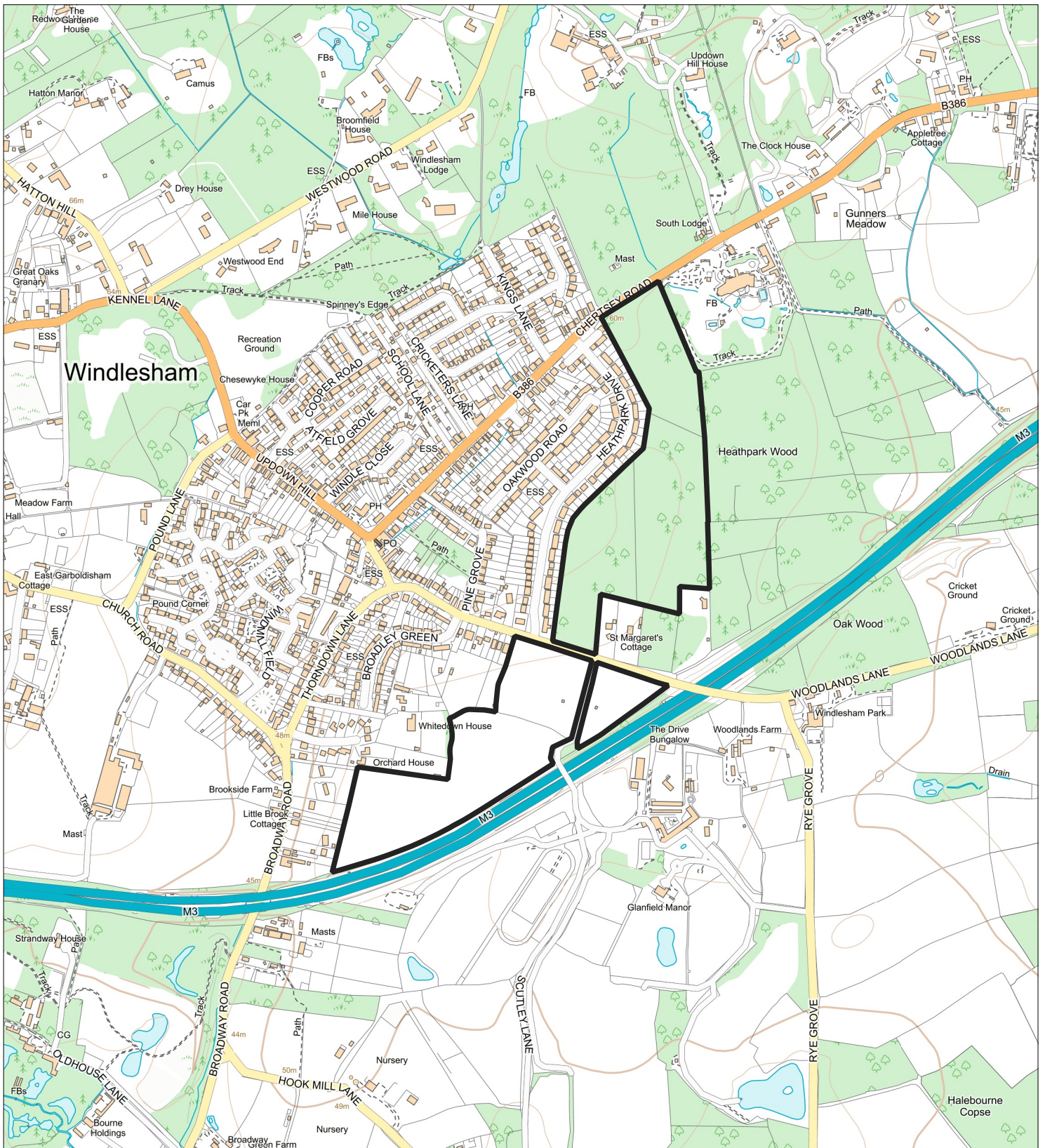
B386, defines the eastern edge of the Windlesham, an attractive village of Medieval origin with high cultural and natural values.

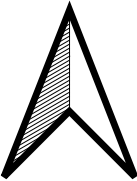

The scheme now benefits from more clearly defined and a reduced number of character areas, which have resulted in a simplified, more distinct development, clearer orientation and improved connectivity, supported by a coherent new network of footpaths. The public realm has been reinforced with subtle placemaking in strategic places such as focal points, in corner positions and at end destinations, which assists in creating a strong sense of place and provides good way finding. The distribution of buildings and building lines has also been revised to create a more dynamic, gently flowing building pattern and to improve orientation. The previous flatted blocks at the centre of the scheme which due to their scale, massing and character were considered incongruous with the leafy garden village design aspirations have been replaced by small-scaled dwellings and a short terrace, which positively frame the new village green.

The building design now benefits from a more coherent approach with regards to elevational detailing, with a distinct window hierarchy and an improved distribution of materials which reflects the requirements of the Surrey Heath Residential Design Guide (SHRDG). The amendments affect a range of house types including Charnwood, Danbury, Haldon, Kielden, Sherwood, Whiteleaf and house types Nos. 2B4P, 2B FOG, HT 2B4P, and 3B5P. The parking courts have been enhanced with more extensive landscaping which reduces the scale, creates better spatial separation, and improves safety.

The proposed building materials, rustic brickwork in earthy, warm terracotta tones with hanging tiles details and roof tiles, and in places in combination with dark stained horizontal weather boarding, are considered to reinforce the vernacular design approach and are strongly supported from an urban design point of view. The central part of the scheme, the "Windlesham Heart" is defined by a warmer, lighter colour scheme primarily in reds, whilst the outer boundaries, the woodland edge character, is characterised by distinct weather boarding and darker grey roof tiles, which all contribute to the local distinctiveness. The Forterra Oakthorpe and Surrey Hill red multi bricks, the Ibstock Capital Brown stock brick, the sandfaced roof tiles in Heather, the handcrafted clay tiles in Ashurst, the Marley Anthracite roof tiles as well as the Hardiplank vertical cedar cladding in Midnight Black. Iron Grey and Harley White are all considered suitable materials from an urban design point of view. Boundaries are defined by brick walls and close boarded fence, which need to integrate well (detail/colour of close boarded fence to be conditioned due to scale).





<b>Title</b>	Planning Applications		
<b>Application number</b>	20/0318/RRM		<b>Scale @ A4</b> 1:10,000
<b>Address</b>	Heathpark Wood East Of Heathpark Drive Windlesham Surrey		<b>Date</b> 15 Dec 2021
<b>Proposal</b>	Reserved matters application for 116 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions		
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COLOURED SITE LAYOUT FOR HOUSING AREA





# COLOURED SITE LAYOUT FOR SANG



# PROPOSED STREETSCENES HOUSING AREA

A0



Sheet Elevation A-A  
Scale 1:100



Sheet Elevation B-B  
Scale 1:100



Sheet Elevation C-C  
Scale 1:100



Sheet Elevation D-D  
Scale 1:100



Sheet Elevation E-E  
Scale 1:100



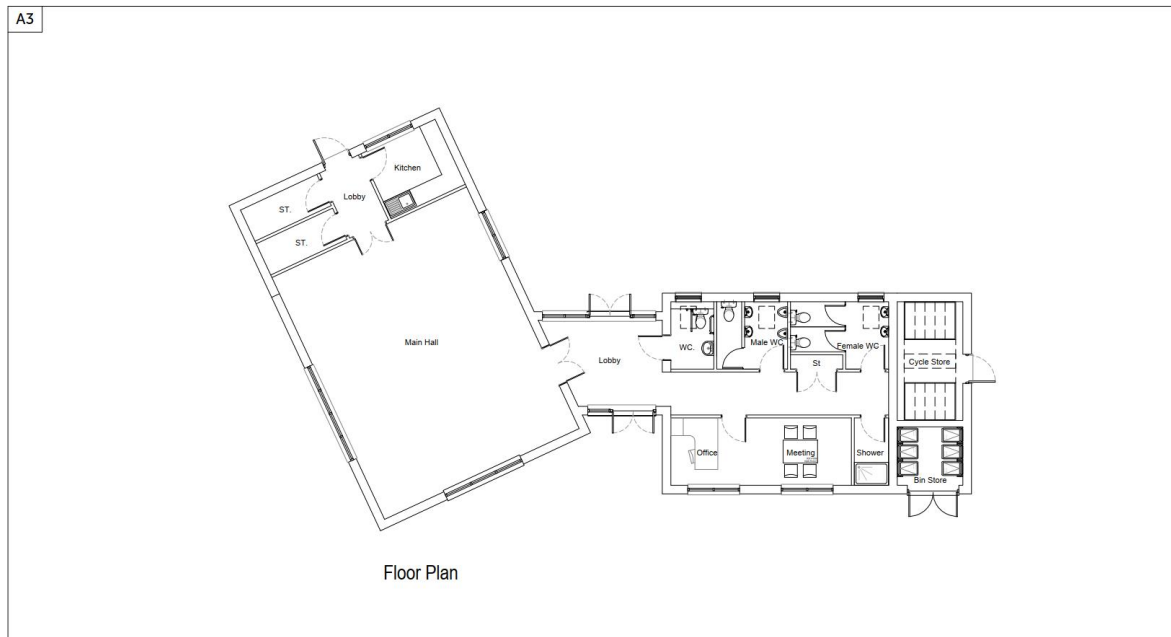
Scale 1:100



## PROPOSED ELEVATIONS COMMUNITY BUILDING



## PROPOSED FLOOR PLANS COMMUNITY BUILDING





VIEW OF WOODLANDS LANE LOOKING EAST



VIEW OF WOODLANDS LANE LOOKING WEST





VIEW WITHIN SITE NORTH OF WOODLANDS LANE



VIEW FROM WITHIN SITE NORTH OF WOODLANDS LANE TOWARDS HEATHPARK DRIVE





VIEW FROM WITHIN SITE NORTH OF WOODLANDS LANE TOWARDS HEATHPARK DRIVE



VIEW FROM WITHIN SITE NORTH OF WOODLANDS LANE TOWARDS OAKWOOD





VIEW FROM WITHIN SITE NORTH OF WOODLANDS LANE TOWARDS ST MARGARETS COTTAGE



VIEW FROM WITHIN THE SITE NORTH OF WOODLANDS LANE TOWARDS THE FERNS (KILTUBRIDE)





VIEW OF SITE TO SOUTH OF WOODLANDS LANE TO WEST OF SCUTLEY LANE



VIEW OF SITE TO SOUTH OF WOODLANDS LANE TO EAST OF SCUTLEY LANE





VIEW OF SITE TO SOUTH OF WOODLANDS LANE AND SCUTLEY LANE LOOKING SOUTH



VIEW OF M3 AT SOUTHERN END OF THE SITE TO SOUTH OF WOODLANDS LANE LOOKING SOUTH





VIEW OF SITE TO SOUTH OF WOODLANDS LANE TOWARDS BROADWAY ROAD/ORCHARD HILL



VIEW OF SITE TO SOUTH OF WOODLANDS LANE LOOKING NORTH



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<b>LOCATION:</b>	St Margarets Cottage And The Ferns, Woodlands Lane, Windlesham, Surrey, GU20 6AS,
<b>PROPOSAL:</b>	Erection of 34 dwelling houses, to comprise 10 No one bed, 6 No two bed, 12 No three bed and 6 No four bed, with associated parking, access and landscaping following demolition of existing dwellings.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Mr John Whiteman
<b>OFFICER:</b>	Mrs Emma Pearman

This application is being reported to committee because it is a major development.

## **RECOMMENDATION: REFUSE**

### **1.0 SUMMARY**

- 1.1 The application site comprises two adjacent properties, St Margaret's Cottage and The Ferns, which lie on the northern side of Woodlands Lane in Windlesham. The site lies close to the bridge over the M3 to the east, and the proposed development at Heathpark Wood immediately abuts the application site to the west and north. The site lies outside the defined settlement area of Windlesham, but within an area designated as a Housing Reserve Site under saved policy H8 of the Surrey Heath Local Plan 2000, and within the Countryside beyond the Green Belt. The application site does contain a significant number of trees on the boundaries, and to the front and rear of the properties.
- 1.2 The application proposes demolition of the two existing detached homes, and the erection of 34 dwellings, which would be a mixture of 1-bed and 2-bed flats, which are all proposed to be affordable, and 3-bed and 4-bed detached and semi-detached homes. The flats would be arranged in two 3-storey blocks towards the front of the site, with the remaining properties in a U-shape around the sides and rear of the site. There would be a central access road, replacing the existing two separate accesses to the dwellings, and a central grassed amenity area and parking areas serving the flats and some of the dwellings. The remaining dwellings would have their own driveways and garages. Two car ports are also proposed. A total of 93 trees are proposed to be lost as a result of the development, with 85 trees proposed as a replacement.
- 1.3 There is a presumption in favour of sustainable development and this site has the same status in planning policy terms as the adjacent Heathpark Wood, which was granted permission for development on appeal, and the other remaining housing reserve sites designated under Policy H8 in West End have also been released for housing. Policy CP3 regarding housing numbers is out of date, and given that Surrey Heath cannot currently demonstrate five years' worth of deliverable housing land, it is considered that the provision of housing on this site is acceptable in principle. This is in line with the Inspector's conclusions on the adjacent Heathpark Wood site. The provision of 47% affordable housing, over the adopted plan requirement of 40%, also weighs in favour of this proposal.

- 1.4 However, this report identifies adverse impacts with this proposal. This harm includes the current design, density and layout of the site that would result in a form of development incompatible with the character of Windlesham and the surrounding countryside character. The loss of trees would cause further harm and the proposed layout with the existing and proposed trees is likely to harm the future occupiers of the development with pressure to remove trees as a result. The proposal also fails to provide a sufficiently high standard of accommodation for future occupiers of the development and it has not been demonstrated sufficiently that future occupiers would not suffer from unacceptable noise levels. The proposal is also considered to be unacceptable in terms of the proposed housing mix and there is a lack of information on badgers which are a protected species. Given that the proposal is unacceptable, the development has not been allocated SANG and nor has SAMM been requested from the developer, and as such this forms another reason for refusal, although this reason could be overcome in the event of an appeal with payment of the SAMM. The affordable housing has also not been secured via a legal agreement. In the officer's opinion these adverse impacts would demonstrably and significantly outweigh the social and economic benefits. The proposal is therefore recommended for refusal.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises 0.93 hectares with two neighbouring detached properties known as St Margaret's Cottage and The Ferns, which are located on the northern side of Woodlands Lane in Windlesham. Both properties have large rectangular plots, with the houses situated fairly centrally in the plots, set back from the road, with large front gardens laid to lawn with trees and shrubs. The Ferns is enclosed by a close-boarded fence, with a number of mature trees along the front boundary. St Margarets is enclosed by a low post and rail fence, with a hedgerow and a number of mature and smaller trees along the front boundary. The boundary between the properties comprises a tall hedge and a number of pine trees. Both properties have several outbuildings within the curtilage, and areas of mostly pine woodland with bracken understorey to the rear of the gardens.
- 2.2 The site is located outside the settlement area of Windlesham, within the Countryside beyond the Green Belt, and within an allocated Housing Reserve Site as identified by the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012, and under saved policy H8 of the Surrey Heath Local Plan 2000. The site is adjacent to the proposed Heathpark Wood development on the northern western sides of the site. The Ferns is covered by two TPOs and the front half of St Margarets is also subject to a TPO.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The properties themselves have been subject to various extensions, however these are not relevant to the application under consideration. The most relevant applications relate to the adjoining site Heathpark Wood, as set out below:
- 3.2 15/0590 Outline planning permission for the erection of up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG). (Details of access only to be agreed).  
*Allowed on appeal 26.7.17*
- 3.3 20/0318/RRM Reserved matters application for 116 dwellings and community facilities with associated landscaping, open space, car parking and access from Woodlands Lane and the provision of SANG with associated works (appearance, landscaping, layout and scale being considered) and submission of details to comply with conditions 5 (drainage strategy), 7 (greenfield runoff rates), 9 (programme of archaeological work), 15

(surface materials), 16 (visibility zones), 18 (travel plan), 19 (finished floor levels), 20 (tree reports), 21 (external lighting), 22 (badger method statement), 23 (landscape and ecological management), 25 (SANG management plan), 26 (bat survey), 27 (dormice survey), 28 (cycle and refuse storage areas), 29 (vehicle and cycle parking provisions) and 32 (sound attenuation) all pursuant to outline planning permission 15/0590 allowed on appeal dated 26 July 2017.

*Application under consideration (reported elsewhere on this agenda)*

#### **4.0 THE PROPOSAL**

- 4.1 The application seeks permission for the erection of 34 dwellings, which would comprise 10 x 1-bed, 6 x 2-bed, 12 x 3-bed and 6 x 4-bed units, with associated parking, access and landscaping, following the demolition of the existing dwellings. A new access would be created approximately in the centre of the site's front boundary, approximately where the existing boundary between the two properties lies. At the front of the site there would be two blocks of apartments, with Block A to the eastern side of the central access road and Block B to the west and slightly further forward. All the flats in Block A and Block B are proposed to comprise affordable housing (a total of 16 units). There would be a total of 59 parking spaces, plus two disabled spaces. Two spaces on the plan are marked for visitors.
- 4.2 Block A is proposed to be a part three-storey and part two-storey building, with the central element being three-storey, with two-storey elements to the northern and eastern sides. It would have a hipped roof with a gabled-end feature to the front, and hipped roofs on the two-storey elements, with a maximum height of 11.4m approx. Block A would comprise 7 flats, with 2 x 1-bed units and 1 x 2-bed units on the ground and first floors, and a further 1-bed unit on the second floor. The ground floor units would all have amenity terraces leading from the living areas, with the upper floors having balconies. Block A would have nine parking spaces to the rear along the eastern site boundary, including one accessible space.
- 4.3 Block B would be similar in design to Block A, although larger overall. Block B would again have a three-storey central element with a hipped roof and a front gabled feature, with two-storey side and rear elements which would have hipped roofs. It would have a maximum height of approximately 11.2m. Block B would comprise 9 flats with 2 x 1-bed units and 2 x 2-bed units on the ground and first floors, and a 1-bed unit on the second floor. All the units above ground level would have balconies, with the ground floor units having amenity terraces adjacent to their living areas. Block B would also have nine parking spaces to the rear along the western site boundary, including one accessible space.
- 4.4 The remainder of the dwellings would be located around the central access road and landscaped central area, with six semi-detached dwellings on the eastern and western boundaries, and four semi-detached and two detached dwellings located on the rear (northern) site boundary. All dwellings would have private rear gardens. On the eastern side, four dwellings (House Type 1) would be three-storey, 3-bed dwellings and include an integral garage and two parking spaces to the front. They would have a balcony to the front elevation and maximum height of 11m approx. The remaining two dwellings on the eastern side would be two-storey 3-bed dwellings (House Type 2), and one would have two parking spaces and the other, one space with a visitor space within a car port. These dwellings would have a gabled projection to the front and rear, and a gabled end roof of 8.7m height approx.
- 4.5 On the western side, the dwellings would be 3-bed, two-storey dwellings (House Type 2 and Type 2 "terrace"), with 9 parking spaces to the front of the dwellings adjacent to the access road, and a further two spaces along the western boundary, within a car port. The Type 2 "terrace" dwellings would have a cottage appearance with a gabled end roof of approximately 8.7m, and an open front porch. The two car ports would be wooden in structure, with a dual pitched roof and open to all sides with a low wall/fence to the rear.

- 4.6 To the rear (north) of the site, there would be a detached dwelling in each corner, which would be a 2-storey 4-bedroom dwelling (House Type 3), with a ridge height of 8.5m approx. These dwellings would have a gabled front projection and gabled end roof, with an integral garage and one parking space to the front. Both of these dwellings would have large gardens that extend around the side and front of the house as well as the rear. The remaining four dwellings on the northern boundary would be semi-detached 2-storey 4-bedroom dwellings (House Type 3 “terrace”), with an attached garage to the side, with accommodation above and gabled end roofs of 8.8m maximum height.
- 4.7 The proposed materials for the dwellings would be red/brown brick and tile, with some dwellings having hanging tiled features. The flats would also be built of red/brown brick, with grey roof tiles and with grey/black cladding on some elevations.
- 4.8 A total of 93 trees are proposed to be removed as part of the development. These are situated largely to the rear of The Ferns, on the boundary between the two properties, and to the front of St Margaret’s Cottage. In general, the larger mature trees on the front, eastern and western boundaries of the site would be retained with some exceptions including the loss of an oak where the new access is proposed. The trees are proposed to be replaced with 17 large specimen size trees and 68 standard size.
- 4.9 In support of the application a planning statement, design and access statement, transport assessment, ecology reports (plus bat report), environmental report, noise assessment, affordable housing statement and accommodation report, archaeology report, flood risk assessment and utility statement were submitted. Reference will be made to these reports where applicable within section 7 of this report.
- 4.10 The applicant has also submitted a Statement of Community Engagement. This states that electronic methods have been used for engagement due to Covid-19, and the applicant has joined Windlesham Community and Windlesham Society Facebook groups, with a post directing them to the planning reference and the applicant’s own web page about the development. The Statement advises that feedback can be made via the website, with an opportunity to discuss/comment on the application, as well as telephone/online consultation meetings, though it is unclear if any have taken place. It states that feedback is reviewed to see how it can be incorporated into the scheme and responses are given to consultees on their comments.

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objection, subject to conditions for visibility splays, closure of existing accesses, space laid out within the site for parking, cycles and fast charge sockets prior to occupation, and for a Construction Transport Management Plan. See *Annex A for a copy of their comments.*
- 5.1 Council’s Arboricultural Officer Objection for the following summarised reasons:
- the trees collectively are important to the local sylvan environment and the replacement trees are insufficient to adequately replace these;
  - there is likely to be post-development pressure to remove the trees due to the design;
  - current proposals have not considered the off-site trees sufficiently;
  - access road will result in the loss of a mature oak;
  - insufficient information to justify the removal of the trees;

- insufficient information has been provided – need to have Arboricultural Method Statement and utilities information

*See Annex B for a copy of these comments.*

5.2	Council's Environmental Health Officer	No objection, notes that it is not clear if external areas will meet the required noise standard. Requires conditions regarding the provision of a noise impact assessment and conditions regarding contaminated land
5.3	Council's Urban Design Consultant	<p>Advises that the current design of the development is not acceptable due to, in summary:</p> <ul style="list-style-type: none"> <li>- the scale, height and massing of the three storey flatted blocks and three storey dwellings</li> <li>- the proximity of the three storey elements to Woodlands Lane</li> <li>- the density of the scheme</li> <li>- the design of House Type 1</li> <li>- poor quality car parking layouts</li> <li>- lack of robust landscaping and open space.</li> </ul> <p><i>See Annex C for a copy of these comments.</i></p>
5.5	Highways England	No objection, subject to drainage details being agreed prior to installation to ensure no run-off onto M3
5.6	Joint Waste Solutions	No objection, advised on bin requirements
5.7	Local Lead Flood Authority	No objection, subject to conditions
5.8	Natural England	No objection, as long as appropriate mitigation in respect of the SPA is secured
5.9	Surrey Bat Group	<p>Objected to the original bat surveys as being inadequate, with no mention of cumulative impacts with Heathpark Wood</p> <p><i>[Officer comment: this was prior to the additional bat survey being received]</i></p>
5.10	Surrey County Council – Archaeology	No objection, subject to securing a programme of archaeological work by condition
5.11	Surrey Wildlife Trust	<p>Requested that the badger survey was updated prior to determination, advised that a mitigation licence for bats would be required, that a Landscape and Ecology Management Plan should be requested by condition, advised that sensitive lighting should be used, and that clearance works should be carried out outside the bird nesting season. Also advised that cumulative impacts with the Heathpark Wood development are taken into account.</p>
5.12	Thames Water	No objection
5.13	West Surrey Badger Group	Objection, badger survey is out of date, and there is no mention of biodiversity net gain
5.14	Windlesham Parish Council	<p>Objection for the following summarised reasons:</p> <ul style="list-style-type: none"> <li>- No meaningful community engagement</li> </ul>

- Exceeds the accepted % of dwellings to be built in the Windlesham Neighbourhood Plan
- Is not a rural exception site and no guarantees housing would be for local people
- Transport assessment is not adequate and is based on old data, no additional public transport proposed
- Insufficient parking proposed
- Would constitute overdevelopment of the site
- Cumulative ecological impact with Heathpark Woods not taken into account
- Part of it is ancient woodland
- No SANGS proposed
- Insufficient information on drainage

5.15 The Windlesham Society      Objection for the following summarised reasons:

- Incorrect housing mix
- Inadequate parking provision
- Rate of new housing development in Windlesham is already unsustainable
- Would be contrary to Windlesham Neighbourhood Plan (WNP) in terms of housing growth rates
- Fails to meet character and amenity guidelines of the WNP
- Existing facilities and transport provision is inadequate to support development
- Will exacerbate traffic and highway safety issues
- Impact on ecology and wildlife is unclear
- No SANG provision
- Concerns about removal of trees and vegetation
- Insufficient engagement with the community
- Status of St Margaret's Cottage site is unclear in terms of Green Belt status
- Should be subject to same conditions as Heathpark Wood if granted

## 6.0 REPRESENTATION

6.1 The application was advertised in the local press on the 17 and 19 February 2021, a site notice was displayed and a total of 90 letters of notification were sent out on the 7 February 2021. At the time of preparation of this report 62 objections from neighbouring properties have been received which raise the following issues:

### Principle of development [*Officer comment: see section 7.2*]

- Site was removed from housing reserve site and as such is inappropriate in the open countryside
- Does not comply with Windlesham Neighbourhood Plan and have not made reference to it in the submission
- Windlesham has already built a substantial number of homes, more than three times the quantity agreed in the neighbourhood plan which is 50 homes up to 2028
- Brownfield sites should be used first for development

- Proposal is unsustainable development

Character and trees [Officer comment: see sections 7.3 and 7.4]

- Density and general arrangement is harmful to the local area
- Neglects woodland setting
- No mechanism to secure tree buffer in perpetuity/retained tree buffer outside the site cannot be relied upon
- Retained trees around the boundary are within residential gardens and as such cannot be relied upon to be retained
- Design is not in keeping with Windlesham and is different to Heathpark Wood site, should be more similar to the design of Heathpark Wood site
- Will appear as a visual intrusion into the established character
- The trees provide a barrier between the village and the M3
- Three storey dwellings and flats are inappropriate
- No detailed landscaping scheme submitted
- Trees are only being removed to facilitate development
- Will result in urban sprawl
- Concern regarding a further loss of trees in addition to those at the Heathpark Wood site
- Neighbouring site Chamness [immediately to the east] is referred to in the documents, Chamness has nothing to do with the application and references to it should be removed. Trees within Chamness cannot be relied upon to support the development proposal.

Amenity [Officer comment: see section 7.6]

- No meaningful recreational space proposed
- Insufficient consideration of air quality and noise
- Insufficient amenity space provided for the dwellings
- Noise and air pollution will be worse due to the loss of trees
- Noise and fumes during construction period

Traffic/parking [Officer comment: see section 7.7]

- Concerned about the level and speed of traffic along Woodlands Lane
- There is a shortfall of 23 parking spaces
- No provision for electric vehicle charging
- Parking space sizes do not meet those set out in the WNP
- No cycleway within the development
- Windlesham is already a rat run
- Concern about sight lines at Heathpark Drive
- Concern about conflict with pedestrians and cyclists and those accessing the school, and the proposed additional junctions for this site and Heathpark Drive
- Will impact on local walks
- Concern about proximity of junction to junction of the Heathpark Wood development and Heathpark Drive, and the proposed Broadley Green development opposite

- The entrance is located within a restricted weight zone [*Officer comment: There are usually exceptions for access. If the application was otherwise acceptable the route for construction vehicles could be addressed as part of the Construction Management Plan.*]
- Railway stations are too far away
- No street lights along Woodlands Lane which makes it dangerous for walkers
- Concern about impact on Chertsey Road and existing queuing times

#### Ecology [*see section 7.8*]

- No badger foraging surveys provided
- Ecology buffers provided comprise future residents gardens and there will be no future control over these areas
- No proper consideration of impact on wildlife habitats
- Irresponsible to remove established woodland given the current climate situation
- Ecological Impact Assessment required
- Red Kites are nesting in the wood

#### Flooding [*see section 7.11*]

- There are ongoing drainage problems and the land in question has suffered from flooding
- Will increase likelihood of flooding especially with additional hardstanding and tree removal
- Groundwater monitoring and geotechnical testing necessary to confirm the feasibility of the submitted Drainage Strategy have not been undertaken
- History of poor surface water drainage at this site has not been addressed

#### Other issues

- No SANG proposed [*Officer comment: see section 7.10*]
- Should concentrate on 2-3 bedroom units, as set out in the WNP [*Officer comment: see section 7.5*]
- Relies on layout in 20/0318/RRM which was withdrawn [*Officer comment: This is incorrect, the application is still current*]
- Contamination assessment not carried out [*Officer comment: see section 7.11*]
- Waste water disposal system depends on connection to existing sewer of which the line and capacity have not been identified [*Officer comment: Thames Water have not objected. The applicant would have to discuss this with Thames Water if the application was approved*]
- No discussions with Openreach regarding broadband connection [*Officer comment: Not a planning consideration*]
- No meaningful community engagement undertaken [*Officer comment: Noted, however this is not a statutory requirement*]
- Proposals for affordable housing should take into account that proposed in other nearby developments [*Officer comment: The Housing Services Manager has been consulted and has identified the types of affordable housing required – see section 7.5*]
- Inadequate fire and rescue cover [*Officer comment: not a planning consideration*]



- Inadequate water and power infrastructure [*Officer comment: Additional infrastructure would have to be built if this is the case*]
- Current level of development puts pressure on services (schools, doctors etc) and there is inadequate village centre parking and public transport [*Officer comment: see section 7.7 and 7.9*]

## 7.0 PLANNING CONSIDERATION

7.1 The application is considered against the relevant policies, which are Policies CP1, CP2, CP3, CP5, CP6, CP11, CP12, CP14A, CP14B, DM1, DM9, DM10, DM11 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP), saved Policy H8 of the Surrey Heath Local Plan 2000, saved Policy NRM6 of the South East Plan 2009, the Windlesham Neighbourhood Plan 2018-2028, and the National Planning Policy Framework (NPPF). The main issues to be addressed in the consideration of this application are:

- Principle of the development
- Character and design
- Impact on trees
- Affordable housing and housing mix
- Impact on residential amenity
- Traffic and parking issues
- Ecology
- Impact on infrastructure
- Impact on the Thames Basin Heaths SPA
- Other issues – flooding, contaminated land, archaeology

### 7.2 Principle of the development

7.2.1 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, which includes where there are no relevant development plan policies or they are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This includes applications for housing where the authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.

7.2.2 Paragraph 68 states that planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period. Paragraph 74 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Paragraph 80 states that planning decisions should avoid the development of isolated homes in the countryside.

7.2.3 Policy CP1 of the CSDMP seeks to direct development to sustainable locations, largely in the western part of the borough. Policy CP3 sets out the numbers of houses proposed for each area of the borough, however this policy is considered to be out of date, given the wording of paragraph 74 of the NPPF, set out above. Saved Policy H8 of the Surrey Heath Local Plan 2000 states that the site known as Land East of Heathpark Drive, Windlesham, is reserved to meet possible long-term development needs and is excluded from the Green Belt. It states that during the period covered by the local plan this site (and

others included within the policy) will remain subject to the restrictions set out in Policy RE3 [now superseded by policies CP1 and DM1]. Policy DM1 is not specifically relevant to this application. Policy H8 does not mention any specific housing numbers and as such the reserve designation cannot be “used up” by other applications within the housing reserve site.

- 7.2.4 Policy WNP1.1 of the WNP states that planning applications for new housing development that are consistent with both the rate of development for Windlesham and the policies relating to development within Surrey Heath Borough Council’s Core Strategy and Development Management Policies, and other policies in the neighbourhood plan, shall be supported. Supporting text to this policy notes that the CSDMP includes a figure of 20 dwellings for Windlesham during the plan period 2011-2025, which is a growth figure of 1-2% and that this has already been exceeded with the development of the Old Dairy site and the site at Heathpark Wood. The text states that the community supports sustainable housing growth in the village at an organic rate of 1-2%.
- 7.2.5 The application site is subject to the same designations as that of the adjacent site at Heathpark Wood, in terms of being within the identified housing reserve site under saved Policy H8, and lying within the Countryside beyond the Green Belt. The Heathpark Wood site was granted outline permission for development in July 2017 on appeal, establishing that housing development here was acceptable in principle. In reaching his decision, the Inspector found that the proposal conflicted with saved Policy H8, given that the supporting text to Policy H8 indicated that the site’s release for development would depend on a further review of the Local Plan when it will be necessary to demonstrate that other more appropriate land is not available, and that, more importantly, this approach was consistent with paragraph 85 of the NPPF [2012 version, since updated] which indicated that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review that proposes the development.
- 7.2.6 Paragraph 85 has been replaced by paragraph 143 in the latest version of the NPPF, however the text is very similar and still states that planning permission for permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The CSDMP did update the Local Plan 2000, however did not specifically release the site for development and saved Policy H8 remains extant. The Inspector also found that the Heathpark Wood development conflicted with Policy CP1 which indicates a clear preference for development elsewhere, and with Policy CP3 in terms of the numbers of houses built in Windlesham, which would be exceeded.
- 7.2.7 At the time of granting the outline permission for development at Heathpark Wood, the Council could not demonstrate a five-year housing land supply and the Inspector considered that Policy CP3 of the CSDMP regarding housing numbers was out of date, given the text of paragraph 49 of the NPPF (2012 version). The Inspector concluded therefore that very significant benefits would arise from providing the housing, and that overall these outweighed the harm that would be caused by the conflict with the above policies. It is still the case that Surrey Heath cannot demonstrate five years’ worth of deliverable housing sites based on an up to date need assessment, and given the text of paragraph 74 of the NPPF, set out above, Policy CP3 is still considered to be out of date.
- 7.2.8 Since the decision on Heathpark Wood, Windlesham have adopted a neighbourhood plan, which supports growth of 1-2% within the village, and the accompanying text to the policy refers to supporting the rate of development for Windlesham as outlined within the Core Strategy. However as set out above, Policy CP3 is the only policy setting out housing numbers within the Core Strategy, and is considered to be out of date, and given the Surrey Heath cannot demonstrate a five year housing land supply, Paragraph 11 of the NPPF indicates that proposals for housing which are considered to be sustainable development should be granted, unless adverse impacts significantly and demonstrably outweigh the benefits. It is noted that applications for development in the other housing reserve sites listed in saved Policy H8, in West End, have also been granted permission.

7.2.9 It is considered, therefore, in the current context of Policy CP3 being out of date and not yet replaced, and the Council not being able to demonstrate a five-year housing land supply and as such not having any more preferable alternative sites, that the principle of the release of this land for housing development is acceptable. In the context of this current application whether there are any adverse impacts of releasing this land, that would significantly and demonstrably outweigh the benefits, shall be considered in the remainder of the report.

### **7.3 Character and design**

7.3.1 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate landscaping. They must also be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The National Design Guide puts an increased emphasis on the importance of development schemes to fully understand, respect and comply with local context.

7.3.2 Policy CP2 of the CSDMP states that the Borough Council will require development to ensure that all land is used efficiently within the context of its surroundings, and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.

7.3.3 Policy WNP2.1 of the WNP states that proposals for new housing development shall be supported if they respond positively to and protect the built and natural character features of the setting within Windlesham village. Planning applications will be supported if they maintain the established density, the general scale of development and the style and pattern of separation between buildings and widths of frontages. Policy WNP2.2 states that new developments should respect the separation between buildings and the site boundaries. Policy WNP2.3 states that applications which create viewpoints revealing interesting old and new buildings and gardens and enhance the roadside landscape will be supported. Policy WNP3.1 states that applications will be supported which embody quality design features.

7.3.4 Principle 6.2 of the RDG requires residential developments to create visually interesting streets and strongly active frontages. Principle 6.4 states that housing development should seek to achieve the highest density possible without compromising local character of the appearance of the area. Principle 6.6 requires new development to respond to the size, shape and rhythm of surrounding plot layouts, and Principle 6.7 requires parking layouts that should be softened with generous soft landscaping and no more than 3 parking spaces grouped together without intervening landscaping. Principle 6.8 prefers on plot parking to the side or rear and where front of plot parking is proposed, requires it to be enclosed with soft landscaping. Principle 6.11 requires clear definition of the boundaries of public and private space within housing developments. Principle 7.3 requires building heights to help enclose the street without overwhelming it, with building heights expected to be lower in rural areas. Principle 7.8 requires attractive buildings that positively contribute to the character and quality of an area.

7.3.5 The proposed layout is characterised by a strong gateway entrance created by the three-storey flatted blocks, leading to detached and semi-detached properties arranged in a U-shape around a small green. The Urban Design Consultant has been consulted and raises concerns about the excessive height, scale and massing of the three-storey blocks of flats at the front of the development that will result in a domineering gateway,

and an abrupt change in scale from nearby development along Woodlands Lane, causing an urbanising and overbearing impact on the street scene. This is in contrast to the frontage proposed at the adjoining Heathpark Wood site, which sets the development back from the street scene with a strong edge of trees retained along the front.

- 7.3.6 The proposed density of 36.17 dwellings per hectare (dph) is also considerably higher than the density found elsewhere in Windlesham, and the density in conjunction with the above impacts are considered to result in a development that is incongruous with the small scale of the village, with harm caused to the green and rural character of the area. For comparison, the proposed density at the adjoining Heathpark Wood site is 27dph, excluding the woodland, open space and SANG areas. The Urban Design Consultant advises that the density needs to be reduced and to ensure that robust landscaping is provided and valuable trees are retained.
- 7.3.7 The three storey dwellings (house type 1) are also considered incompatible and out of character with surrounding development. No objections are raised to the traditional design of the buildings or to the proposed materials, although it is considered that the window design of house type 1 is not acceptable, as well as its height. It is considered that at most, two and a half storey dwellings could be provided to the rear of the site.
- 7.3.8 The car parking courts do not meet the requirements of Principles 6.6 and 6.8 of the RDG, as they are proposed with very limited soft landscaping to relieve the large areas of hardstanding. The car parking area for the dwellings on the western side is also considered to affect the sense of place and central green, and it is considered that this needs to be better integrated into the layout without dominating the landscape.
- 7.3.9 It is therefore considered that the proposal is not acceptable in terms of its impact on character for the above reasons, and would cause harm to the character of the area. It therefore conflicts with Policies CP2 and DM9 of the CSDMP, WNP policies 2.1, 2.3 and 3.1, Principles 6.2, 6.4, 6.6, 6.7, 6.8, 7.3 and 7.8 of the RDG, and paragraphs 124, 127 and 130 of the NPPF.

#### **7.4 Impact on trees**

- 7.4.1 Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of environments and new streets should be tree lined, with opportunities taken to incorporate trees elsewhere in developments. It states that existing trees should be retained wherever possible, and applicants should work with Officers to ensure the right trees are planted in the right places. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment and that the intrinsic character and beauty of trees and woodland should be recognised. Policy DM9 of the CSDMP requires the protection of trees and other vegetation worthy of retention.
- 7.4.2 The Ferns is covered by TPO/1/2015 and TPO 01/20. The front half of St Margaret's cottage, in front of the dwelling, is covered by TPO 07/10. A total of 93 trees are proposed to be removed to facilitate the development, which are largely to the rear of The Ferns and to the front of St Margaret's Cottage and as such the majority of these are protected trees. A site survey with partial information on tree species and heights has been provided, rather than a full tree survey compliant with the British Standard 5837 and as such a full picture of the species and nature of trees to be removed is not clear. However, they appear to be largely pine trees with some birch, which are mostly Category C, to the rear of The Ferns, and tall semi-mature trees which largely comprise Category B and C beech, pine and oak to the front of St Margaret's. One mature oak would also be lost in the location of the proposed access, to the front of the site.
- 7.4.3 The trees are proposed to be replaced with 17 large specimen size trees and 68 standard size. These are largely proposed along the rear boundary of the site and the side boundaries towards the rear. A small number are proposed on the central green area and around the two blocks of flats to the front of the site.

- 7.4.4 The Council's Arboricultural Officer has been consulted and has raised a number of concerns about the proposals, and considers that as a group, the trees provide significant visual amenity benefits to the character of the area and the replacement trees would take a long time to provide the same environmental and visual amenity benefits as the current trees. Concern has been raised about the location of the proposed new trees, being largely proposed in the rear gardens of the properties which are of limited size, and as such the new trees would quickly cause shade, debris and may overwhelm the gardens. They would also be growing under the canopy of existing offsite trees, compromising their overall quality. There is also likely to be conflict between the apartment blocks and car parking areas and the trees, which may cause shade and debris, leading to pressure to remove these. It is considered that space for trees to the front of properties would be a better solution, as is proposed at the neighbouring Heathpark Wood site, which also retains space between the properties and mature boundary trees.
- 7.4.5 The Council's Arboricultural Officer raises concerns about the access road affecting the long term health of proposed retained trees in the centre of the site, the loss of the oak at the front of the site to the access road, and about the lack of information provided as there is no Arboricultural Method Statement, or full tree survey. The proposals also have not adequately considered the off-site trees, with no information on the crown spread which will have an impact on the properties around the boundaries in terms of overshadowing. The off-site trees are also poorly adapted to deal with the likely wind load, following exposure. Overall, the Council's Arboricultural Officer considers that the development would fail to protect trees worthy of retention and would not respect or enhance the character of the environment, and the density of dwellings should be reduced, which would assist in overcoming the issues raised.
- 7.4.6 It is noted that the proposal at the neighbouring site, Heathpark Wood, will result in the loss of a large number of trees which largely comprise mature plantation conifers, and some younger, native deciduous trees. The loss of these was considered to be acceptable overall, given the benefits provided by the housing, and similarly with this site it is considered that the loss of a number of trees is inevitable and in principle the benefits of providing housing could outweigh this loss, although the loss of mature deciduous specimens which contribute the most to visual amenity should be avoided. However, the current proposed site layout causes unacceptable conflict between the proposed housing and the existing and proposed trees, and the provision of housing in the form currently proposed is not considered to outweigh the impact of the loss of the trees. In addition, insufficient information has been provided to fully justify the trees to be lost and to enable the Local Planning Authority to properly consider the impact of the proposal on the trees.
- 7.4.7 The proposal is therefore considered to be contrary to Policy DM9 and paragraphs 131 and 174 of the NPPF.

## **7.5 Affordable housing and housing mix**

- 7.5.1 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on site unless off-site provision can be robustly justified or the agreed approach contributes to the objective of creating mixed and balanced communities.
- 7.5.2 Policy CP5 of the CSDMP states that developments of 15 or more units should provide 40% on site provision of affordable housing. Policy CP6 states that the borough council will promote a range of housing types and tenures and suggests for market housing the proportions should be 10% 1-bed, 40% 2-bed and 3-bed, and 10% 4+ bed. For affordable housing the percentages depend on the tenure but are 20-35% 1-bed, 30-40% 2-bed, 20-40% 3-bed and up to 15% 4-bed. Policy WNP1.2 of the WNP states that planning applications for new developments which provide a mixture of housing sizes and types and prioritises the development of two and three bedroom dwellings to assist in increasing housing mobility within Windlesham village, shall be supported.

7.5.3 It is noted that Policy CP6 was written some years ago and a more recent Local Housing Needs Assessment was undertaken in 2020, to support the new draft Local Plan. Although this Needs Assessment does not carry any weight in the decision making process, as it is not planning policy, it does give an indication of what the current needs are in terms of housing mix. In terms of affordable rented units, the mix suggested is 30-35% 1-bed, 25-35% 2-bed and 3-bed, and 5-10% 4-bed. In terms of affordable to buy, the suggested mix is 10-15% 1-bed, 45-50% 2-bed, 30-35% 3-bed and 5-10% 4-bed. For market housing the suggested mix is 5-10% 1-bed, 20-25% 2-bed, 40-45% 3-bed and 25-30% 4-bed.

7.5.4 The application proposes that all the flats would be affordable, which would comprise 10 x 1-bed units and 6 x 2-bed units. No information is given on the proposed tenure of these units. This equates to a total percentage of 47% of the units, which is in excess of the amount of affordable dwellings required by Policy CP5. In terms of housing mix, this gives a percentage of 63% 1-bed and 37% 2-bed for the affordable units. The 12 x 3-bed and 6 x 4-bed properties proposed would be market housing, which in terms of mix is 67% 3-bed and 33% 4-bed.

7.5.5 The Council’s Housing Services Manager has been consulted and has stated that the proposed mix of affordable housing is not policy compliant, and should be more akin to the following table:

	1 bed	2 bed	3 bed	4 bed
Affordable	5	5	5	1
Broken down as:				
Intermediate	2	3	3	0
Rented	3	2	2	1

7.5.6 It is also not considered that the market housing is policy compliant, as it should include some 1-bed and 2-bed dwellings and reduce the number of larger dwellings. It is therefore considered that, while the overall amount of affordable housing proposed is acceptable, there needs to be more of a mix of housing types for both affordable and market housing, and the more recent Needs Assessment confirms that a range of housing sizes is still required. The proposal is therefore contrary to Policies CP6 and WNP1.2, and paragraph 63 of the NPPF in this regard. Given that the proposal is not acceptable in other regards, no legal agreement has been entered into in respect of the delivery of the affordable housing, and as such this also forms a reason for refusal, although could be overcome in the event of an appeal by the provision of such an agreement.

**7.6 Impact on residential amenity**

7.6.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy DM9 of the CSDMP states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

7.6.2 Policy WNP2.2 of the WNP states that planning applications for new developments which respect the separation between buildings and the site boundaries, and the privacy of adjoining owners, will be supported unless it can be demonstrated that they will harm or detract from the local character.

7.6.3 Principle 7.6 of the RDG states that as a minimum, the Council will expect new housing development to comply with the national internal space standards. Principle 8.1 states that new residential development should be provided with a degree of privacy to habitable rooms and sensitive outdoor amenity spaces. Developments which have a significant adverse effect on the privacy of neighbouring properties will be resisted. Principle 8.2

requires habitable rooms in new residential development to maintain an adequate outlook to external spaces. Principle 8.3 requires the occupants of new dwellings to be provided with good quality daylight and sunlight, and should not result in a loss of daylight and sunlight to neighbouring dwellings. Principle 8.4 sets the minimum outdoor amenity space sizes for new dwellings. Principles 8.5 and 8.6 set the standards for outdoor amenity space for flats.

- 7.6.4 The application site located over 80m from the rear boundaries of properties in Heathpark Drive to the west, and to the east, the nearest dwelling is Woodlands, located over 110m away from the site boundary at its nearest point. As such, it is not considered that the development would cause any harm to the amenities of the nearest existing dwellings. With regard to the proposed development at Heathpark Wood, which borders the site immediately to the west and north, the latest proposed scheme under the application 20/0318/RRM shows that there would be 15-17m between the western and northern side boundaries of the application site and the nearest elevations of the proposed dwellings, with a large tree buffer in between. As such, the proposal is not considered to cause any harm to the amenities of the future occupiers of the Heathpark Wood development, based on the current submitted scheme.
- 7.6.5 In terms of the amenities of the future residents of the properties, all of the properties appear to comply with the national internal space standards, except House Type 2 which has an internal area stated on the plans, but one of the pair is smaller than the other and does not appear to be large enough. Two of the 2-bed 4-person units in Block B are also smaller than the minimum of 70m<sup>2</sup> plus 2m<sup>2</sup> of storage. As such the units are not sufficiently big enough and are contrary to Principle 7.6 of the RDG.
- 7.6.6 The ground floor flats would have access to an amenity terrace directly adjoining the flat, which is shown as an area of patio on the plans. However, the depths of these terraces are under 2m, rather than the 3m minimum required by Principle 8.6 of the RDG. No boundary treatments or privacy screens are shown, even though some of the terraces front the access road, but it is considered that the detail of boundary treatments could be secured by condition if the application was otherwise acceptable. The flats on the upper floors are all provided with balconies, however again they are smaller than the standard required by Principle 8.6, at 1m depth rather than 1.5m. Some communal space for the flats is provided, of around 520m<sup>2</sup>, though it would be largely overshadowed by trees and as such the private amenity space is even more important. The private gardens provided for the 3-bed and 4-bed houses comply with the size requirements of Principle 8.4 of the RDG, however as set out in section 7.4 above, those on the northern boundary particularly are likely to be overshadowed by existing and proposed trees. In terms of communal recreational space, it is considered that for the overall size of the development, a formal play area would not be required.
- 7.6.7 Concern has been raised over the impacts of noise and air quality, both for the future occupiers of the development given its proximity to the M3, and also for existing nearby residents, due to removal of the trees. The applicant has submitted a noise report with the application and the Environmental Health Officer (EHO) has been consulted. The EHO has stated that the site is likely to require noise mitigation in terms of fencing for external areas, and in elevations in terms of glazing and ventilation measures, to achieve the relevant internal and external standards for the protection from traffic noise for future occupiers. No detail has been provided in terms of how the external amenity areas on the site will be protected from noise and it is considered that this detail is required at this stage, given that the mitigation required could be, for example, tall acoustic fencing and would require assessment in terms of impact on character and amenity. It is also necessary to ensure that all external amenity spaces would be able to meet the relevant standard with mitigation, particularly on the eastern side of the site. It is not considered the removal of some trees would make any noticeable difference in terms of noise levels for existing properties.

- 7.6.8 With regard to air quality, the EHO states that levels of traffic pollution quickly decrease with distance, as confirmed by the Council's monitoring near to this site and along Woodlands Lane, where levels of NO<sub>2</sub> have been well below the target. With regard to dust, the Council's recent modelling also shows that this will remain below air quality objectives on and around the site and that the effect of woodland removal will not cause any exceedance of air quality objectives.
- 7.6.9 It is therefore considered that the proposal would be acceptable in terms of its impact on amenity for existing properties. However, the proposal would not provide an acceptable standard of amenity for future occupiers, due to the sizes of some of the dwellings and amenity areas being smaller than the standards set out in the RDG. It has also not been demonstrated that all the external areas would be able to meet the relevant noise standards, with mitigation that would be appropriate in character and amenity terms. The proposal is therefore contrary to Principles 7.6 and 8.6 of the RDG, Policy DM9 and paragraph 130 of the NPPF.

## **7.7 Impact on highways and parking**

- 7.7.1 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location; that safe and suitable access to the site can be achieved for all users, and any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 7.7.2 Policy CP11 of the CSDMP seeks to direct new development to sustainable locations, and states that development that will generate a high number of trips will be required to demonstrate that it can be made sustainable to promote travel by sustainable modes of transport. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. Policy WNP4.2 of the WNP states that new residential developments should, where space permits, provide parking spaces within the boundaries of the development for two vehicles for 1 and 2-bedroom dwellings, and 3 vehicles for 3+ bedroom or larger dwellings. Policy WNP4.1 states that garages should be 3m x 8m with an unobstructed entry width of 2.3m.
- 7.7.3 The two existing dwellings are currently accessed via individual accesses onto Woodlands Road. These would be closed as part of the proposal, and a new central access created onto Woodlands Lane. This access would be approximately 85m east of the proposed new access to the Heathpark Wood development, which is slightly further than the distance between Heathpark Drive and the Heathpark Wood development. Concern has been raised regarding the proximity of these accesses, however no objection has been received from the County Highway Authority, who consider that the development is acceptable, subject to conditions including visibility splays from the access, electric vehicle charging sockets and cycle parking facilities.
- 7.7.4 In terms of parking, the development proposes a total of 59 spaces plus two disabled spaces. Two spaces on the plan are marked for visitors however some other spaces are unmarked so it is not clear if spaces would be allocated to dwellings or available for general use within the development. There are also two spaces marked behind the visitor spaces, however use of these would block in the visitors. The layout shows eight spaces for each of the two blocks of flats, which equates to one space per flat, plus an additional disabled space for each block. For the dwellings, the three storey, 3-bed dwellings would



have three spaces each as they include integral garages. The remaining 3-bed dwellings on the eastern side would have two spaces each. The 3-bed dwellings on the western side would have eleven spaces between six dwellings. The 4-bed houses to the rear of the site would have two spaces each including the garages.

- 7.7.5 The parking provision for some of the 3-bed dwellings is therefore not in line with Surrey County Council's maximum parking guidelines, which suggest in rural areas that 2+ spaces per unit would be the maximum for 3+ bed units. However, these are maximum standards and no objection has been received from the County Highway Authority in terms of parking provision. It is also noted that the development falls short of the parking levels set out in Policy WNP4.2, however with the current site layout and density, there is limited space to include additional parking without impacting on amenity areas and trees. If all spaces in the development are allocated to the units, then there could be overspill of parking onto Woodlands Lane, which should be avoided. If the application was acceptable in other regards, further information could be requested on this point from the applicant in terms of parking allocation.
- 7.7.6 The depths of the garages are 6.25m rather than 7m as set out in Policy WNP4.1, and the parking spaces are also smaller than the measurement of 2.9m x 5.5m as set out in this policy. Given, however, that no objection has been received from County Highways, any overspill of parking is not likely to cause a highway safety issue, nor a serious amenity issue on Woodlands Lane. It is not considered that this should form a reason for refusal. However, an informative will be added to the decision regarding future applications avoiding any overspill of parking onto Woodlands Lane and having more regard to Policies WNP4.1 and WNP4.2 in terms of the numbers, design and layout of parking spaces and garages.
- 7.7.7 In terms of sustainability and proximity to public transport, it is noted that there are limited bus services within Windlesham. However, additional dwellings along the route and as such increased demand for services, is more likely to make increased frequency commercially viable. This would be a matter for the bus companies/Surrey County Council to consider. It is noted improvements to bus stops and the footway/cycleway along part of Woodlands Lane is required as part of the Heathpark Wood development. Given the site's allocation as a housing reserve site, it is considered to be in a relatively sustainable location given that it would be walking distance to the centre of Windlesham and some public transport services. Further details of cycle parking and electric vehicle charging would be required by condition if it were acceptable in other regards to encourage more sustainable forms of travel. It is noted that concerns have been raised about the impact on walkers with an additional access and the lack of street lighting, however, no objection has been raised by County Highways in terms of safety and the provision of street lighting is a matter for the County to consider.

## **7.8 Impact on ecology**

- 7.8.1 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on, and provide net gains for, biodiversity. Paragraph 175 states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.
- 7.8.2 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath, and that development that results in harm to or loss of features of interest for biodiversity will not be permitted.
- 7.8.3 The applicant has submitted a Preliminary Ecological Appraisal, a Bat Report and updated Technical Note for bats. Surrey Wildlife Trust (SWT) have noted that the report confirms the presence of active bat roosts within the development site, and as such a licence from Natural England would be required prior to any works commencing which affect bats. SWT have also noted that the Ecological Appraisal identified the likely absence of active badger setts within the development site, but given the age of the

survey, both SWT and the WSBG advised that a new survey was required before determination, given the mobility of the species. This has been requested from the applicant but not received.

- 7.8.4 Surrey Wildlife Trust also recommends that any tree felling is conducted outside the bird nesting season, otherwise an ecologist would have to inspect trees for active nests prior to felling. Sensitive lighting should also be used and a Landscape and Ecology Management Plan would be required by condition if the development was acceptable in other respects.
- 7.8.5 The applicant has not provided any information on biodiversity net gain and as such it has not been demonstrated that net gain would result from the proposals. However, the requirement for net gain is not yet planning policy and as such an informative will be added in this regard for any future applications on this site. It is also noted that some objections mention red kites nesting on the site and while additional bird surveys have not been requested by SWT, again an informative will be added in this regard for future applications.
- 7.8.6 It is therefore considered that the Local Planning Authority does not have sufficient information to ensure that badgers would not be harmed as a result of the proposals, and the proposal is therefore contrary to Policy CP14A and paragraphs 170 and 175 of the NPPF.

## **7.9 Impact on infrastructure**

- 7.9.1 Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can aid infrastructure delivery. Policy CP12 of the CSDMP states that the Borough Council will ensure that sufficient physical, social and community infrastructure is provided to support development and that contributions in the longer term will be through the CIL Charging Schedule. The Council's Infrastructure Delivery SPD was adopted in 2014 and sets out the likely infrastructure required to deliver development and the Council's approach to Infrastructure Delivery.
- 7.9.2 Details of infrastructure projects that are to be funded through CIL are outlined in the Regulation 123 list, which includes open space, transport projects, pedestrian safety improvements among others. These projects do not have to be related to the development itself.
- 7.9.3 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. An informative will be added to the decision advising the applicant of the CIL requirements in the event of an appeal. In terms of pressure on existing services, such as schools and doctors, it would be a matter for Surrey County Council and the NHS to include additional provision as necessary.

## **7.10 Impact on the Thames Basin Heaths SPA**

- 7.10.1 The Thames Basin Heaths SPA was designated in March 2005 and is protected from adverse impact under UK and European Law. Policy NRM6 of the South East Plan 2009 states that new residential development which is likely to have a significant effect on the ecological integrity of the SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy CP14B of the CSDMP states that the Council will only permit development where it is satisfied that this will not give rise to likely significant adverse effect upon the integrity of the Thames Basin Heaths SPA and/or the Thursley, Ash, Pirbright and Chobham Common Special Area of Conservation (SAC).

- 7.10.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 1.2km from the SPA. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD was adopted in 2012 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide SANG on site (for larger proposals) or for smaller proposals such as this one, provided that sufficient SANG is available and can be allocated to the development, a financial contribution towards SANG provided, which is now collected as part of CIL. There is currently sufficient SANG available to be allocated to this development if it was being granted permission, and this development would be CIL liable, so a contribution would be payable on commencement of development.
- 7.10.3 The development would also be liable for a contribution towards SAMM (Strategic Access Monitoring and Maintenance) of the SANG, which is a payment separate from CIL and depends on the sizes of the units proposed. SAMM is payable prior to a decision being made on the application, or a legal agreement is required to be completed to ensure payment of SAMM at a later date. Given that this application is not acceptable in other regards, the SAMM payment has not been requested from the applicant and as such it forms a reason for refusal. However, in the event of an appeal, this reason could be overcome by payment of the SAMM charge.

## **7.11 Other matters**

### Flooding

- 7.11.1 Paragraph 167 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policy DM10 states that the borough council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development.
- 7.11.2 The application site is located within Flood Zone 1 and is less than 1 ha in size, and as such no Flood Risk Assessment was required, albeit an FRA has been submitted. Parts of the front of the site are at risk from surface water flooding. The LLFA has not objected, subject to conditions for details of a surface water drainage scheme to be submitted and agreed prior to commencement of development. Highways England have also requested a condition to ensure surface water drainage details are agreed with them prior to their installation, to prevent any run off from the development onto the M3. It is considered therefore that the issues of surface water drainage would be satisfactorily dealt with by condition, if the application was acceptable in other regards.

### Contaminated land

- 7.11.3 Paragraph 183 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use, taking into account ground conditions and risks arising from contamination. The applicant has submitted a Contaminated Land study with the application, which suggests further investigation would be required prior to development commencing. The EHO has therefore recommended conditions in this regard which would require further investigation and risk assessment, and any necessary remediation taking place, prior to development commencing. The development is therefore considered to be in line with paragraph 183, subject to the proposed conditions.

### Archaeology

- 7.11.4 Paragraph 194 of the NPPF states that in determining applications, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. Policy

DM17 states that sites of 0.4ha or greater need to submit a desk based archaeological assessment and where this suggests the likelihood of archaeological remains, the Planning Authority will require the results of an archaeological evaluation in order to inform the determination of the application.

- 7.11.5 The applicant has submitted an Archaeological Assessment with the application and the County's Heritage Advisor has been consulted, who has advised that although the site has low archaeological potential, there has been little previous investigation in this area previously. The Advisor recommends a future programme of archaeological work is therefore secured by condition, if the application is to be granted.

#### Sustainability credentials

- 7.11.6 Paragraph 8 of the NPPF states that achieving sustainable development includes minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy. Policy DM7 of the CSDMP encourages more sustainable building materials to be used. The applicant proposes some measures to improve the sustainability of the development which include orientating the buildings to maximise passive solar gain, and using good insulation, high performance windows and doors, as well as careful detailing to avoid air leakage and thermal bridging. If the application were acceptable in other regards, further information would be required by condition regarding the materials and energy efficiency of the proposed dwellings.

### **8.0 POSITIVE/PROACTIVE WORKING & PUBLIC SECTOR EQUALITY DUTY**

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included 1 or more of the following:-
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
  - c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

### **9.0 CONCLUSION**

- 9.1 There is a presumption in favour of sustainable development and the provision of additional housing in this location is considered to be acceptable in principle, given the site's designation as a Housing Reserve Site under saved Policy H8 of the Surrey Heath Local Plan 2000 and the fact that Policy CP3 is out of date and Surrey Heath cannot currently demonstrate five years' worth of deliverable housing land. The provision of 47% affordable housing also weighs in favour of the proposal although has not been secured with a legal agreement. However, the proposal's layout and quantum of built form is not considered acceptable in terms of its significant impact on the countryside character of the area and upon trees. The housing mix, the amenity of future occupiers, ecology and its impact on the Thames Basin Heaths SPA would also result in significant harm. In the officer's opinion these adverse impacts would demonstrably and significantly outweigh the social and economic benefits. The proposal is therefore recommended for refusal.

## 10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposal by reason of the excessive height, scale and unrelieved massing of the three-storey blocks of flats, and their proximity to the front of the site would result in a visually domineering urban gateway along Woodlands Lane. Together with the height and design of the three-storey dwellings; the overall density of the development; and, the layout of the car parking courts unrelieved by soft landscaping, the overall development would be harmful to the rural and woodland setting and the Windlesham vernacular. The development would therefore fail to respect the character and quality of the area and would not promote local distinctiveness, contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policies 2.1, 2.3 and 3.1 of the Windlesham Neighbourhood Plan 2018-2028, Principles 6.2, 6.4, 6.6, 6.7, 6.8, 7.3 and 7.8 of the Surrey Heath Residential Design Guide 2017 and the National Planning Policy Framework
2. Insufficient information has been provided to justify the removal of the trees proposed, and for the Local Planning Authority to be able to fully assess the impact of the development upon the trees both within and immediately adjacent to the site. The location of the proposed dwellings and car parking areas in relation to existing and proposed trees is likely to cause conflict and harm to the living conditions of future occupiers and therefore compromise the future health and longevity of the trees. The trees as a group provide significant visual amenity and environmental benefits to the area and the proposal would not outweigh this harm. The proposal is therefore contrary to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
3. The proposed housing mix of the affordable and market housing would not meet the current need in Surrey Heath for a range of dwelling sizes. The proposal is therefore contrary to Policy CP6 of the Surrey Heath Core Strategy and Development Management Policies 2012, Policy 1.2 of the Windlesham Neighbourhood Plan 2018-2028 and the National Planning Policy Framework
4. The proposal would not provide a sufficiently high standard of amenity for future occupiers, due to insufficient overall internal floor areas for some of the proposed dwellings and flats, insufficient sizes of private amenity space for the proposed flats and overshadowing of private rear gardens by trees. It has also not been demonstrated to satisfaction of Local Planning Authority that the background traffic noise would be mitigated to an acceptable level within the proposed private external amenity spaces, and that any mitigation required would be acceptable in character and amenity terms. The proposal would therefore be contrary to Principles 7.6 and 8.6 of the Surrey Heath Residential Design Guide 2017, Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
5. Insufficient up to date survey information has been received by the Local Planning Authority to enable them to fully assess the impact of the proposals on badgers, which are a protected species. The proposal is therefore contrary to Policy CP14A, ODPM Circular 06/2005 and the National Planning Policy Framework.
6. In the absence of a payment or completed legal agreement in respect of strategic access management and monitoring (SAMM) measures, the impact of the proposal on the Thames Basin Heaths Special Protection Area has not been sufficiently mitigated and significant concerns remain with regard to the adverse effect on the integrity of the Special Protection Area. The proposal also has not been allocated any Suitable

Alternative Natural Greenspace (SANG) capacity. The proposal is therefore contrary to Policy CP14B of the Surrey Heath Core Strategy and Development Management Policies 2012, the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019, saved Policy NRM6 of the South East Plan 2009 and the National Planning Policy Framework.

7. In the absence of a legal agreement to secure the required provision of affordable housing, the proposal is contrary to Policy CP5 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 necessary to consider the requirements of Policies WNP4.1 and 4.2 of the Windlesham Neighbourhood Plan 2018-2028 with regard to future parking provision, in terms of numbers and sizes of spaces and garages, to avoid overspill of parking onto Woodlands Lane.
2. The developer is advised that information demonstrating an overall net gain in biodiversity of at least 10% is likely to be a requirement for future applications on this site.
3. The developer is advised that red kites may be present on the site which are a protected species under Schedule 1 of the 1981 Wildlife and Countryside Act, and that any future application will be required to demonstrate that no harm would come to these species as a result of the proposal.
4. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy (CIL) Schedule which came into effect on 1st December 2014. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.
5. This decision was based on the following plans submitted with the application all received 22.12.20 unless otherwise stated:
  - Location Plan Rev 02 drawing no 20.15.100
  - Block Plan Rev 02 drawing no 20.15.101
  - Site Survey Rev 02 drawing no 20.15.102
  - Existing tree survey Rev 02 drawing no 20.15.103
  - Existing site sections Rev 02 drawing no 20.15.104
  - Woodlands Masterplan Rev 02 drawing no 20.15.200
  - Woodlands Masterplan Level 0 Rev 02 drawing no 20.15.201
  - Woodlands Masterplan Level 1 Rev 02 drawing no 20.15.202
  - Woodlands Masterplan Level 2 Rev 02 drawing no 20.15.203
  - Roof plan Rev 02 drawing no 20.15.204
  - Affordable Plan Rev 02 drawing no 20.15.205
  - Woodlands Masterplan Levels Rev 03 drawing no 20.15.206 received 4.2.21
  - House Type 1 floorplans Rev 02 drawing no 20.15.210
  - House Type 1 elevations Rev 02 drawing no 20.15.211
  - House Type 2 floorplans Rev 02 drawing no 20.15.212
  - House Type 2 elevations Rev 02 drawing no 20.15.213
  - House Type 2 terrace Rev 02 floorplans drawing no 20.15.214
  - House Type 2 terrace elevations Rev 02 drawing no 20.15.215
  - House Type 3 floorplans Rev 02 drawing no 20.15.216
  - House Type 3 elevations Rev 02 drawing no 20.15.217
  - House Type 3 terrace floorplans Rev 02 drawing no 20.15.218
  - House Type 3 terrace elevations Rev 02 drawing no 20.15.219

- Apartment Block A Ground floor plans Rev 02 drawing no 20.15.220
- Apartment Block A First floor plans Rev 02 drawing no 20.15.221
- Apartment Block A Second floor plans Rev 02 drawing no 20.15.222
- Apartment Block A Roof Plan Rev 02 drawing no 20.15.223
- Apartment Block A Front Elevations Rev 02 drawing no 20.15.224
- Apartment Block A Side Elevations Rev 02 drawing no 20.15.225
- Apartment Block A Rear Elevations Rev 02 drawing no 20.15.226
- Apartment Block A Side Elevations Rev 02 drawing no 20.15.227
- Apartment Block B Ground floor plans Rev 02 drawing no 20.15.228
- Apartment Block B First floor plans Rev 02 drawing no 20.15.229
- Apartment Block B Second floor plans Rev 02 drawing no 20.15.230
- Apartment Block B Roof Plan Rev 02 drawing no 20.15.231
- Apartment Block B Side Elevations Rev 02 drawing no 20.15.232
- Apartment Block B Front Elevations Rev 02 drawing no 20.15.233
- Apartment Block B Side Elevations Rev 02 drawing no 20.15.234
- Apartment Block B Rear Elevations Rev 02 drawing no 20.15.235
- Proposed Site Layout Plan Drawing no DPA-9023-04 Rev C
- Proposed Car Ports Rev 02 Drawing no 20.15.236
- Proposed Street Scenes Rev 02 Drawing no 20.15.237 received 22.1.21
- Proposed Site Sections Rev 02 Drawing no 20.15.238 received 22.1.21

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<b>APPLICATION NUMBER</b>	<b>SU/20/1070</b>
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## DEVELOPMENT AFFECTING ROADS

### TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

**Applicant:** Mr John Whiteman

**Location:** St Margarets Cottage And The Ferns Woodlands Lane Windlesham Surrey GU20 6AS

**Development:** Erection of 34 dwelling houses, to comprise 10 No one bed, 6 No two bed, 12 No three bed and 6 No four bed, with associated parking, access and landscaping following demolition of existing dwellings.

<b>Contact Officer</b>	Richard Peplow	<b>Consultation Date</b>	9 February 2021	<b>Response Date</b>	23 April 2021
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

#### CONDITIONS

- 1) No part of the development shall be commenced unless and until the proposed vehicular access to Woodlands Lane has been constructed and provided with 2.4 x 120 metre visibility splays in accordance with the approved plans (Drawing No. 49515/5501/001 Rev A) and thereafter the visibility splays shall be kept permanently clear of any obstruction between 0.6 and 2.0 metres high.
- 2) The development hereby approved shall not be first occupied unless and until the existing accesses from the site to Woodlands Lane have been permanently closed and any kerbs, verge, footway, fully reinstated.
- 3) 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 (Drawing No. DPA-9023-04 Rev C) for vehicles to be parked and to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
- 4) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in

writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

- 5) The development hereby approved shall not be first occupied unless and until each of the proposed dwellings have been provided with a robust and covered facility for the secure parking of bicycles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
- 6) No development shall commence until a Construction Transport Management Plan, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) provision of boundary hoarding behind any visibility zones
  - (e) HGV deliveries and hours of operation
  - (f) measures to prevent the deposit of materials on the highway
  - (g) on-site turning for construction vehicles

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

#### REASON

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2019.

#### POLICY

Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2019.

#### HIGHWAY INFORMATIVES

- 1) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.

[www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-drop-ped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-drop-ped-kerbs)

In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the County Council as

part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT valuation to compensate for the loss of highway amenity.

- 2) The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 3) 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).
- 4) 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.
- 5) The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
- 6) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- 7) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>

for guidance and further information on charging modes and connector types.

Installation must be carried out in accordance with the IET Code of Practice for Electric Vehicle Charging Equipment: <https://www.theiet.org/resources/standards/cop-electric.cfm>

- 8) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to

be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>

- 9) The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
- 10) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- 11) When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
- 12) 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.
- 13) When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.

#### NOTE TO PLANNING OFFICER

Trip generation:

The County Highway Authority (CHA) is satisfied that the revised Trip rate analysis has been carried out using the approved TRICS methodology with the correct parameters applied suitable to this location. The revised trip rate assessment shows that the proposed development could be expected to generate 14 two-way trips in the AM peak and 15 in the PM peak. This is not considered to be a significant increase and it is unlikely to have an unacceptable impact on the free flow of traffic on Woodlands Lane. The junction modelling carried out has also taken into consideration the permitted development at Heathpark Wood. The results indicate that the proposed development would have a negligible effect on queues and delays at the nearby junctions.

#### Assess, visibility and road safety:

The CHA is satisfied that the 2.4 x 120m visibility splays to be provided at the proposed new site access are commensurate with the measured 85th percentile speeds on Woodlands Lane (44mph eastbound and 42mph westbound) in accordance with DMRB guidance. From Crashmap data there are no recorded road safety issues on the local network. The proposed separation distance of 83.8 metres between the proposed new site access and the access for the permitted development at Heathpark Wood is considered acceptable in highway safety terms.

#### Parking provision:

The proposed parking provision of 63 spaces accords with Surrey County Council's parking standards. Under this guidance 52 spaces should be provided and an additional allowance can be made in a village location for 3 and 4 bedroom houses to have an extra parking space where viable. 11 extra parking spaces are proposed, including the provision of 4 visitor parking bays. The CHA notes that the proposed provision is less than that recommended under policy WNP.2 of the Windlesham Neighbourhood Plan, which requires a higher parking provision for 3 and 4 bedroom houses where space permits within the development. This would amount to an additional parking requirement of 23 spaces over and above the 63 proposed. The CHA considers 63 parking spaces to be in accordance with SCC parking standards and that the question of any additional provision is an amenity issue rather than a highway safety issue.

#### Cycle parking:

This must be provided for each of the dwellings and the type and location of the facility shown on a plan. For dwellings provided with a garage it is deemed acceptable that cycles could be stored securely within the garage.

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**TREE COMMENTS: St Margarets and The Ferns****Application No: 20/1070****Date: 29/06/21****Terminology:**

Tree preservation order (TPO), root protection radius (RPR), root protection area (RPA), tree protection fencing (TPF), ground protection (GP), construction exclusion zone (CEZ), arboricultural impact assessment (AIA), tree constraints plan (TCP), arboricultural method statement (AMS), tree protection plan (TPP). National Joint Utilities Group (NJUG). British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations (BS5837:2012). Cellular Confinement System (CCS).

The character of the area is defined as settled and wooded sandy farmland, this is characterised as containing extensive areas of both broadleaved and coniferous woodland and low-density areas of dwellings.

The proposed site appears to be over developed for the space available considering the current arboricultural constraints. The trees within and around the properties are protected by a TPO, the trees provide significant amenity and are in keeping with the character of the area, they also provide screening along the entrance boundary. The rear trees are significant in that they provide a sylvan back drop and help to create the character of the area.

1. A significant number of trees are proposed for removal. Although some are poor specimens individually, I consider them all to be important because of the contribution they make as a group to the local sylvan environment. Their loss would diminish the positive contribution the trees on the site make to the verdant and mature local landscape.
2. The application proposes to replant with a good number of new trees, however the removal of such a significant quantity of mature trees in contrast to the new plantings can hardly be offset by the proposal, The number of trees lost to this development could not be adequately replaced through such a measure nor does the proposal provide a biodiversity net gain for the site. The new trees assuming they made it to maturity would take many years to provide the same benefits as the current trees in relation to the environment, carbon sequestration and wildlife.

The majority of trees proposed are in the rear gardens of the new houses and would only be protected by planning condition for a short period of time and due to the small size of the gardens it is likely that many of the trees would be removed prematurely to allow adequate space as the trees mature and create shade, debris and a reduced feel to the garden area, they would also be growing under the canopy of existing offsite trees which would compromise there overall quality in future years.

3. The proposal is for individual properties and blocks of flats, considering the sylvan nature of the area and the proposed landscaping should permission be forthcoming there is very little if any space to plant trees at the front of the individual dwellings and any trees proposed will soon outgrow the small space available and would be removed diminishing the tree coverage of the site, there should be significant space at the front of the properties to allow for tree planting to help break up the built form of the proposal.
4. Following development there is likely to be pressure on the Council with further tree work applications should the current proposal be granted, which could include felling or heavy pruning. Given the proximity of retained trees to the apartment block and car parks. The



central parking area would be subject to coverage by leaf litter and other tree debris, which would also be likely to end up on the building's roof and in its gutters leading to applications to adversely prune or remove trees. The car park areas should be removed from outside the RPA of retained trees.

5. Given the stature of the trees on site including many of those proposed for removal, replacement planting would take many years to make an equivalent contribution to local amenity. Consequently, there would be harm to the character and appearance of the local environment for many years. I do not therefore consider that policy DM9 could be complied with in any meaningful way.
6. The new access road goes through the RPA of retained trees but no information as to how this will be constructed has been provided, its likely to be of a significant depth to accommodate the expected vehicular traffic and is likely to lead to significant root severance and the long-term retention or health of trees T87, 88, 89, 90 and 91 cannot be guaranteed and these are trees of significant amenity within the site and central to the current proposal.
7. The soft ground to the east of the site where the current access road for St Margaret's is currently, is shown to be returned to soft ground after development, this is currently just a gravel over the soil, it is not load bearing and any significant vehicles using this area for deliveries its likely to compact the soil underneath and so a ground protection system that can accommodate expected loads will need to be used and specific details provided within the AMS.
8. The current proposals have not considered the offsite trees outside the site boundaries and will need to be added to any future submission, this should show the RPA but also the Crown spread as this is likely to have an impact on the rear gardens of the properties at the northern end of the site.

BS5837 Trees in Relation to Design demolition and construction acknowledges the importance of giving full consideration to the impact of the spatial relationship between development and trees. 5.3 of BS 5837 recommends a realistic assessment of the probable impact of any proposed development on the trees and vice versa should consider the characteristics and condition of the trees with due allowance and space for their future growth and maintenance requirements. To maximize the probability of successful tree retention structures should therefore be designed and located with due consideration for a tree's ultimate growth, so as to reduce the need for frequent remedial pruning. New structures should be sited allowing adequate space for a tree's natural development, with due consideration given the predicted height and canopy spread.

The shade constraints of the site have not been fully considered and no shade analysis has been provided , from the documents in the current format there would be significant shade and proximity issues between the trees and the new residents leading to pressures to adversely prune or remove trees over fears of safety and branch failure as a well as lack of light to habitable rooms and amenity spaces such as gardens, any proposal should seek to find a medium between the demands of the resident and the constraints of the site, at the moment this does not seem possible and would add further pressure to remove trees. Because of the orientation of the properties the dwellings themselves would in part shade the rear garden but the belief would be that it is the height and proximity of the trees.

Whilst protection afforded by the TPO would enable the Council to control any future tree work, it would be more difficult for it to refuse an application to cut-back or even allow the removal of trees that was threatening the safety of the occupiers or having a harmful effect on their enjoyment of the



property. There can be no certainty that such pressures could be reasonably resisted. Trees protected by a TPO merit special care, and these trees are no exception. If their appearance were to be stunted by pruning, their amenity value would be diminished and (and the appearance of surrounding area would suffer as a result) this would unacceptably harm the sylvan character of the area. The trees on the northern boundary are 20+m in height and will cause significant concern for future occupiers especially during periods of inclement weather.

Due to the number of trees proposed for removal which might ordinarily act as a buffer for strong winds there would be an increased likelihood of failure of these offsite trees which are poorly adapted to deal with the likely wind loading following exposure.

9. The access road out of the site at 'The Ferns' will result in the loss of at least one Mature Oak tree at the frontage which helps to screen the front of the development and maintain the sylvan nature of the site. The proposal should consider utilizing the existing driveways of the properties as an in/out driveway, this would negate the need to increase the overall width of these roads.
- 5.3.1 BS 5837. States that the default position should be that any new structures (including surfacing) should be located outside the minimum root protection area of trees to be retained. Due allowance and space should also be given for the future growth and maintenance of existing trees. If structures (including hard surfacing) are proposed within the root protection area of retained trees it will require an overriding justification. (5.3.1 of BS5837). The project arboriculturist will also need to demonstrate that the trees can remain viable, the area lost to encroachment can be compensated for elsewhere contiguous with the root protection area (RPA) and mitigation measures to improve the soil environment of the tree can be implemented.

Considering the location of trees and the proposed site layout it will not be possible to provide compensation elsewhere contiguous within the RPA's and provide mitigation measures to improve the soil environment for these trees. The project arboriculturist has not demonstrated the trees can remain viable or that there is overriding justification for the development within the minimum RPA.

Should there be any hard standing/foundations/driveway within the RPA of retained trees it will need to conform to BS5837 and be of a cellular confinement system sited on existing ground levels with specific cross-sectional diagrams and surface dressing provided up front. Ideally all development should be outside the RPA of retained trees unless there is an overriding justification. A CCS should sit above existing ground levels and avoid any excavations into the existing soil profile, this in itself will create a ramp that will need to be integrated into wider existing surfaces.

10. The tree report does not contain any tree survey data other than site layout, so the applicants have not provided enough information to justify the removal of the so many trees.
11. The site plans will need to include areas for material storage, including silos, containers, contractor parking and any locations of cranes (including boom size).
12. The applicants will need to provide a topographical plan showing the proposed and current overlaid onto it and any proposed changes in levels throughout the site, at this time no such plan has been provided.
13. Because of the size and scale of the development any proposed AMS's for all aspects of the development will need to be provided upfront to fully assess likely impacts prior to any approval as the tree constraints are considered significant.

Details of the alignment of existing and proposed overhead and underground utility services including drainage and soakaways and their associated structures (e.g. manhole covers, meters, access points, vertical supports) have not been provided. With the current confines of the site, it is unlikely that this can be achieved without further impact on trees.

**I am therefore unable to assess the impact utilities/service runs would have upon on/off-site trees.**

7.7.1 of BS5837: where underground apparatus is to pass within the RPA, detailed plans showing the proposed routing should be drawn up and, in such cases, trenchless insertion methods should be used. It should, however, be established that these methods of installation are possible on this site before they are relied upon. As no plans have been provided it is impossible to tell what the likely impacts or feasibility of the installation of utilities will be.

14. The garage next to P13 will need to be pulled forward outside the RPA of T105.

With all of the above in mind, I consider the site to be overly cramped and restricted when considering the number of trees to be removed with no suitable justification provided.

The juxtaposition between the protected trees and the proposed dwellings is unsatisfactory and would not meet the NPPF's core planning principle that development should always seek to secure a good stand of amenity for future occupants of land and buildings.

Section 175 (c) of the revised NNPPF states 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons e.g. infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat and a suitable compensation strategy exists. **The application site and planned development would not meet these criteria.**

- The current proposal would not meet with the SHBC local plan design policy ref: Core Strategy & Development Management Policies 2011 – 2028. Policy DM9 at the below points.
- (ii) as it does not respect or enhance the local character or the environment.
- (iv) it fails to protect trees worthy of retention or provide high quality hard and soft landscaping.

Individually and collectively these trees are an important landscape feature within the local landscape and contribute positively to the character and appearance of the area.

There are significant constraints on site highlighted above which will detrimentally impact on the overall character and amenity and landscape value of the area which little to no tangible benefit, there should be a significant reduction in the number of proposed dwellings and the constraints posed during development and post development will need serious consideration prior to any future submission.

So, the scheme fails to adequately secure the protection of important protected trees which contribute positively to the character and appearance of the area. I therefore recommend refusal of the application under policies DM9.

Alastair Barnes  
Arboricultural Officer

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## URBAN DESIGN CONSULTEE RESPONSE

### 20/1070/FFU

**Erection of 34 dwelling houses, to comprise 10 No one bed, 6 No two bed, 12 No three bed and 6 No four bed, with associated parking, access and landscaping following demolition of existing dwellings.**

**St Margaret's Cottage and The Ferns Woodlands Lane, Windlesham  
Surrey GU20 6AS**

#### Location and context

The proposal regards the development of 34 residential units in the form of two large, flatted blocks in combination with detached and semidetached dwelling houses, associated landscaping and car parking following the demolition of existing buildings at St. Margaret's and the Ferns. The application site is situated at the eastern boundary of the Windlesham, an attractive village of Medieval origin with high cultural and natural values.

To the west of the application site is the existing residential area Heathwood Drive, and Heathwood Park, a consented major residential development scheme characterised by generous, deep front gardens and trees in an irregular pattern along a winding street, contributing to an informal and verdant character.

The application site is characterised by two large detached residential properties set deeply back from the street in extensive gardens, followed by further woodland and the M3. To the north-east of the site is Uptown Court, a high end mansion residence, situated in a vast setting of landscaped gardens and woodland.

From an urban design perspective it's important to retain the existing vegetation within the site to the greatest extent, and to reinforce existing green boundaries to protect the local distinctiveness and to avoid any visual impact of proposed development on the streetscene and neighbouring properties. The rural, wooded character along Woodland's Lane is an essential part of the local distinctiveness and typical for the approach to Windlesham village. The retention of this character is important also in longer views from the open fields opposite the site, an attractive rural area well used for riding and walking.

#### Scale, height massing, density of development and interface

The proposed development consists of 34 dwellings within an area of 0.94 hectares, which equals a density of 36.17 dwellings per hectare, which is considerably higher than what is typically found in small scale, rural Windlesham.

The proposed development will create a new eastern extension to the village, east of the Heathpark Wood development, consented for 122 dwellings.

The National Design Guide (2019) puts an increased emphasis on the importance of development schemes to fully understand, respect and comply with local context. Whilst the Heathpark Wood scheme retains a natural, green edge of trees along Woodlands Lane with the major development set well back from the streetscene, offering a glimpse of the new community hall, the proposed development at St. Margaret's and the Ferns causes concerns from an urban design point of view due to the excessive height, scale and massing of the three storey flatted development blocks proposed as a domineering gateway in close proximity at the Woodlands Lane boundary. The proposed urban form as well as density,

scale, height and massing are considered incongruous with the small scale, vernacular Windlesham and will cause a detrimental impact on the green, rural character of the area. The steep three storey elevations at the site entrance, Block A and B, with their high pitched roofs represent an abrupt change in scale, causing an overbearing urban impact on the streetscene. From an urban design point of view a building height of predominantly two storeys would be acceptable, with some elements of two and a half storeys set well back from the streetscene. The large scale, unrelieved massing of these two flatted blocks as well as the three storey elements in the north-eastern part of the scheme, units Nos. 8-11, will have a permanent detrimental impact on the sensitive, small scale character at odds with Local Plan policy DM9 as well as the Windlesham Neighbourhood Plan. The scheme is considered unacceptable from an urban design point of view and needs to be redesigned to address these important aspects but also to reduce the density, ensuring that a robust green setting including valuable trees is retained and reinforced by robust landscaping, that attractive placemaking including a safe, communal central green and other useful amenity areas, including small children's play space, are delivered, free from adjacent, conflicting car parking areas.

### Design vision, layout and streetscape

The proposed layout is characterised by a simple, linear, geometric approach with a strong gateway entrance created by flatted blocks, leading to detached and semidetached dwellings arranged in an U-shape around a small green.

The Surrey Heath Residential Design Guide (RDG) SPD, of material consideration, emphasises the importance of well balanced, design-driven streetscapes with a focus on placemaking and the key objective to deliver a vibrant, small scale, green streetscene, an essential quality of Surrey Heath's local distinctiveness. The masterplan would benefit from an irregular, natural pattern of trees along the frontages to create a sense of natural woodland rather than a few trees in straight lines.

There are no objections to the traditional building design cue, which includes typical elements such as gable ends, chimneys, large bay windows and porches, or to the proposed vernacular building materials such as deep orange-red brickwork, tiles hanging, grey slate roofs and timber details. The photographic examples of local building details are well chosen. Nether the less, the density of the scheme has to be reduced. However, dormer windows which break the eaves line and which are in close proximity to other windows, as proposed for House type 1, will not be permitted to prevent the clutter of rainwater pipes.

### Car parking layouts

The larger car parking courts currently do not meet Surrey Heath Residential Design Guide's standards, principle 6.6 and 6.8, and needs to be revised. Principle 6.6, SHRDG, requires "parking layouts to be high quality and designed to reflect the strong heathland and sylvan identity of the borough. All parking arrangements should be softened with generous soft landscaping and no design should group more than 3 parking spaces together without intervening landscaping". This is particularly important in order to retain the verdant, rural character of Windlesham.

The location of the car parking for the western dwellings is poorly integrated into the masterplan and affects the central green and sense of place negatively. The masterplan needs to be redesigned so that adequate car parking is integrated seamlessly without a domineering impact on the streetscape.

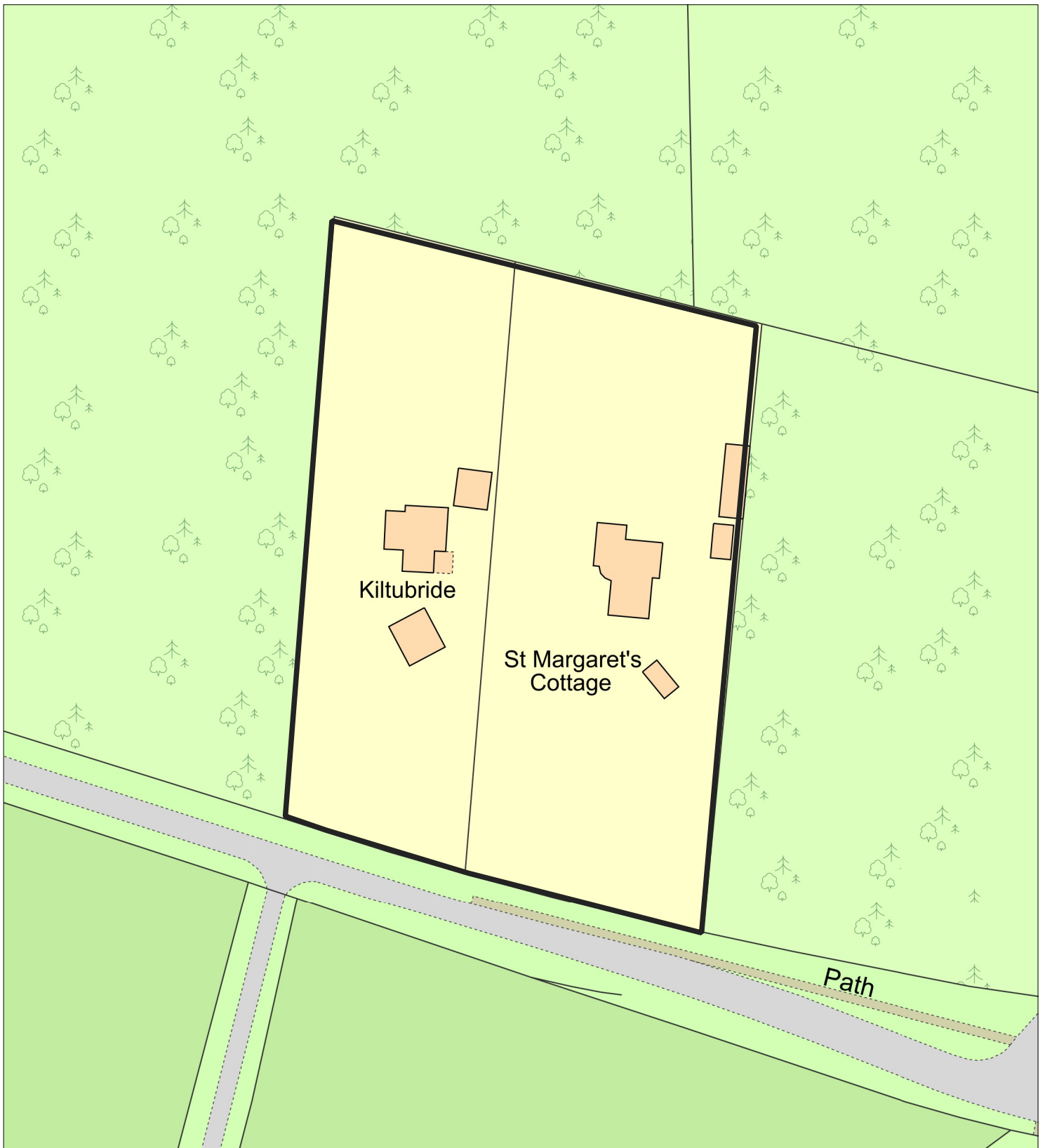
### Summary

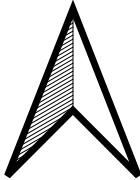



High quality urban design is a material consideration and inseparable from good planning. The proposed scheme requires modifications to address the excessive density, overbearing building height, scale and massing, the urban gateway character, the lack of robust landscaping and open green spaces to conform to national and local design policy. The application cannot be supported from an urban design perspective in its current form.

M.Gustafsson  
MSc MA  
Principal Urban Design Advisor

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<b>Title</b>	Planning Applications		
<b>Application number</b>	20/1070/FFU		<b>Scale @ A4</b> 1:1,000
<b>Address</b>	St Margarets Cottage And The Ferns Woodlands Lane Windlesham Surrey GU20 6AS		<b>Date</b> 17 Jan 2022
<b>Proposal</b>	Erection of 34 dwelling houses, to comprise 10 No one bed, 6 No two bed, 12 No three bed and 6 No four bed, with associated parking, access and landscaping following demolition of existing dwellings.		
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Version 5		© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2022	Author: SM



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# PAC Plans 20-1070 St Margaret's Cottage

## Location and Existing Site Plan







# Proposed Site Plan





Block A Front Elevation (looking west into the site)



Block A Side Elevation (facing Woodlands Lane)



Block B Front Elevation (facing Woodlands Lane)



long Woodlands Lane

Block B Side Elevation (facing east to access road)

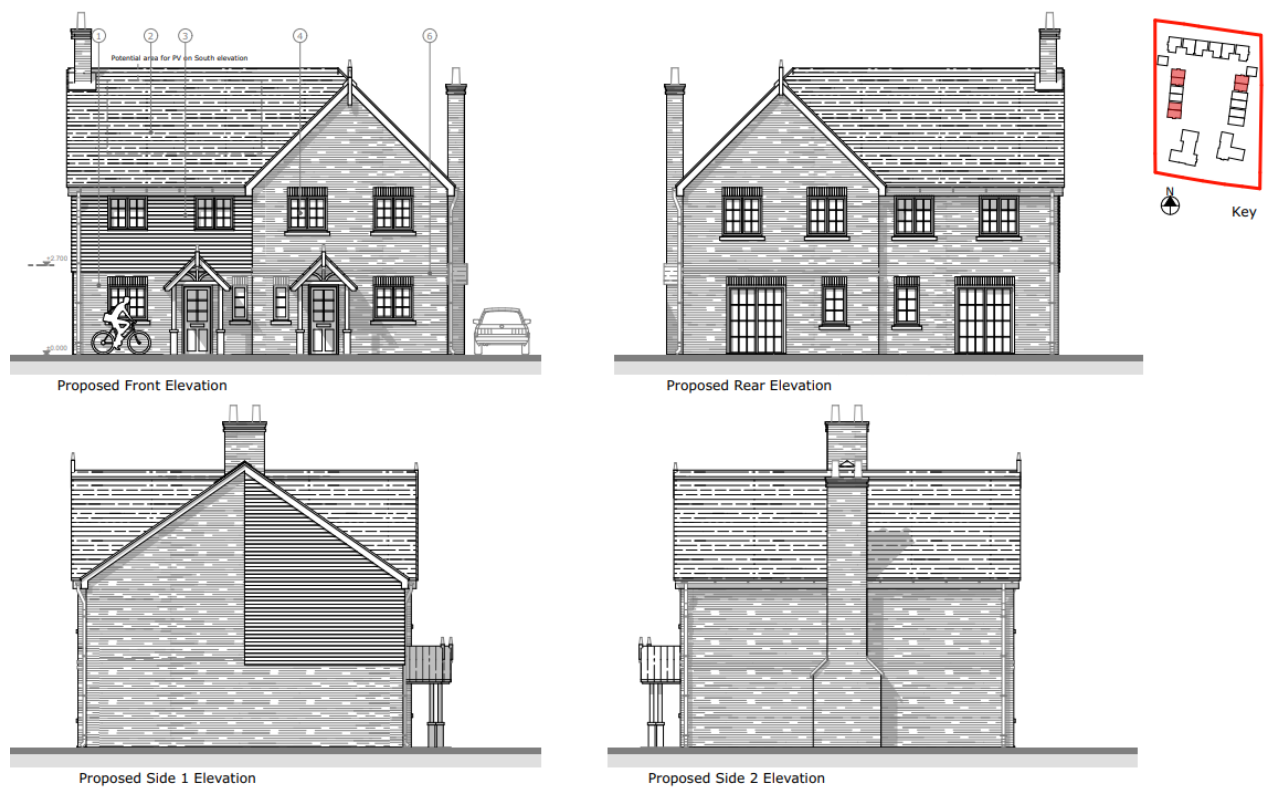


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## House Type 1 Elevations



## House Type 2 Elevations





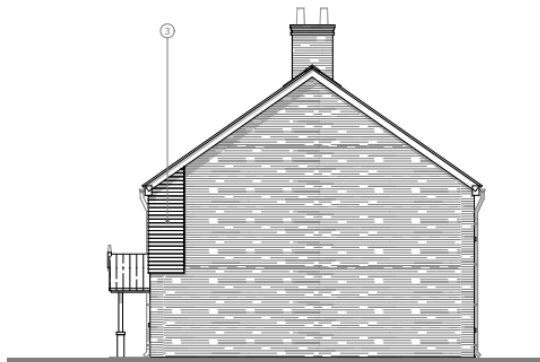
## House Type 2 "Terrace" Elevations



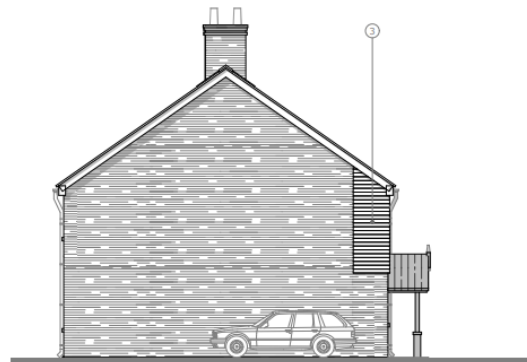
Proposed Front Elevation



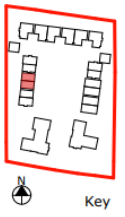
Proposed Rear Elevation



Proposed Side 1 Elevation



Proposed Side 2 Elevation



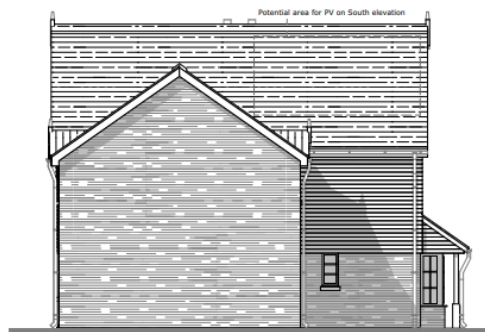
## House Type 3 Elevations



Proposed Front Elevation



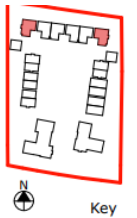
Proposed Rear Elevation



Proposed Side Elevation



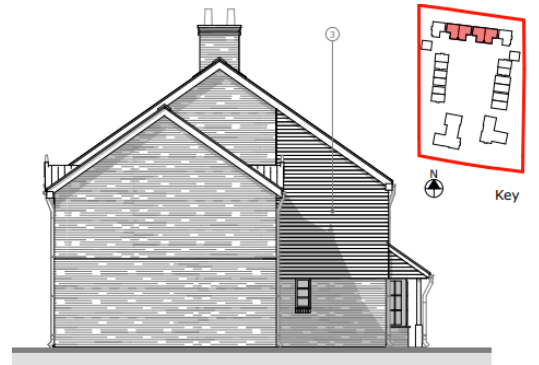
Proposed Side Elevation



### House Type 3 "Terrace" Elevations



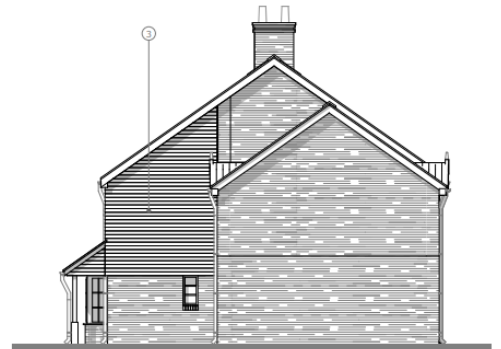
Proposed Front Elevation



Proposed Side Elevation

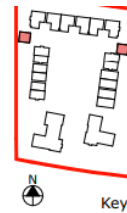


Proposed Rear Elevation

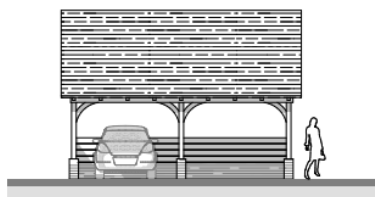


Proposed Side Elevation

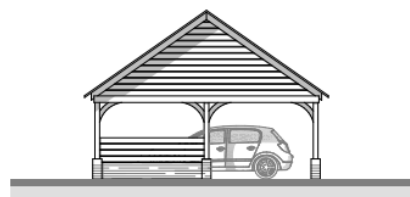
### Proposed Car Ports



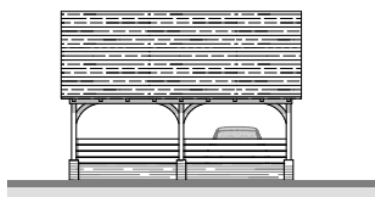
Key



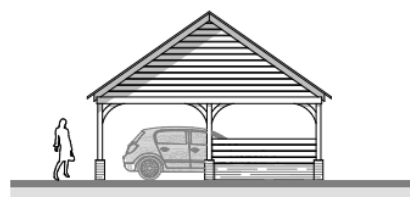
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation



Front garden of The Ferns looking south towards Woodlands Lane

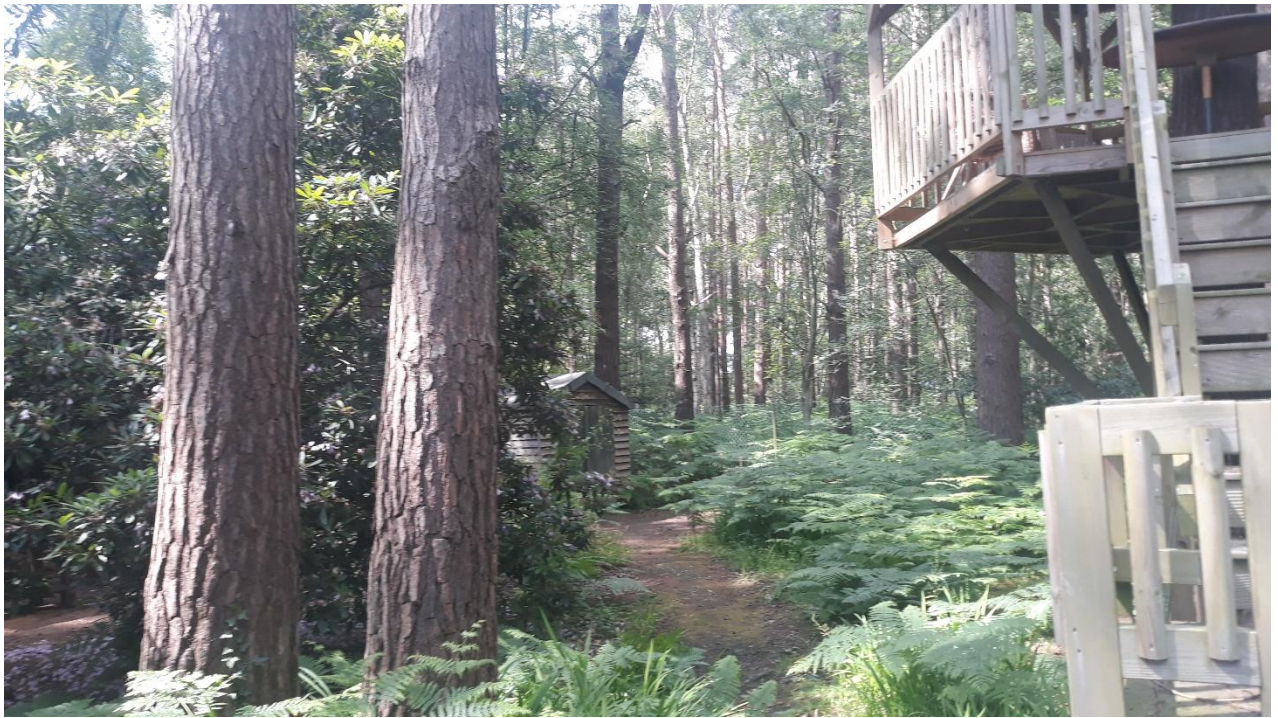


The Ferns





Rear of The Ferns



St Margaret's Cottage, looking north from entrance





Trees to front of St Margaret's Cottage



Rear of St Margaret's Cottage





Existing front boundaries of both properties, looking south-east along Woodlands Lane



<b>LOCATION:</b>	Burnside Nursery, Philpot Lane, Chobham, Woking, Surrey, GU24 8HE,
<b>PROPOSAL:</b>	Erection of a replacement dwelling and ancillary buildings comprising a stable and barn and manege area for purposes incidental to the enjoyment of the associated dwellinghouse following the demolition of existing agricultural workers' dwelling and nursery buildings.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Mr G Dixon
<b>OFFICER:</b>	Mrs Emma Pearman

This application would normally be determined under the Council's Scheme of Delegation. However, it is being reported to the Planning Applications Committee by Cllr. P. Tedder because of concerns about water displacement and because the proposal is considered to be inappropriate development in the Green Belt, with the site tied to an agriculture tenancy.

**RECOMMENDATION: GRANT, subject to conditions**

**1.0 SUMMARY**

- 1.1 The application site is a former nursery site, which lies outside the settlement area of Chobham, within the Green Belt and within Flood Zone 3. The site comprises a residential dwelling and glasshouses which are in a dilapidated state, along with open fields, and the residential dwelling is subject to an agricultural occupancy restriction. The proposal is to replace the dwelling with a slightly larger dwelling on the same part of the site, and to replace the glasshouses with stables and storage buildings. There would also be a manege for horse exercising and the fields would be used as horse paddocks. The proposed equestrian use of these buildings would be for the personal and private use of the occupiers of the dwelling only. The agricultural occupancy condition is also proposed to be removed as part of the proposal.
- 1.2 The replacement dwelling would not be materially larger than the existing building to be replaced. The provision of appropriate facilities (in connection with the use) for outdoor recreation and engineering operations are not inappropriate development, provided that openness is preserved and there is no conflict with the purposes of the Green Belt. The stables and storage building would be appropriate sizes facilitating the proposed equestrian use of the fields. In addition, there also would be a beneficial impact on openness, given the large reduction in built form across the site of around a 65% in floorspace terms, comparing the existing glasshouses to the proposed stables and storage building. The proposal would therefore not be inappropriate development within the Green Belt.
- 1.3 With regard to the agricultural occupancy condition, it is noted that an application to remove this condition was refused in 2020, and no additional marketing details have been provided with this application. However, the Council's Agricultural Consultants consider that there is limited demand in this area for such a property with an agricultural use. It is also noted that the property has been extended in the past and as such given its size is likely to be too expensive for an agricultural worker. The existing owner does not have access to previous marketing

details and considers it would be unreasonable to ask him to market the property again given that he does not wish to sell. As well as purchasing the property, significant investment would be required by any future owner to the glasshouses if they were to be brought back into use.

- 1.4 Whilst there is no guidance in the NPPF regarding agricultural occupancy conditions, previous government guidance stated that dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. While there is still limited information regarding the marketing of the site, as this proposal is for redevelopment of the site as a whole rather than just removal of the condition, the potential disbenefits of removing the condition should be considered against the benefits of the proposal as a whole. These benefits include the large reduction in built form and character and visual benefits of removing the dilapidated glasshouses, which can be seen from outside the site.
- 1.5 The proposal is considered to be acceptable in other regards, in terms of impact on character, residential amenity, highways and parking, and flooding. The application is therefore recommended for approval, subject to conditions.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises a nursery of approximately 2.4ha in size, located on the southern side of Philpot Lane, close to the bridge over the Mill Bourne. The application site is a triangular shape and borders the Mill Bourne on the north-eastern side, with open fields adjacent to the south-eastern side, and two farms on the western side. The access to the site is from Philpot Lane to the north, and the access road leads to a single dwelling on the western side of the site, which has some hardstanding driveway and patio areas around the building itself, and a tennis court to the eastern side. To the north and south of the house are enclosed residential garden areas, defined by hedgerows.
- 2.2 At the end of the access road, in the southern corner of the site, are a number of dilapidated glasshouses, and a large area of hardstanding where a previous glasshouse stood. In between the glasshouses is grass, and a number of brick built raised nursery beds. Along the boundary of the southern corner is a brick built single storey storage building with corrugated metal roof. The remainder of the site is laid to grass, with a drainage channel leading from the Mill Bourne along the southern boundary and partly enclosing the glasshouse area.
- 2.3 The site is located outside the settlement area of Chobham and within the Green Belt. The site lies mostly in Flood Zone 3 with some small areas within Zone 2. Adjacent to the Mill Bourne on the southern side is public footpath 113.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 BGR 7137      Outline application to erect one house. Granted 10.11.70, Reserved matters granted 11.5.71  
Condition 1 of the above permission states:  
*“The occupation of the dwelling hereby permitted shall be limited to persons employed or last employed in agriculture as defined in Section 221 (1) of the Town and Country Planning Act 1962 or in forestry or the dependants of such persons.”*
- 3.2 78/0003      Two-storey extension Granted 15.3.78
- 3.3 82/0637      Alterations and two-storey extension (kitchen). Granted 11.10.82

- 3.4 82/0825 Greenhouse. Granted 20.12.82
- 3.5 86/0277 Replacement storage shed. Granted 5.6.86
- 3.6 19/0706 Removal of Condition iii of BGR 7137 requiring agricultural occupancy of the dwelling at Burnside Nursery.

Refused 9.3.20 for the following reason:

- 1. The application dwelling and its holding has not been marketed for any period of time at an appropriately reduced price to reflect the restriction on its occupancy, and; a full assessment of the viability of the site, including quotes for replacement nursery buildings, has not been undertaken. As such, it has not been demonstrated to the satisfaction of the Local Planning Authority that there is no longer demand and an exceptional need i.e. that the dwelling cannot be occupied by a person employed or last employed in agriculture as defined in Section 221 (i) of the Town and Country Planning Act 1962 (and as amended by Section 335 of the Town and Country Planning Act 1990), or in forestry or the dependents of such persons. The removal of condition iii of BGR 7137 is therefore unjustified and would conflict with the very special circumstances for permitting the dwelling in the Green Belt, contrary to the National Planning Policy Framework and associated Planning Practice Guidance.*

#### **4.0 THE PROPOSAL**

- 4.1 The proposal is for the erection of a replacement dwelling and ancillary buildings comprising a stable and barn, and manege area for purposes incidental to the enjoyment of the dwellinghouse, following the demolition of the existing agricultural worker's dwelling and nursery buildings. As part of the development, the existing agricultural occupancy condition is proposed to be removed.
- 4.2 The new dwelling would be located on approximately the same footprint as the existing dwelling, and would be two-storey with five bedrooms. The property would have a dual-pitched roof of 7.95m in height with eaves of approximately 5.3m. There would be a gabled projection to the front of the property and a single storey element to the side. The internal finished floor level would be approximately 0.5m above ground level for flooding reasons. Around the property, a boundary fence would be situated in the same location as existing to define the curtilage of the property from the adjacent horse paddocks. The existing hardstanding driveway area would also be re-shaped to provide four parking spaces, and a turning area in front of the dwelling.
- 4.3 In place of the existing glasshouses and glasshouse base, two single storey buildings are proposed. One would be stables, and the other vehicle and hay stores, which are proposed on the southern site boundary. The stables would be an L-shape and would be 20.6m x 20.6m, with a 4m width. The roof would extend a further 1.8m in width, resulting in a covered area outside the stable doors. Internally the stables would comprise 3 stable rooms, a tack room, a birthing room, a feed/storage room, and a lobby leading to a kitchen/rest room, WC and shower. The eaves of the stables would be 2.6m and the ridge approximately 4.2m. In front of the stables would be a paved courtyard, and to the rear there would be soft landscaping.
- 4.4 The vehicle and hay store would be 28.8 x 9.3m approximately with three separate compartments. Two of these would be enclosed with a ridge height of 4.9m and the central one would have a ridge height of 5.9m and would be open with a security barrier to the front. The building would have a dual pitched roof. The existing storage buildings along the southern boundary would remain.



- 4.5 A manege area of 40m x 20m would also be located behind the stables for exercising the horses. This would have a post and rail fence around the outside of 1.4m in height. The base of the manege would be 100mm washed silica sand on geotextile membrane, located on 150mm of well compacted clean stone. The remainder of the site would be open and would be used for horse paddocks.
- 4.6 The application states that the owner's daughter will be using the stables for stabling her own horses, of which she currently has three, and the horses will be exercised using the local bridleways within hacking distance from the property. The owner's daughter also competes in novice competitions and one-day events and plans to breed horses as a hobby but not of a scale that would be considered commercial. The stables are for the personal and private use of the family occupying the dwelling on the site.

## 5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objection, subject to conditions for space to be laid out for parking and turning, and for a fast charge socket for electric vehicles. *See Annex A for a copy of this response.*
- 5.2 Environment Agency No objection, subject to a condition requiring the finished floor levels of the building to be as shown on the plan, for floodplain compensation and for any new fencing to be post and rail
- 5.3 Reading Agricultural Consultants (RAC) Considers that there is not a need within the locality for agricultural workers dwellings; and that the provision of stables including ancillary facilities is appropriate, and the size and layout of the stables appropriate for the land available and number of horses to be kept on site. Considers size of manege appropriate for the private use. Considers the storage building acceptable for its intended use. Considers that if the Council consider the proposed development acceptable in other regards, then the imposition of the occupancy condition would not be appropriate. *See Annex B for a copy of this response.*
- 5.4 Council's Arboricultural Officer No objection, subject to conditions for tree protection and for a landscaping scheme to replace trees lost
- 5.5 Surrey Wildlife Trust No objection, subject to the applicant undertaking the actions detailed in the Method Statement to support a mitigation licence from Natural England.
- 5.6 Chobham Parish Council Object to the removal of the agricultural workers condition with insufficient information and evidence to demonstrate that the requirement no longer exists. Lifting the condition would conflict with the NPPF in respect of Green Belt development. If the Council is minded to approve then conditions are recommended.

## 6.0 REPRESENTATION

- 6.1 A total of 7 letters of notification were sent out on the 15 October 2020 and the application was advertised in the local press on the 14 January 2022. At the time of preparation of this report, one objection letter has been received which raises the following issues:
- Conflicts with local plan and no very special circumstances to build in the Green Belt (see Inspectorate decision Jan 2020 regarding 18/1118 Castle Grove) *[Officer comment: see section 7.2 below]*

- Increased danger of flooding – a recent new house building in Philpot Lane on the edge of the flood plain has caused road closure and severe flooding for the first time in 40 years affecting existing houses on Philpot Lane [*Officer comment: see section 7.8 below*]
- The nursery was a viable business until the previous owner retired and sold to the current owner. It was sold as a nursery business and not a property development site. Removing the agricultural occupancy condition has been refused and there is no proof again of lack of viability [*Officer comment: see section 7.3 below*]
- The stables/barn and staff accommodation are excessive in size, they could be turned into houses in the future [*Officer comment: see section 7.2 below*]

## **7.0 PLANNING CONSIDERATION**

7.1 The application is considered against the relevant policies, which are Policies CP1, CP2, CP11, CP14A, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP), the Surrey Heath Residential Design Guide 2017, the National Design Guide and the National Planning Policy Framework (NPPF). The main issues to be addressed in the consideration of this application are:

- Impact on the Green Belt;
- Removal of the agricultural occupancy condition and change of use;
- Impact on character and trees;
- Impact on residential amenity;
- Highways and parking;
- Impact on ecology;
- Flooding impacts; and,
- Other matters - Impact on infrastructure and the Thames Basin Heaths SPA

### **7.2 Impact on the Green Belt**

7.2.1 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 states that the Green Belt serves five purposes, which are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2.2 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.3 Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Another exception under this paragraph is the provision of appropriate facilities (in connection with the existing use or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

7.2.4 Policy CP1 of the CSDMP seeks to direct development to sustainable locations, largely in the western part of the borough. Policy DM3 states that equestrian related development in the Green Belt will be supported, provided that in the first instance, priority is given to re-use of existing buildings; where new buildings are justified, these are well-related to existing buildings and small in scale; where replacement buildings are justified, the replacements are well-related to existing buildings and not materially larger; the overall size, siting and scale of development, including any cumulative impact should not be harmful to the overall character and openness of the Green Belt.

7.2.5 The existing dwelling is to be replaced on approximately the same footprint by another dwelling, and as such the use of the buildings can be considered to be the same. The size of the existing and proposed dwellings, are set out in the table below:

	<b>Existing Dwelling</b>	<b>Proposed Dwelling</b>	<b>Percentage increase</b>
<b>Footprint</b>	111m <sup>2</sup>	147m <sup>2</sup>	32.4%
<b>Floorspace</b>	191m <sup>2</sup>	265m <sup>2</sup>	38.7%
<b>Volume</b>	622m <sup>3</sup>	906m <sup>3</sup>	45.6%
<b>Average</b>			38.9%

7.2.6 There is no adopted policy that sets a percentage threshold for replacement builds in the Green Belt and so an assessment must be made on a case-by-case basis. In the officer's opinion this percentage increase in size is at the limits as to what would normally be considered not to be materially larger. However, a visual assessment also needs to be made by comparing the design and form of the proposed dwelling to the design and form of the existing dwelling. Whilst there would be an increase in height by approximately 0.6 metres and the proposed dwelling would have a greater depth it would not be as wide as the existing. The architectural designs of the existing and proposed dwellings are also comparable, and the addition of a proposed front gable would not result in a dominant appearance. On balance, therefore, it is considered that the proposed dwelling would not be materially larger than the existing. The slight height increase, and the resultant increase in volume, is also to allow for a higher internal finished floor level to overcome flooding concerns, together with compliance with building regulations for the internal floor to ceiling heights.

7.2.7 The glasshouses are proposed to be replaced by stables and a vehicle/storage building, which are both proposed to be used for purposes incidental to the residential occupation of the dwelling, and not for any commercial use. The vehicle and storage building shows that it would be used for horse carriers and accessories, tractors and attachments and a hay store.

7.2.8 As set out above, paragraph 149 (b) of the NPPF states that the provision of appropriate facilities (in connection with the existing use or a change of use) for outdoor sport and recreation, is not inappropriate, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this case, the proposed stable and storage building will be used in connection with outdoor recreation purposes, as they are to facilitate the use of the adjoining fields for equestrian purposes. The NPPF does not differentiate between outdoor recreation facilities for personal or commercial use and as such it is considered that these facilities can be considered under paragraph 149 (b).

7.2.9 The Council's Agricultural Consultants (RAC) consider the provision of the stables as appropriate for the site. Their initial comments were that the stables were too large, and as such they have been reduced in size by the applicants. RAC state that the stables and foaling box are now of the appropriate size for their intended use, in line with the DEFRA Code of Practice for the Welfare of Horses, and provide the appropriate amount of

accommodation for up to four horses proposed to be stabled on site. RAC have stated that the rest area and toilet/shower facility may be larger than is necessary but accepts such facilities are appropriate. There is one room proposed for a WC and another for a shower which are small in size, along with one rest room. The applicant has explained that they would like these facilities in the stables to keep the new house clean and free of horse paraphernalia, and should they be away from their dwelling and ask friends to tend to the horses, these facilities will be able to be used by their friends without having to have access to the residential property. They have also noted that incidental buildings, for example home gyms, have such facilities and these are considered appropriate in those cases. Officers consider therefore that these facilities are reasonable and are not excessive in size.

- 7.2.10 With regard to the storage building, this is proposed to be divided into three sections to provide storage for a horse lorry, horse trailer, tractor and hopper, as well as a separate area for hay storage. RAC notes that the storage of machinery when left outside and open to the elements can result in its deterioration, and it is also liable to theft. RAC note that there has been an increase in rural crime and the theft of agricultural machinery is of concern to police and insurers. The amount of storage space is considered appropriate for its purpose.
- 7.2.11 Paragraph 149 also requires that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is not considered that this part of the proposal conflicts with the purposes of the Green Belt, given that the facilities are proposed for outdoor recreational use, in association with the adjoining fields. They do not result in any built development on parts of the site where there is not already built form and as such do not encroach any further into the countryside.
- 7.2.12 In terms of preserving openness, the existing and proposed sizes of the built form, which is the glasshouses and the proposed stable and vehicle/storage building, are set out below:

<b>EXISTING</b>	<b>Footprint/floorspace</b>	<b>Volume</b>
<b>Glasshouse 1</b>	396m <sup>2</sup>	1229m <sup>3</sup>
<b>Glasshouse 2</b>	275m <sup>2</sup>	985m <sup>3</sup>
<b>Glasshouse 3</b>	238m <sup>2</sup>	707m <sup>3</sup>
<b>Glasshouse 4</b>	66m <sup>2</sup>	145m <sup>3</sup>
<b>Glasshouse 5</b>	150m <sup>2</sup>	467m <sup>3</sup>
<b>TOTAL Existing</b>	<b>1125m<sup>2</sup></b>	<b>3533m<sup>3</sup></b>
<b>PROPOSED</b>		
<b>Stables</b>	156m <sup>2</sup>	586m <sup>3</sup>
<b>Vehicle/hay store</b>	243m <sup>2</sup>	1112m <sup>3</sup>
<b>TOTAL Proposed</b>	<b>399m<sup>2</sup></b>	<b>1698m<sup>3</sup></b>
<b>TOTAL difference</b>	<b>65% reduction</b>	<b>52% reduction</b>

7.2.13 In terms of hardstanding, the existing and proposed amounts are set out below:

	<b>EXISTING</b>	<b>PROPOSED</b>
<b>Hardstanding</b>	1656m <sup>2</sup>	694m <sup>2</sup>
<b>Hardcore/Gravel</b>	2074m <sup>2</sup>	2147m <sup>2</sup>
<b>Manege</b>	-	800m <sup>2</sup>
<b>TOTAL</b>	<b>3730m<sup>2</sup></b>	<b>3641m<sup>2</sup></b>
<b>TOTAL difference</b>	<b>2.4% reduction</b>	

7.2.14 The proposal would therefore result in a large reduction in built form over and above the existing development on the site, and as such would have a beneficial impact and net improvement on openness. It is considered therefore that the stable and storage buildings are not inappropriate development in the Green Belt as they meet the tests of paragraph 149 (b). It is considered that they also meet the tests of Policy DM3, as it is considered that the new buildings are justified, are well-related to existing buildings in terms of their location and are appropriate in scale.

7.2.15 The manege, whilst not a building, would be for the purposes of exercising the horses to be kept on site and as such is for the purposes of outdoor recreation. This is also considered appropriate by RAC in terms of its use and size, and at 40m x 20m is smaller than the standard 60m x 20m size, however, this would provide sufficient space for daily exercising and training for equestrian disciplines such as showjumping and dressage.

7.2.16 Paragraph 150 of the NPPF states that engineering operations are not inappropriate if they preserve openness and do not conflict with the purposes of including land within the Green Belt. In this case, the manege would result in additional hardstanding, which is an engineering operation and given its flat surface, would have a limited impact on openness. In addition, the overall amount of hardstanding on the site would be reduced as set out above. The manege would have a post and rail fence surrounding it, which is considered to have a lesser impact on openness than a close-boarded fence, and given its height and location, a fence around this area could be installed under permitted development rights in any case. The use of the manege would facilitate the recreational use of this part of the site and as such it is considered that the manege would be an exception under paragraph 150 of the NPPF and as such, not inappropriate.

7.2.17 It is noted that the objection raises the Inspector's Decision on Castle Grove Nurseries (reference 18/1118), which is also a former horticultural nursery site. In this case, the Inspector considered that replacing the glasshouses with residential dwellings with a large reduction in built form would not constitute very special circumstances, given that the glasshouses were not inappropriate development in the Green Belt, and the residential dwellings were inappropriate. However, in this case it is not considered that the stables and storage barn are inappropriate and as such no very special circumstances are required. Whilst there will be an overall reduction in built form which is beneficial to openness, this is not relied upon to justify a grant of permission. It is also noted that the objection states that the stables and storage building could be converted to houses in the future, however this is the case for many buildings in the Green Belt and would not be a reason to refuse development which is otherwise not inappropriate.

7.2.18 In terms of the change of use, the applicant states that the horticultural use of the land ceased many years ago, and the buildings are not of a standard which would allow the use to recommence, without significant investment. There are no planning policies which seek to protect the horticultural use nor require the applicant to demonstrate that there is a lack of need for the facilities. It is noted that there have not been objections raised to the

loss of similar nursery sites in the borough, given that they are not in employment (B class) uses and nor do the buildings readily lend themselves to conversion. No objection is therefore raised to the loss of the horticultural use.

- 7.2.19 It is therefore considered that the proposed development is not inappropriate in the Green Belt, as it falls under the exceptions in paragraphs 149 and 150. It is considered that the stables and storage building should be limited by condition to the incidental residential use for equestrian purposes as proposed, to ensure that the use remains appropriate for the site, and as such any future proposal to redevelop these buildings would be considered via a planning application rather than being permitted development. It is also considered necessary to remove permitted development rights for the replacement dwelling in the interests of the Green Belt.

### **7.3 Removal of the agricultural occupancy condition and change of use**

- 7.3.1 The NPPF does not have any specific guidance relating to agricultural occupancy conditions. Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, and enforceable, precise and reasonable in all other respects. As set out above, paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt, however this excludes buildings for agriculture and forestry. Paragraph 79 also requires special circumstances to allow a dwelling against the general restriction of isolated dwellings in the countryside, and as such it is considered that this implies the opposite must also be true, in that special circumstances should be demonstrated to allow a restricted property to enter the open market.
- 7.3.2 The building was constructed in 1971 with an agricultural occupancy condition as set out in paragraph 3.6 above, restricting the occupation of the dwelling to only agricultural workers or their dependents. The reason for the condition was because the site lay in the Green Belt and as such, development was only to be permitted in accordance with Green Belt policy.
- 7.3.3 An application (19/0706 as set out above) to remove the condition was refused in March 2020. That application was accompanied by an Agricultural Assessment by Quintons which stated that the nursery has not traded economically for many years; the glasshouses are old, small and separated rather than being in one economic block; the services are elderly and in need of either a complete overhaul or replacement; the majority of ancillary buildings are inappropriate and partly derelict; the house is considerably larger than the average dwelling tied to an agricultural use and as such even with the tie, the price is out of reach of most horticulturalists; the nursery is too small and disjointed for a commercial use.
- 7.3.4 The application was refused due to a lack of information on the marketing of the property for an appropriate length of time, at a value commensurate with the agricultural occupancy condition. It was also considered that a full assessment of the viability of the site, including quotes for replacement nursery buildings, should have been submitted to demonstrate that there is no longer a functional need for an agricultural worker's dwelling on the site.
- 7.3.5 The difference between the application refused in 2020 and this application, is that the previous application was for the removal of the agricultural occupancy condition only, and given the lack of marketing information, this was not considered to be acceptable. Whilst the level of marketing information has not changed, the application now submitted is for the redevelopment of the site as a whole, and the benefits of this, which are a large reduction in built form across the site, have to be weighed against the loss of the agricultural occupancy condition. We also now have a further response from Reading Agricultural Consultants which further indicates that there is unlikely to be a need for the agricultural workers dwelling in this location.



- 7.3.6 No further information on viability or marketing has been submitted with this application, as the applicant explains that the site was bought in 2018 after an unsuccessful marketing and auction campaign by the previous owners. Given that the applicant was not the owner at the time of marketing the property, the applicant does not have any details of the previous marketing and it is not known when Burnside Nursery ceased trading or under what circumstances. The applicant also considers that marketing the property now would not be appropriate given that he does not wish to sell the site. It is known that the site was marketed at auction with a guide price of £1.2 million, and that valuations of the site provided with the 2019 application were for £945,000 and £835,000. There is no evidence that the site has been marketed at these lower prices, nor is it known whether either of these lower values took the agricultural occupancy condition into account in the valuation.
- 7.3.7 The Planning Statement accompanying the application refers to now out of date guidance Planning Policy Statement 7 (PPS7), given that the former PPS7 did specifically address agricultural occupancy conditions and provided direction for consideration of their variation or removal. This policy document is no longer in force (it was replaced in 2012 by the NPPF), however the NPPF does not specifically address this issue and as such there is no current detailed guidance, so given that the applicant has included this in their argument, the guidance in the former PPS7 is set out for Members to note. PPS7 stated that changes in the scale and character of farming may affect the longer-term requirement for dwellings subject to an agricultural occupancy condition, and that dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.
- 7.3.8 The guidance states that local planning authorities should therefore set out their policy approach to the retention and removal of agricultural occupancy conditions, based on an up-to-date assessment of the demand for farm dwellings in the area and that applications for removal of occupancy conditions should be determined on the basis of information provided by the applicant and other parties, including the opinion of agricultural consultants where necessary. In Surrey Heath, Policy DM1 of the CSDMP relates to the re-use of agricultural buildings and states that the conversion or re-use of buildings for residential purposes will be considered after having established that the use for economic purposes is not feasible or appropriate. In terms of demand for farm dwellings, a search of applications for agricultural dwellings in Surrey Heath has also revealed only one application, at Hook Meadow in Philpot Lane, which was refused; as well as a number of previous dwellings with agricultural occupancy conditions which have been removed, although there were individual circumstances justifying these in each case. It is noted that Reading Agricultural Consultants concur that there is not a need within the locality for agricultural dwellings, based on this information.
- 7.3.9 It is also noted that PPS7 advised that extensions to a property with an agricultural occupancy condition could affect the continued viability of maintaining the property for its intended use. The applicant asserts that this is relevant to this case in that the property is now too large and thus expensive for an agricultural worker, through extensions allowed by the Local Planning Authority in the 1980s. It is also noted that in addition to purchasing the property, the site is likely to require significant additional investment if the glasshouses were to be brought back into use.
- 7.3.10 It is considered therefore that, given the conclusions of the Council's Agricultural Consultant, there is unlikely to be a substantial need for agricultural dwellings in the locality. It is also possible that previous extensions to the property may have made it more unaffordable for an agricultural worker. However, current and previous national guidance, as well as Policy DM1, requires the establishment of the fact that the agricultural use is no longer viable and the dwelling could not be sold and used for its intended purpose. It remains the fact that no further information has been provided on this point and it is not known whether the property was marketed at an appropriate price, considered to be

25-30% less than its open market value, for an appropriate period of time, considered to be 6-12 months. However it is also difficult, as the applicant was not the owner of the property at the time of marketing, to be able to request any further information on this point.

- 7.3.11 In the officer's opinion whilst, therefore, there is only limited justification to remove the condition, this application is not solely for the condition's removal but proposes redevelopment of the site and as set out above, the built form proposed is considerably less than existing. This lack of information on this issue therefore should be considered against the merits and benefits of the proposal as a whole.

#### **7.4 Character and trees**

- 7.4.1 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 states that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate landscaping. They must also be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not discouraging appropriate innovation or change.
- 7.4.2 Paragraph 131 states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 7.4.3 Policy CP2 of the CSDMP states that the Borough Council will require development to ensure that all land is used efficiently within the context of its surroundings, and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.
- 7.4.4 Principle 7.4 of the RDG states that new residential development should reflect the spacing, heights and building footprints of existing buildings, especially when these are local historic patterns.
- 7.4.5 The site is not clearly visible from the road or any public viewpoints other than the public footpath adjacent to the Mill Bourne on the north-eastern boundary of the site. The existing dwelling does not have any particular architectural merit and as such its loss is not considered harmful to character. The replacement dwelling will be on approximately the same footprint as existing and as such maintaining the existing irregular spacing between farm buildings in this area. The replacement dwelling would be of a similar two-storey, gabled-end design with a single storey element. Although its ridge height is 0.6m higher than the existing dwelling, this is so as the internal finished floor level can be raised to overcome flooding issues, whilst still meeting building regulations for internal floor to ceiling heights. The replacement dwelling therefore not considered to be harmful in character terms.
- 7.4.6 The proposed stables and storage building are of traditional design and would be single storey with dual pitched roofs. They are not excessive in size or height and have the appearance of traditional equestrian buildings. The existing glasshouses are in a fairly dilapidated state, and in character terms their replacement, including removal of the hardstanding glass house base and raised beds, and replacement with a stable and storage building is likely to be a significant improvement in character and visual amenity terms.
- 7.4.7 There are a number of trees within the site, most of which are Categories B and C. Seven trees are proposed to be removed, five of which is to facilitate the proposals which are all Category C trees, and comprise cypress, silver birch, and fruit trees. Two trees will be removed which are unsuitable for retention due to their condition (Category U). The trees to be removed are mainly in the southern corner of the site or close to the proposed replacement dwelling.

- 7.4.8 The Council's Arboricultural Officer has not objected, subject to a condition for tree protection for the remaining trees during the course of the construction period, and for a comprehensive landscaping scheme which includes at least 7 trees to make up for those lost.
- 7.4.9 The proposal is therefore considered to be acceptable in terms of its impact on character and trees, subject to the proposed conditions.
- 7.5 Impact on residential amenity**
- 7.5.1 Paragraph 130 of the NPPF states that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.
- 7.5.2 Principles 8.1 – 8.3 of the RDG require new development not to affect existing properties in terms of being overbearing, causing overshadowing or affecting privacy.
- 7.5.3 The application site shares a boundary with Sunfield Farm to the south-west. The proposed vehicle and hay store would be around 19m from the western site boundary, with farm buildings on the opposite side of the boundary. The stables would be around 23m from the boundary, with the residential property at Sunfield Farm around 54m away. The existing storage building and boundary vegetation would be in between the development and the neighbouring farm buildings. The replacement residential property would be around 17m from the western boundary, with the residential property at Goldbridge Farm around 48m away, again with vegetation along the boundary. Given the significant distances between the new buildings and the nearest neighbouring properties, no adverse impacts on amenity are likely to occur.
- 7.5.4 The proposal is therefore considered acceptable in terms of its impact on residential amenity, and in line with the above policies.
- 7.6 Impact on highways and parking**
- 7.6.1 Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location; that safe and suitable access to the site can be achieved for all users, and any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 7.6.2 Policy CP11 of the CSDMP seeks to direct new development to sustainable locations, and states that development that will generate a high number of trips will be required to demonstrate that it can be made sustainable to promote travel by sustainable modes of transport. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.6.3 The replacement dwelling would have five bedrooms, and four parking spaces are laid out to the front of the site. This is in excess of the minimum parking requirement for a property of this size, and in addition, given the size of the site and the access drive, any parking on the street is very unlikely to occur as a result of the development. There would be no change to access and given the property would be residential rather than a nursery, the level of vehicular traffic is very likely to be less than when the site was in use as a nursery.

7.6.4 The County Highway Authority has been consulted, and has not objected, requiring a condition for parking and turning space within the site so that vehicles can exit in forward gear, and for a charging socket for an electric vehicle. It is considered that these can be secured by condition. The proposal is therefore considered acceptable in this regard.

## **7.7 Impact on ecology**

7.7.1 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on, and provide net gains for, biodiversity. Paragraph 175 states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

7.7.2 Policy CP14A of the CSDMP states that the Council will seek to conserve and enhance biodiversity within Surrey Heath, and that development that results in harm to or loss of features of interest for biodiversity will not be permitted.

7.7.3 The applicant has submitted an Ecological Appraisal with the application, which looked at the habitat types on site and assessed the existing buildings for potential bat roosting features. A small number of bats were found to be roosting in the loft of the existing dwelling, but not the outbuildings. Further bat surveys were carried out and the Ecological Appraisal advises that a licence from Natural England will be required for demolition of the dwelling.

7.7.4 A survey for Great Crested Newts (GCN) was also carried out which found that it is unlikely that ditches within the site are being used by GCN, and that while the site has some suitable habitat for the species, the development can proceed using Reasonable Avoidance Measures during construction.

7.7.5 Surrey Wildlife Trust has been consulted and has stated that the Local Planning Authority should advise the applicant that a mitigation licence from Natural England will be required, and that they should undertake all the actions that will be detailed in the Method Statement which will accompany the application for a licence, which is expected to be based on the mitigation, compensation and enhancement actions presented within the bat report. It is considered that informatives should be added to the decision notice in this regard, as Natural England will assess the suitability of the Method Statement and decide whether to grant the licence.

7.7.6 In terms of GCN, a condition is proposed to ensure that the development proceeds in accordance with the Reasonable Avoidance Measures as set out in the GCN survey report.

## **7.8 Impact on Flooding**

7.8.1 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime, without increasing flood risk elsewhere. Policy DM10 of the CSDMP states that development within Zones 2 and 3 will not be supported unless it can be demonstrated that the proposal would reduce risk to and from the development and where risks are identified through an FRA, flood resilient and resistance design and appropriate mitigation and adaptation can be implemented.

7.8.2 The site lies mainly within Flood Zone 3, and the applicant has submitted a Flood Risk Assessment with the application which includes an Exception Test. The Environment Agency initially objected to the application and a further Technical Note was submitted. The proposed dwelling will have raised finished floor levels to protect the property from flooding. Whilst the footprint of the replacement dwelling will be slightly larger than existing, overall the removal of other impermeable structures in the site will see an overall increase in floodplain storage as a result of the development.

- 7.8.3 The Environment Agency subsequently removed their objection and are satisfied that the development can proceed with a condition that it is carried out in accordance with the submitted Flood Risk Assessments. The condition includes that any new fencing on the site should be post and rail, so as not to impede flood waters. In terms of water displacement on the site, which has been raised as a concern, overall the amount of hardstanding, including building footprints, is reducing by 779m<sup>2</sup> and being replaced by soft landscaping, and as such should offer a benefit in terms of the site's permeability and reduce surface water run-off. The new manege area and paved area outside the stables are also both proposed to be permeable. It is therefore considered that the proposal is acceptable in terms of flooding.

## 7.9 Other matters

### CIL

Although the new floorspace would be over 100m<sup>2</sup>, given that overall there would be a reduction in floorspace, CIL would not be payable.

### Thames Basin Heaths SPA

As a replacement dwelling, the proposal would not be liable for a SAMM or SANG payment.

## 8.0 POSITIVE/PROACTIVE WORKING & PUBLIC SECTOR EQUALITY DUTY

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraph 38 of the NPPF. This included 1 or more of the following:-

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

- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

## 9.0 CONCLUSION

- 9.1 The proposal would not be inappropriate development in the Green Belt, as it is considered to fall under the exceptions in paragraphs 149 and 150 of the NPPF, and to comply with Policy DM3 of the CSDMP. The proposal is not considered to cause any harm in terms of character, residential amenity, highways and parking or flooding.
- 9.2 In terms of the agricultural occupancy condition, weight is given to the consultee response from the Council's Agricultural expert. It is considered that there are a number of factors which weigh in favour of removing this condition and that its

removal should be considered against the overall benefits to the Green Belt of the site's redevelopment, plus the character and visual benefits of the proposal. The application is therefore recommended for approval, subject to conditions.

## 10.0 RECOMMENDATION

GRANT, subject to the following conditions:

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

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

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

- Proposed Site Plan 694-P-11-2 Rev B received 2.3.21
- Proposed Stables Plans and Elevations 694-P-11-5 Rev A received 2.3.21
- Proposed Vehicle and Hay Stores Plans and Elevations 694-P-11-6 Rev B received 2.3.21
- Proposed Dwelling Plans and Elevations 694-P-11-4 received 3.9.20
- Proposed Structures and Hardstanding and manège details 694-P-11-12 received 3.12.21

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

3. The stables and storage building hereby permitted shall be used for equestrian purposes only as set out in the application, and the equestrian use shall be incidental to the use of the residential property only and shall not involve any commercial use. The buildings shall not be used for any other purpose without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that there is no harm to the integrity of the Green Belt or to character, in accordance with Policies CP2, DM3 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and paragraphs 126, 130, 137, 138 and 149 of the National Planning Policy Framework.

4. No external facing materials shall be used on or in the development hereby approved until details of them have been 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 the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

5. Prior to the commencement of any works (including site clearance, demolition and construction works) and prior to any equipment, machinery or materials being brought onto the site, the protection of any retained tree and any other protection specified shall be installed in accordance with the Tree Protection Plan by LandArb Solutions dated October 2020 and received 7.10.20.



Nothing shall be stored or placed in any protected area in accordance with this condition and the ground levels within those protected areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. The tree protection shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositions without the prior approval in writing of the Local Planning Authority. The development shall be carried out in complete accordance with the Arboricultural Method Statement by LandArb Solutions dated October 2020 and received 7.10.20.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. Prior to first occupation of the development hereby permitted, full details of all soft landscaping works are to be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

a) a detailed soft landscaping plan to a recognised scale, clearly illustrating the location of all trees to be planted and areas of turf to be laid. The number of trees shall be at least the same as the number proposed be removed as set out in the LandArb Arboricultural Survey dated October 2020 and received 7.10.20.

b) a detailed soft landscaping specification detailing the quantity, density, size, species, position and the proposed time or program of planting of all trees. The species shall be of local provenance and include suitable species for local wildlife. The specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off site trees, and other operations associated with tree establishment.

c) details of ecological enhancement measures proposed such as nesting boxes and log piles

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance to ensure a form of development that maintains, and contributes positively to, the character and appearance of the area, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies and the National Planning Policy Framework.

7. The development shall be carried out in accordance with the Flood Risk Assessment Technical Note D101A by Syntegra dated 2.6.21 and the following mitigation measures:

- Finished floor levels of the replacement dwelling shall be set now lower than 22.625 metres above Ordnance Datum (AOD)
- The site shall be redeveloped in accordance with the floodplain compensation and storage assessment detailed within the Flood Risk Assessment Technical Note D101A dated 2.6.21
- Any new fencing on site will be post and rail

The mitigation measures as set out above shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the site is redeveloped

to ensure no losses in floodplain storage and impedance of flood flow paths, in accordance with Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework

8. The development shall proceed in accordance with ecological impact avoidance and mitigation measures as set out in paragraph 6.1 of the submitted Preliminary Ecological Appraisal.

Reason: To avoid harm to protected species, in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

9. The development hereby approved shall not be occupied unless and until the dwellinghouse has been provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

10. 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 to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

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

11. No external lighting shall be installed on the site without a lighting scheme first being submitted to and approved in writing by the Local Planning Authority. Any external lighting shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and the Built Environment Series".

Reason: In the interests of not harming protected species in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. Notwithstanding the provisions of Class A, Class B, Class C, Class D, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof alterations, porches or outbuildings shall be erected on the dwelling, or within its curtilage, without the prior approval in writing of the Local Planning Authority.

Reason: To retain controls in the interests of the openness of the Green Belt and to comply with 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.
2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:  
<http://www.beama.org.uk/resourcelibrary/beama-guide-to-electric-vehicle-infrastructure.html>
3. The developer is reminded that it is an offence under Part 1 of the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild bird, or to intentionally damage, take or destroy its nest whilst it is being built or in use. Tree felling and vegetation clearance should be timed to avoid the bird nesting season of early March to August inclusive. If this is not possible, the site shall be inspected for active nests by an ecologist immediately prior to clearance works. If active nests are found they shall be left undisturbed with a buffer zone around them until confirmed by an ecologist that it is no longer in use.
4. The bat report has confirmed the presence of active bat roosts within the development site and therefore the applicant will be required to:
  - Obtain a mitigation licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing
  - Undertake all the actions detailed in the Method Statement which must support a mitigation licence, which is expected to be based on the mitigation, compensation and enhancement actions presented within the bat report.



<b>APPLICATION NUMBER</b>	<b>SU/20/0777</b>
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**DEVELOPMENT AFFECTING ROADS**  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

**Applicant:** Mr G Dixon

**Location:** Burnside Nursery Philpot Lane Chobham Woking Surrey GU24 8HE

**Development:** Erection of a replacement dwelling and ancillary buildings comprising a stable and barn for purposes incidental to the enjoyment of the associated dwellinghouse following the demolition of existing agricultural workers' dwelling and nursery buildings.

<b>Contact Officer</b>	Richard Peplow	<b>Consultation Date</b>	13 October 2020	<b>Response Date</b>	5 November 2020
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:

CONDITIONS

- 1) 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 to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
- 2) The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

REASON

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2019.

POLICY

Policies CP11 and DM11 of the Surrey Heath Core Strategy 2012 and the National Planning Policy Framework 2019.



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Your Ref: 20/0777/FFU

Our Ref: 8989-dc

24 March 2021

**For the attention of Mr D Carty**

Surrey Heath Borough Council  
Knoll Road  
Camberley  
Surrey  
GU15 3HD

Dear Mr Carty,

**Site:** Burnside Nursery. Philpot Lane, Chobham GU24 8HE  
**Application:** 20/0777/FFU  
**Proposal:** Erection of a replacement dwelling and ancillary buildings comprising a stable and barn for purposes incidental to the enjoyment of the associated dwellinghouse following the demolition of existing agricultural workers' dwelling and nursery buildings

Thank you for your instruction dated 10 March 2021 requesting further comments from Reading Agricultural Consultants Ltd (RAC) on the above application following the submission of additional information by the Agent in an email to the Council dated 2 March 2021.

As part of this appraisal I have had regard to the Planning Statement produced by Fuller Long, the applicant's agent (dated August 2020), the revised plans and the application form.

In the appraisal of the initial documents submitted (RAC ref 8989 dated 7 January 2021) RAC concluded:

*"If the stables are permitted and to be conditioned for private equestrian use only by the owner of Burnside Nursery, RAC considers the condition may no longer be appropriate. However, if any commercial equestrian activities are/were to take place at the application site, this would require both a justified essential need and demonstration that any commercial use is financially viable and sustainable to support a rural worker's dwelling.*

*RAC considers the provision of stables appropriate for the site, however it has concerns regarding the size of the proposed building and the inclusion of a kitchen area and two toilets for a private equestrian use when the applicant will live on site a short distance from the stables. In addition, RAC considers that the two proposed foaling boxes could be considered as part of the proposed block of four stables rather than having an additional two separate foaling boxes.*

*Whilst a storage building may be considered appropriate to serve the equestrian use, RAC does have concerns regarding the design of the storage building for its intended use for the safe and secure storage of machinery. RAC would recommend that the plans are revised to incorporate the machinery storage sections being fully clad and secured on the front elevation. In addition, RAC considers the hay storage area within the proposed building could be better designed to*



Reading Agricultural Consultants Ltd

Registered Office as above

Company No. 3282982

Registered in England





*permit adequate ventilation throughout the stored hay bales. These amendments to the design would minimise the threat of theft of valuable machinery and reduce any possible fire risk from storage of warm hay bales.”*

## **Background**

1. The application site, known as Burnside Nursery, extends to 2.56 hectares (6.32 acres) with a 4/5 bedroom dwelling (187m<sup>2</sup>) on site and a range of buildings within a yard area with access to the site from Philpot Lane.
2. The Planning Statement notes there is 1.44 hectares (3.56 acres) of grazing land available at the application site.
3. The Nursery area comprises three double span metal frame glasshouses, a derelict wooden frame glasshouse, four cold frames and storage buildings. These are all in a dilapidated condition and whilst there are still electricity and water connections to the buildings, the oil fired boilers are no longer in working condition. It is understood the double span glasshouses have been on site for at least 20 years. Whilst some have the provision for ventilation, the pulley systems do not appear to be in working condition.
4. I was informed on the site visit that the applicant purchased the site in April 2018 through a private transaction following an unsuccessful marketing and auction campaign by the previous owner who used Romans Auctions. The Land Registry Title Register details that the applicant became the owner of the site on 15 August 2018.
5. It is unknown when the horticultural business at Burnside Nursery ceased trading.
6. The applicant has access to the rental of fields adjacent to the application site for an additional 1.41 hectares of grazing. The basis of this rental agreement is unknown. Including the rented fields and available grazing land at Burnside Nursery the horses will have access to a total 2.85 hectares.
7. In this application the applicant has amended the number of stables proposed from four loose boxes and two foaling boxes to three loose boxes and one foaling box. The agent has confirmed it is the applicant's intention to keep no more than four horses on site.
8. Since RAC's appraisal (dated 7 January 2021) the application has addressed the concerns of the availability of exercise for the horses, and the plans have been amended to include a 20m x 40m manège which RAC will comment on below.
9. The Planning Statement notes that the proposed stables will be used by four horses with the foaling boxes only used when required for foaling and unoccupied the remainder of the year.
10. The stable building will also incorporate a tack room, feed room and storage, kitchen/rest room, two toilets and lobby area. The Planning Statement details that the rest area and toilet facilities are for use by *'persons taking care of the horses'*.
11. The email from the Agent explains that the toilet and shower within the stable block will enable the applicant and his daughter to separate the equestrian use of the site away from the new dwelling. It is also detailed that when they are away from the site they ask friends to check and care for the horses and the facilities can be used by them rather than requiring access to the house.
12. The Planning Statement details that the equestrian activities will be for the private enjoyment of the applicant. There is no commercial element. This has been reiterated in the email dated 2 March 2021 to the Council which details that the applicant's daughter who will be stabling her horses at the site.

13. It is noted that the applicant's daughter competes at novice level in one-day events; keeps a semi-retired racehorse for hacking and has two retired broodmares which will be stabled and exercised on the site. It is the daughter's intention to breed horses on site as a hobby.
14. The machinery and hay barn provides storage for two horse boxes (plan 694-P-11-6 indicates it is a horse trailer and horse lorry), a tractor and implements owned by the applicant as well as an area measuring 71.2m<sup>2</sup> for hay storage.

### **Proposal**

15. The application before the Council proposes the erection of a replacement dwelling with the removal of Condition 1ii of BGR7137 and the erection of ancillary buildings comprising an L shaped stable block and barn.
16. The replacement dwelling is two storey and comprises a lounge, kitchen, living room, utility and office on the ground floor and five bedrooms, bathroom and two en-suite bathrooms on the first floor. It is sited just south of the existing dwelling.
17. The stable block has been amended following RAC's comments (dated 7 January 2021) and now measures 20.6m on each length with a width of 4m and overhanging roof of 1.83m to the front. It is designed with timber cladding above a brick work plinth under a clay tile roof. The stables each have a stable door on the front elevations and stable window on the rear elevation and the kitchen and toilet areas and tack room and feed room each have a timber framed glazed window.
18. The barn is divided into three sections with the two outer sections having a lower roof line than the middle section. The barn has a total footprint of 244m<sup>2</sup>.
19. The two lower sections provide an area for hay storage and tractor and implement storage. They have a ridge height of 4.94m and eaves height of 3.81m with an opening 6m wide and 3.4m high. Each section has a floor area of 70.58m<sup>2</sup>.
20. The middle section provides storage for a horse lorry and horse trailer and has a ridge height of 5.94m and eaves height of 4.36m with an opening 8.52m wide and 4.14m high. It has a floor area of 95.74m<sup>2</sup>.
21. The revised plans for the barn have addressed some of RACs concerns including the provision of ventilation grills, ridge vent tiles, doors and a lockable security barrier.
22. The plans do incorporate a 20m x 40m manège however the specification of the surface type and fence boundary for this have not been included in the revised plans.

### **Relevant Planning Policies**

23. National planning policy guidance for development in the countryside is set out in the National Planning Policy Framework (NPPF) (revised 24 July 2018 and updated February 2019).
24. Section 4 of the NPPF is concerned with 'Decision Making' and at paragraph 38 notes:  
*"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*
25. At paragraph 55 it notes:

*“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”*

26. Section 5 of the NPPF is concerned with ‘Delivering a sufficient supply of homes’ and at paragraph 79 it notes:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;...”*

27. New Planning Practice Guidance titled ‘Housing Needs of Different Groups’ (July 2019) provides some guidance relevant to paragraph 79 of the NPPF in the section ‘How can the need for isolated homes in the countryside for essential rural workers be assessed’?

These include:

- *“Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *Whether the need could be met through improvements to existing accommodation on the site; providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *In the case of new enterprises whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.”*

It further notes that: *“Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”*

28. Policy CP1 of the Surrey Heath Borough Adopted Core Strategy (February 2012) sets the Spatial Strategy for the Borough. It states:

*“New development will be directed in accordance with the spatial strategy which provides the most sustainable approach to accommodating growth making the best use of infrastructure and services whilst respecting the character of the Borough...”*

29. Supporting paragraph 5.6 states:

*“inappropriate development within the Countryside will include proposals that cause harm to its intrinsic character and beauty, landscape diversity, heritage and wildlife. In considering proposals for development regard will be had to national guidance as appropriate.”*

30. The national guidance referred to was PPG2 Green Belts, PPS4 Planning for Sustainable Economic Growth and PPS7 Sustainable Development in Rural Areas. These have been revoked and are replaced by the NPPF and NPPG.

31. Policy DM1 deals with the rural economy and states:

*“within the countryside, including the Green Belt, the Borough Council will support farm diversification proposals and the re-use, adaptation or conversion of buildings for economic purposes where: -*

- i. the agricultural diversification is subordinate to the primary agricultural use and gives priority to the re-use of an existing building(s);*
- ii. the existing building is appropriate in a rural location, is of permanent construction, structurally sound and capable of conversion without major alterations, adaptations or reconstruction to bring it into its desired use;*
- iii. the scale and use of any diversification or economic purposes including cumulative impact and any associated ancillary development does not conflict with wider countryside and Green Belt objectives.*

*Where justified, replacement buildings for farm diversification or economic purposes in the countryside beyond the Green Belt will be supported where:*

- iv. the building to be replaced is of a permanent construction and is currently or was last in use for non-residential purposes;*
- v. the replacement building would not be materially larger than the existing building;*
- vi. priority is given to siting the replacement building on previously developed land.”*

32. There are no specific Local Policies for the removal of agricultural occupancy conditions.

33. Policy DM3 deals with equestrian related development and states:

*"Equestrian related development in the countryside and Green Belt will be supported provided that:*

- i. in the first instance priority is given to the re-use of existing buildings for stabling, tack rooms, feed stores or any other ancillary use which requires a non-residential building; and*
- ii. where new buildings or ancillary development are justified these are well related to existing buildings and are small in scale; and*
- iii. where replacement buildings are justified, the replacement(s) are well related to existing buildings and are not materially larger than the building(s) to be replaced; and*
- iv. the overall size, siting and scale of development including any cumulative impact should not be harmful to the character and openness of the countryside of Green Belt."*

34. The supporting text in paragraph 6.23 continues to state:

*"The Borough Council will seek to ensure that the scale of any equestrian related development, including cumulative impacts, is appropriate to its current or proposed operation, whether private facilities or commercial businesses. The Borough Council considers that equestrian related development should retain or maintain a compact form and will resist proposals which would lead to dispersed forms of development. As such the Borough Council will seek to ensure that any stabling and ancillary development is appropriately sited in order to maintain the open and rural character of the countryside and Green Belt."*

## **Appraisal**

### Erection of Stable Block

35. The proposed stable block will be sited on the site of the existing dilapidated and redundant glass houses located to the south east of the proposed replacement dwelling. It will incorporate a paved courtyard to the south of the building and soft landscaping on the western and eastern elevations.

36. The Planning Statement notes that the applicant will stable four horses on the site. The email to the Council (dated 2 March 2021) confirms that the applicant's daughter will stable her

competition horse, semi-retired racehorse and two retired broodmares. It is the daughter's intention to eventually breed horses on site as a hobby; however it is unknown when she plans to begin the breeding programme.

37. The application plans have been amended to provide three stables and one foaling box which are of the appropriate size for their intended use, as recommended in the *DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids* (2009), which sets a minimum stable size for horses of 3.65m x 3.65m (13.3m<sup>2</sup>) and a minimum size for foaling boxes of 4.25m x 4.25m (18m<sup>2</sup>).
38. The two stables each measure 4m x 4m and one measures 5m x 4m and are considered an appropriate size for large horses.
39. The foaling box measures 5m x 4m. The width of the foaling box has increased by 1m since the original plans, and is considered a more appropriate size.
40. RAC considers that the amended plans for the stable block are appropriate for the number of horses to be stabled on site, with the foaling box providing year round stabling and being used as a foaling box as and when required.
41. RAC still has concerns that the rest area and toilet and shower facility of the building appears larger than is necessary for a small privately run equine yard with only four horses, particularly if the applicant is to be caring for his own horses as the dwelling is close by and can provide the facilities. However, it is accepted that such facilities are appropriate.
42. Overall, RAC considers that the stable block as amended is appropriate for the number of horses to be stabled on site and for the private equestrian use of the site.

#### Available Land

43. The application site has 1.44 hectares of grazing land and it is noted that the applicant has the potential to rent a further 1.41 hectares of grazing land adjacent to the application site.
44. The DEFRA Code of Practice details that as a general rule, each horse requires approximately 0.5-1.0 hectares of grazing if no supplementary feeding is being provided. The agent has confirmed that the applicant will purchase supplementary feed including hay, hard feeds and haylage which will be sourced from local suppliers.
45. The applicant's four horses could require up to 4 hectares of grazing if no stabling or supplementary feeding is provided. It is still unclear whether the number of horses will increase once the applicant's daughter starts breeding horses on site with retained yearlings and youngsters which could eventually increase the pressure on the availability of suitable grazing.
46. RAC accepts the principle that a smaller area of land may be adequate where the horse is mainly stabled with the occasional use of grazing in turn-out paddocks. It has been detailed that the horses will be turned out in the daytime and brought back in for stabling from 4pm onwards depending on the time of year and weather conditions.

#### Manège

47. Following RACs comments on the daily exercising of the horses stabled on site, the applicant has now revised the plans to include a 20m x 40m manège.
48. RAC have been consulted by Local Planning Authorities across the country to appraise applications for sand schools and those measuring 60m x 20m are considered a standard size suitable for private and commercial competition yards. This facility would provide adequate space for daily exercising and training for equestrian disciplines such as showjumping and dressage.

49. Generally, a 40m x 20m sand school is suitable for novice dressage, 60m x 20m for advanced dressage and a minimum width of 25m for show jumping.
50. The manège is to be sited to the rear of the stable block with gateway access from the yard area.
51. Overall, I consider the 20m x 40m manège is an appropriate facility for the purpose of exercising and training of the horses proposed to be stabled at Burnside Nursery.

#### Erection of Storage Building

52. The application proposes a building for the storage of hay and machinery associated with the horses to be stabled at Burnside Nursery.
53. The proposed building is to be divided into three sections with two sections providing storage for a horse lorry, horse trailer, tractor and hopper (RAC considers that the Planning Statement may mean that the hopper refers to a topper which would be more appropriate or possibly a feed hopper).
54. The proposed building is of similar construction to the stables – timber cladding above a brick plinth under a clay tiled roof.
55. It is generally accepted that the storage of machinery when left outside and open to the elements of weather can lead to deterioration and rusting of moving parts which can increase maintenance costs. Left in the open, machinery is also liable to theft. It is of note that there has been an increase in rural crime and in particular the theft of agricultural machinery is of concern to the police and insurers.
56. The Planning Statement notes this building is of typical design for an agricultural building, however RAC would consider a steel portal frame and clad building more appropriate and commonly used for agricultural storage for the machinery and a covered open fronted bay for hay storage.
57. RAC notes that the email from the Agent (dated 2 March 2021) details that the proposed design is more aesthetically pleasing whilst also being functional.
58. RAC considers the storage of agricultural machinery and the horse lorry and trailer an appropriate use of the proposed building and accepts the amount of storage space required as indicated on the submitted plans.
59. RAC previously raised concerns about the security of the machinery within the building with the open fronted sections. These concerns have been addressed through the inclusion of doors and security barrier in the building. RAC also notes that the main entrance to the property is via gates and there will be another lockable gateway into the yard area.
60. The section designated for hay storage will provide a total area of 211m<sup>3</sup> for the storage of bales stacked to 3m high. Using building space requirements as identified in the Agricultural Budgeting and Costing Book (ABC) 91<sup>st</sup> Edition (November 2020) a tonne of hay requires 6-7m<sup>3</sup> storage. Assuming the applicant purchases hay bales in bulk, the building will be able to provide storage for 30-35 tonnes of hay.
61. RAC accepts that the open fronted building permits air flow over the stored hay. RAC's concerns regarding ventilation have been address through the provision of ventilation grilles at low level and ridge vent tiles.
62. RAC considers that the principle of a storage building for an equestrian use on the site (if approved) is an appropriate use. The size is of an appropriate scale and the building as



designed with the inclusion of ventilation and security is considered to be appropriate and typical of storage buildings on small scale private equestrian units.

63. In addition, following RAC's concerns regarding the siting of the barn away from the stable block, the revised plans have located the building closer but maintaining a 25m distance from the stables to ensure safety from the hay being a fire hazard.

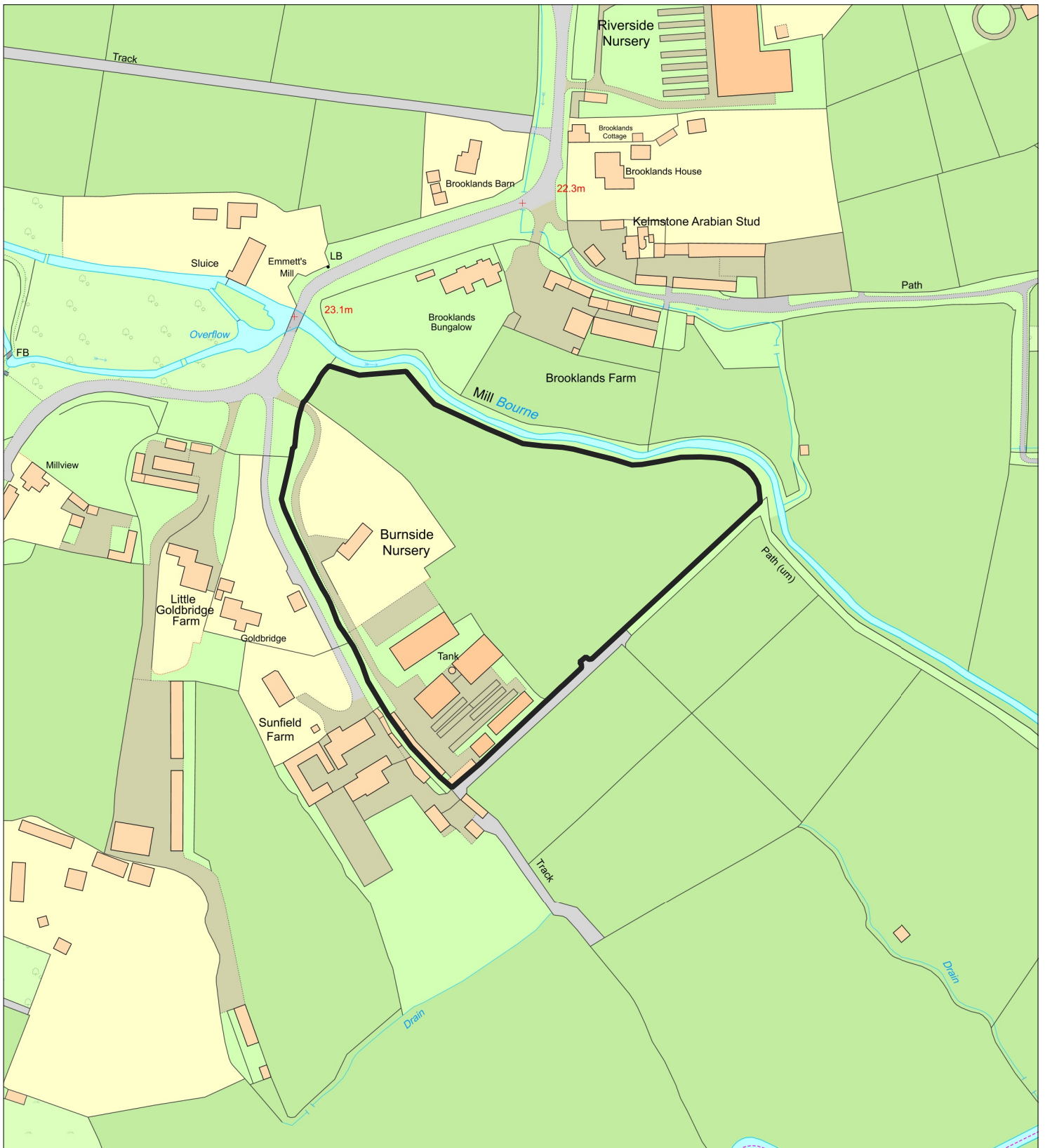
## **Conclusion**

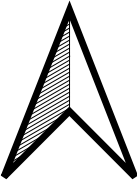

64. RAC considers the provision of stables appropriate for the site. The plans have been revised to reduce the number of stables to a total of four, one of which is suitable for use as a foaling box. The size and layout of the stables is commensurate with the land available and the number of horses to be kept on site.
65. RAC accepts the provision of a rest area, shower and toilet facility as being appropriate for the private use of the stables.
66. RAC accepts the provision of a 20m x 40m manège for the private use and exercising of horses stabled on site.
67. RAC considers that the amendments to the storage building through its revised siting, inclusion of ventilation and security barrier and doors are acceptable for the intended use of the safe and secure storage of hay and machinery on site.
68. Overall, RAC considers that the applicant's proposal (as revised) is in compliance with national and local planning policy.

I hope these comments are helpful.

Yours sincerely

Olivia Wojniak



<b>Title</b>	Planning Applications		
<b>Application number</b>	20/0777/FFU		<b>Scale @ A4</b> 1:2,500
<b>Address</b>	Burnside Nursery Philpot Lane Chobham Woking Surrey GU24 8HE		<b>Date</b> 15 Dec 2021
<b>Proposal</b>	Erection of a replacement dwelling and ancillary buildings comprising a stable and barn for purposes incidental to the enjoyment of the associated dwellinghouse following the demolition of existing agricultural workers' dwelling and nursery buildings.		
	Page 191		
Version 5	© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2021		Author: DE

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# PAC Plans 20-0777 Burnside Nursery

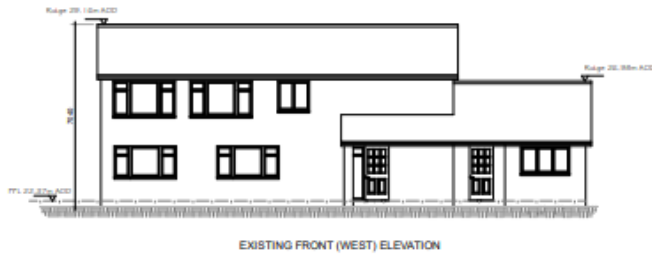
## Location and Existing Site Plan



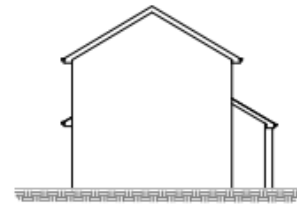
# Proposed Site Plan



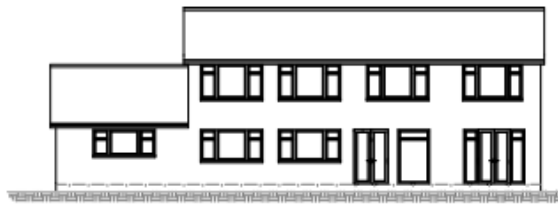
## Existing dwelling



EXISTING FRONT (WEST) ELEVATION



EXISTING SIDE 1 (NORTH) ELEVATION



EXISTING REAR (EAST) ELEVATION

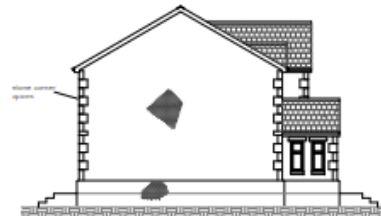


EXISTING SIDE 2 (SOUTH) ELEVATION

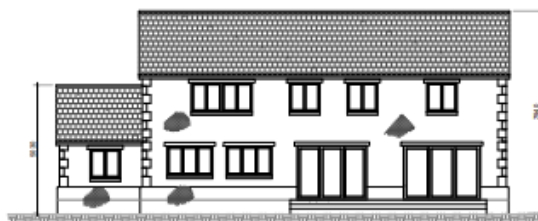
## Proposed dwelling



PROPOSED FRONT (WEST) ELEVATION



PROPOSED SIDE 1 (NORTH) ELEVATION



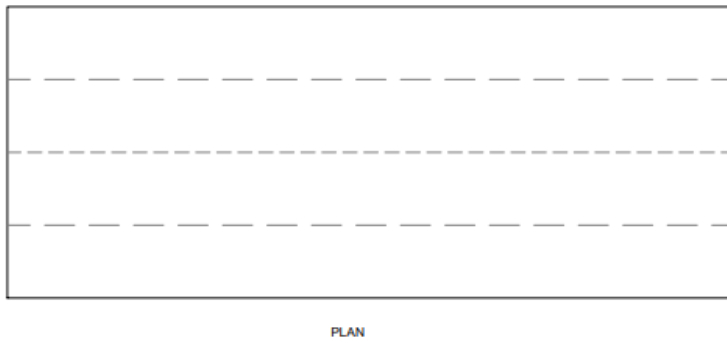
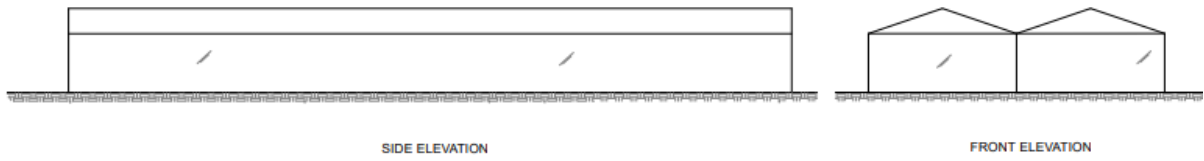
PROPOSED REAR (EAST) ELEVATION



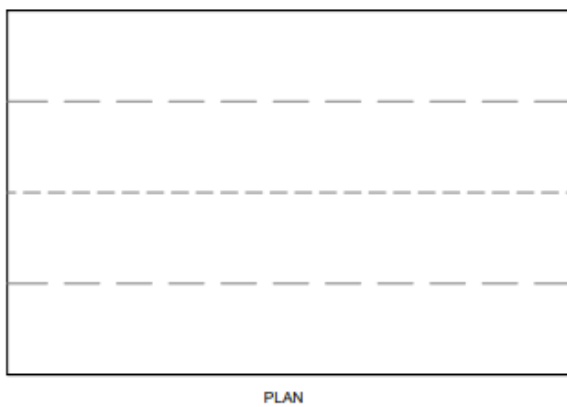
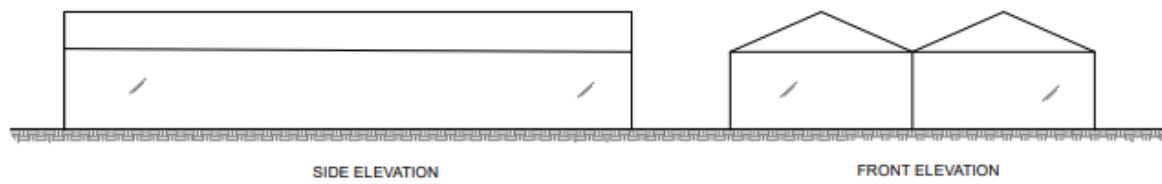
PROPOSED SIDE 2 (SOUTH) ELEVATION



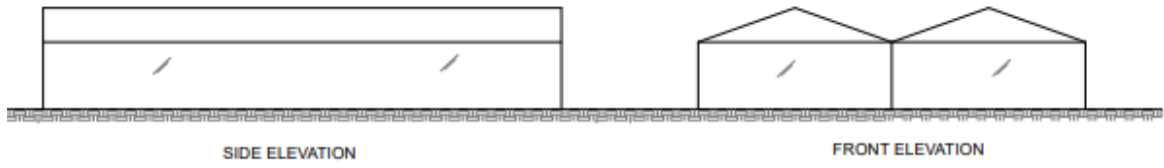
Existing Glasshouses plans



Glasshouse 1

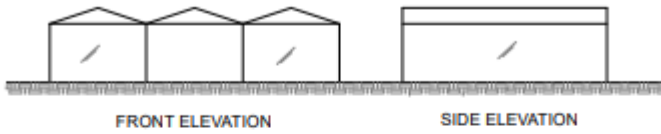


Glasshouse 2

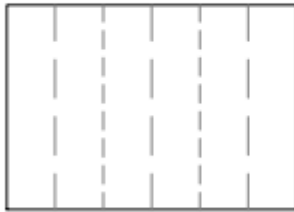


**Glasshouse 3**

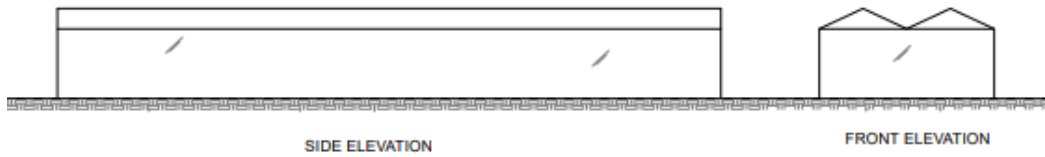
PLAN



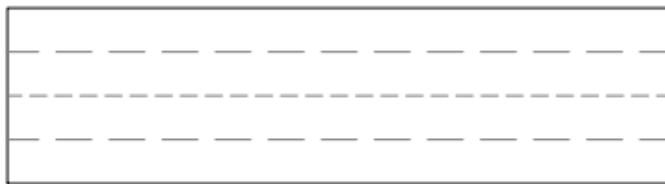
**Glasshouse 4**



PLAN



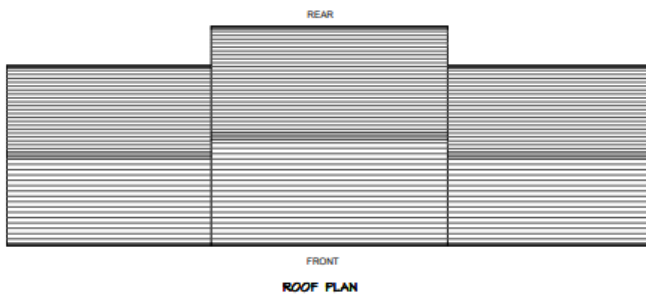
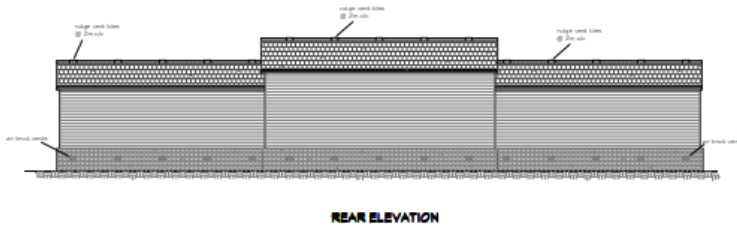
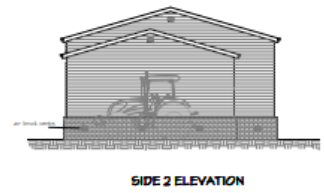
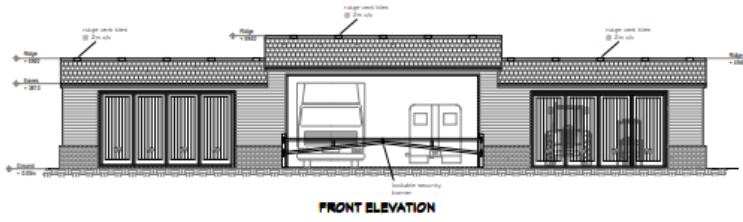
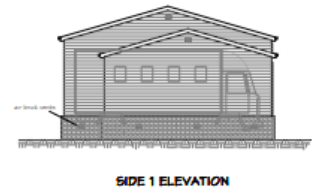
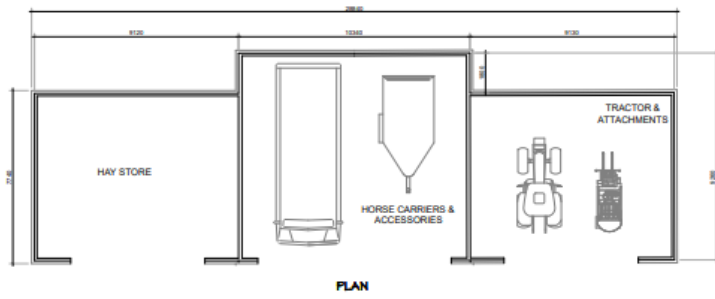
**Glasshouse 5**



PLAN



# Proposed Vehicle/Hay Stores



Existing glasshouses





Existing (and remaining) stores on left and glasshouses on right, looking north towards site entrance



Existing dwelling and garden







House showing garden and driveway, looking north





Site access looking north towards the Philpot Lane bridge



Existing site access





View across wider site towards the Mill Bourne



21/1302/FFU

**Reg. Date** 4 January 2022

Bisley &amp; West End

<b>LOCATION:</b>	39 Commonfields, West End, Woking, Surrey, GU24 9JA,
<b>PROPOSAL:</b>	Erection of a single storey side extension following the demolition of the garage.
<b>TYPE:</b>	Full Planning Application
<b>APPLICANT:</b>	Graham Alleway
<b>OFFICER:</b>	Ms Louise Fuller

This application would normally be determined under the Council's Scheme of Delegation. However, it is being reported to the Planning Applications Committee because the applicant is Councillor Mr. G Alleway.

## **RECOMMENDATION: GRANT, subject to conditions**

### **1.0 SUMMARY**

- 1.1 The application seeks permission for erection for a single storey side extension following the demolition of the existing garage and car port.
- 1.2 The extension would be in keeping with the character of the property and is considered subservient in size to the existing dwelling. The proposed works are of an appropriate design and scale and are not considered to be harmful to the appearance of the street scene. The development is not considered to cause any adverse amenity issues for neighbouring dwellings. The proposal involves the demolition of the garage and car port but sufficient space is retained to the front of the dwelling to accommodate sufficient parking. The proposal is therefore considered to be acceptable, subject to conditions.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site contains a two storey, detached dwelling and is located within the settlement area of the West End. The property has a single storey attached garage to the side with an attached carport and a rear garden enclosed by a fence. The property has an open front garden and there is also hardstanding for parking.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 91/0974 – Erection of a single storey rear extension (conservatory).  
Decision-Granted and Implemented

### **4.0 THE PROPOSAL**

- 4.1 The development proposed is a single storey side extension following the demolition of the garage and carport. The extension has a width of approximately 3.7m and 4.3m when viewed from the rear and front rear elevations respectively, depth of 19.6m and an overall flat roofed height of 2.9m (3.2m to the apex of the roof lanterns). There would also be a

dummy pitched roof on the front elevation. The proposal would be sited 1 metre away from the adjoining neighbour's boundary to the east.

## **5.0 CONSULTATION RESPONSES**

5.1 West End Parish Council      No objection

## **6.0 REPRESENTATION**

6.1 Notification letters were sent on the 4 January 2022. At the time of preparation of this report, no letters of representation have been received.

## **7.0 PLANNING CONSIDERATION**

7.1 The application is considered against the relevant policies, which are Policies CP2, DM9, and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP), the Surrey Heath Residential Design Guide 2017, the West End Village Design Statement 2007, the National Design Guide, and the National Planning Policy Framework (NPPF). The main issues to be addressed in the consideration of this application are:

- Impact on the character and appearance of the dwelling and the wider area;
- Residential amenity impacts; and,
- Highways and parking;

### **7.2 Impact on the character and appearance of the dwelling and the wider area**

7.2.1 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 states that planning decisions should ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate landscaping. They must also be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not discouraging appropriate innovation or change.

7.2.2 Policy CP2 of the CSDMP states that the Borough Council will require development to ensure that all land is used efficiently within the context of its surroundings, and respect and enhance the quality of the urban, rural, natural and historic environments. Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density.

7.2.3 Principle 10.1 of the RDG states that extensions which erode garden spaces and gaps which contribute to visual amenity and character will be resisted, and that extensions will be expected to be subordinate and consistent with the form, scale and architectural style and materials of the original building. Developments that are over-dominant or out of keeping will be resisted. Principle 10.3 states that side extensions should not erode the character of the street scene and local area.

7.2.4 Guideline 3 of the WEVDS states any new development in this area should be complementary to the existing buildings with regard to construction materials. Guideline 5 of the WEVDS states that extensions should be complementary to the existing building in proportion, style and use of materials. Guideline 7 states open space (formal and

informal) trees, shrubs, hedges, grass verges, low wall, ponds, footpaths and pavements should be preserved and maintained to reflect the rural/semi-rural appearance of the Character Area, in line with current boundary treatments.

7.2.5 The proposed extension would be set back by 3.3m from the front elevation of the dwelling, would be single storey in height with a pitched roof and would accommodate the relocated main entrance. It would be constructed in materials to match and would harmonise well with the design form of the existing dwelling. Its width would be less than half that of the existing property and, as such, it is considered would be sufficiently subordinate to the host dwelling. Overall, the extension would be in keeping with the character of the existing property and would not result in an over-dominant or incongruous addition to the street scene.

7.2.6 The proposal is therefore considered to be acceptable in terms of its impact on character of the existing dwelling and the streetscene, and in line with the relevant policies.

### **7.3 Impact on residential amenity**

7.3.1 Paragraph 130 of the NPPF states that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. It is necessary to take into account matters such as overlooking, overshadowing, loss of light and an overbearing or unneighbourly built form.

7.3.2 Principles 8.1 – 8.3 of the RDG require new development not to affect existing properties in terms of being overbearing, causing overshadowing or affecting privacy.

7.3.3 The application site shares a boundary with 41 Commonfields to the west. The single storey extension would be completely concealed from this property by the built form of the existing dwelling. The single storey side extension would be set 1m away from the shared boundary with No.37 Commonfields to the east. Given its proposed height, together with the separation distance, no overbearing or overshadowing impacts would occur. There are windows proposed in the side elevation facing this neighbour; however taking into consideration the existing situation in terms of windows at ground floor level and the existing close boarded fence, no new patterns of materially harmful overlooking would be introduced.

7.3.4 The proposal is therefore considered acceptable in terms of its impact on residential amenity, and in line with the above policies.

### **7.4 Impact on highways and parking**

7.4.1 Policy CP11 of the CSDMP seeks to direct new development to sustainable locations, and states that development that will generate a high number of trips will be required to demonstrate that it can be made sustainable to promote travel by sustainable modes of transport. Policy DM11 of the CSDMP states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented. Guideline 10 of the WEVDS states any new development in this street/area should take account of the existing guidelines and policies on parking.

7.4.2 The property currently has space for parking to the front/side of the property, off the main road of Commonfields. The garage is being demolished as part of this proposal. However, no new bedrooms are proposed and sufficient parking space is available for a dwelling of this size. As such the proposal will not lead to any different situation in terms of parking than previously.

7.4.3 The proposal is therefore considered acceptable in terms of its impact on highways and parking, and in line with the relevant policies in this regard.



## **8.0 POSITIVE/PROACTIVE WORKING & PUBLIC SECTOR EQUALITY DUTY**

- 8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included 1 or more of 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.
  - d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
- 8.2 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

## **9.0 CONCLUSION**

- 9.1 The extension would be in keeping with the character of the property and the wider area and is considered to harmonise well with the design form of the existing dwelling. The proposal does not raise any concerns with regard to the amenities of adjoining residential properties or parking. The application is therefore recommended for approval.

## **10.0 RECOMMENDATION**

GRANT, subject to the following conditions:

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

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

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

Drawing Numbers reference; AD4596 SHEET 2 REV B (Plans) received on 1st December 2021, 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.

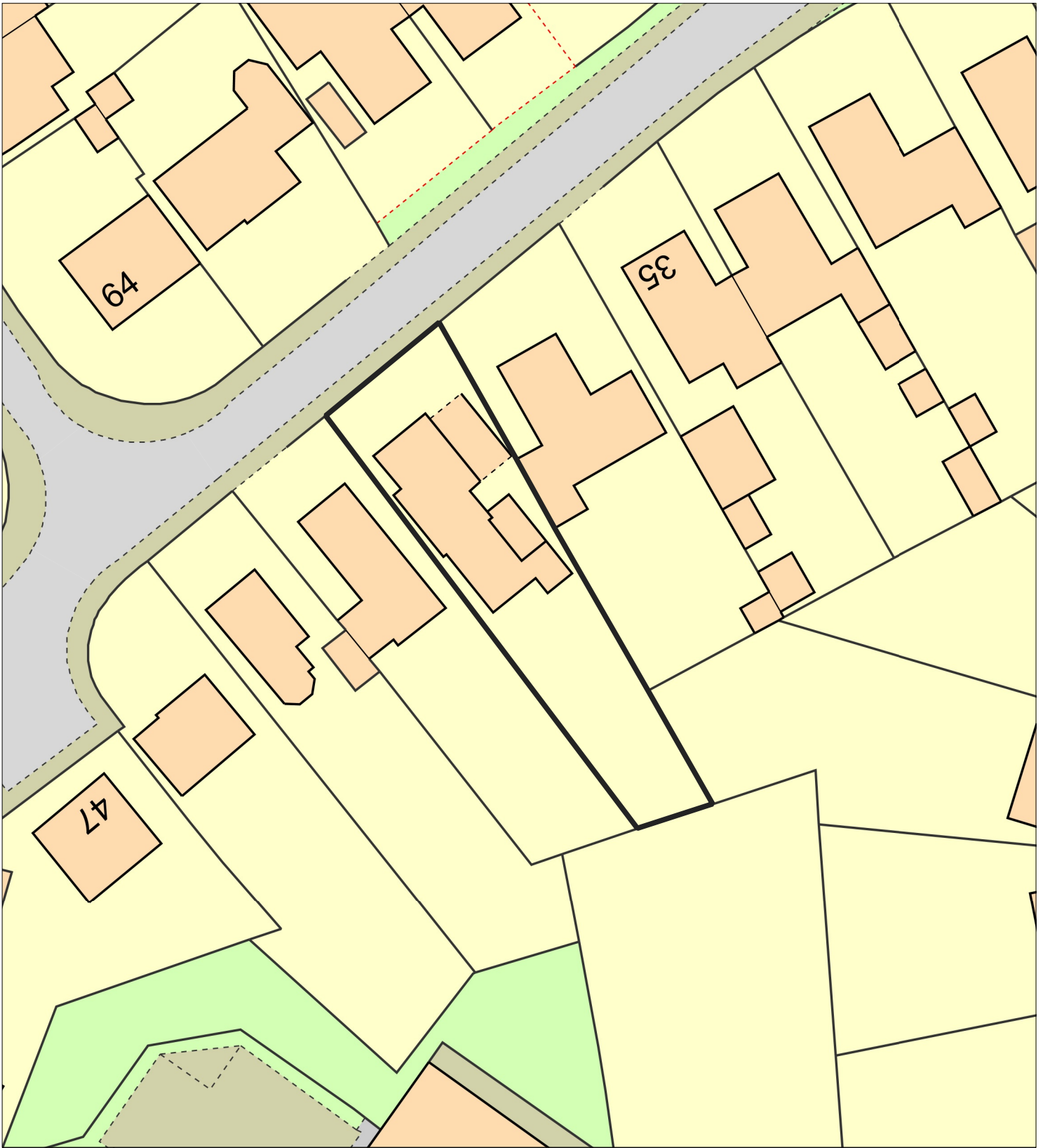
3. The building works, hereby approved, shall be constructed in external fascia materials to match those of the existing building.

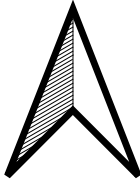

Reason: In the interests of the visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **Informative(s)**

1. The decision has been taken in compliance with paragraphs 38-41 of the NPPF to work with the applicant in a positive and proactive manner. Please see the Officer's Report for further details.
2. This Decision Notice is a legal document and therefore should be kept in a safe place as it may be required if or when selling your home. A replacement copy can be obtained, however, there is a charge for this service.

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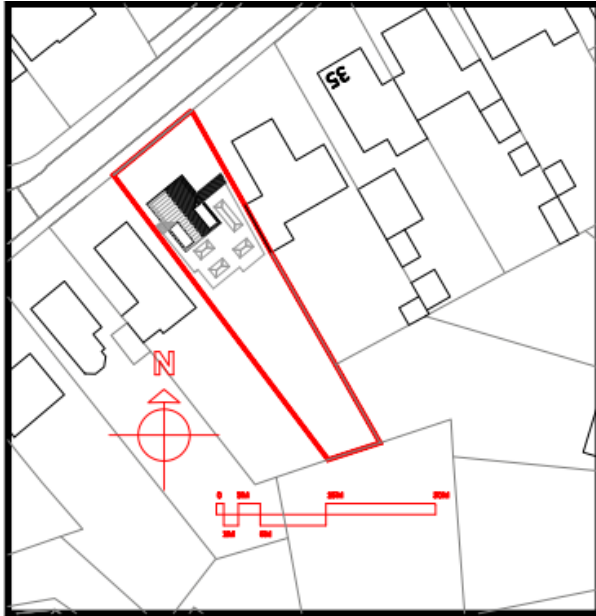


<b>Title</b>	Planning Applications		
<b>Application number</b>	21/1302/FFU	<b>Scale @ A4</b>	1:500
<b>Address</b>	39 Commonfields West End Woking Surrey GU24 9JA	<b>Date</b>	17 Jan 2022
<b>Proposal</b>	Erection of a single storey side extension following the demolition of the garage.		
	 		
Version 5	© Crown Copyright. All rights reserved. Surrey Heath Borough Council 100018679 2022	Author: SM	

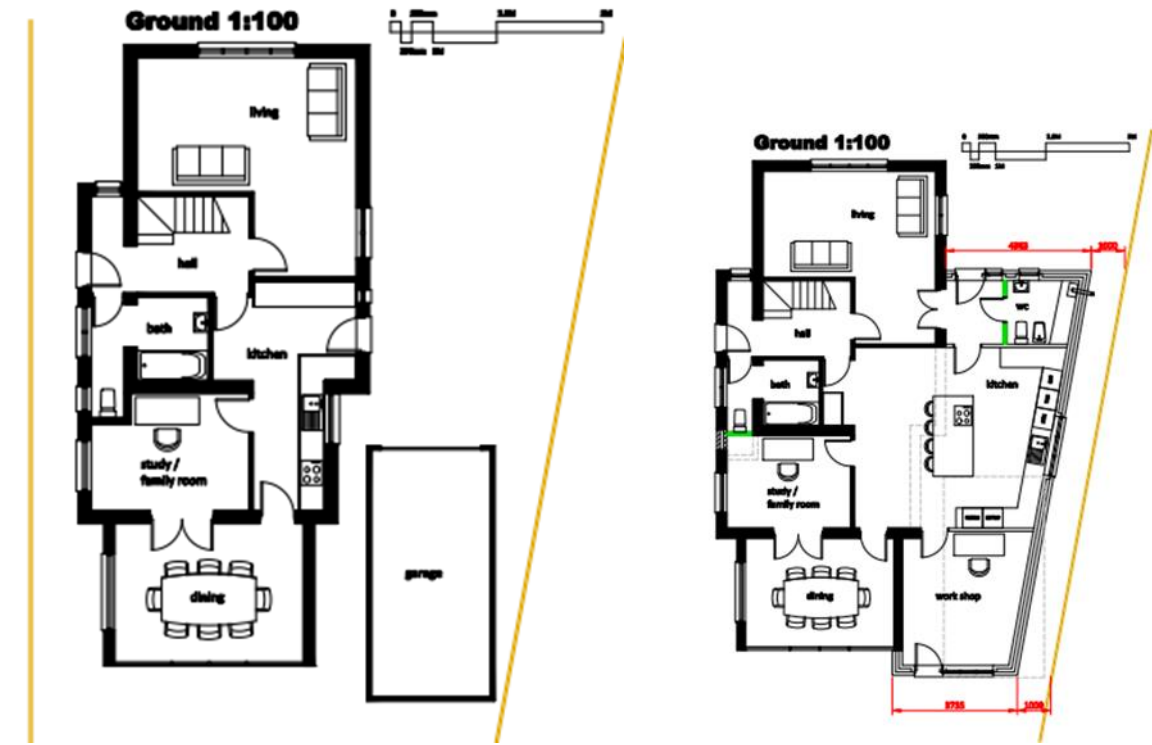


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Site Plan



Existing and Proposed Ground Floor Plan

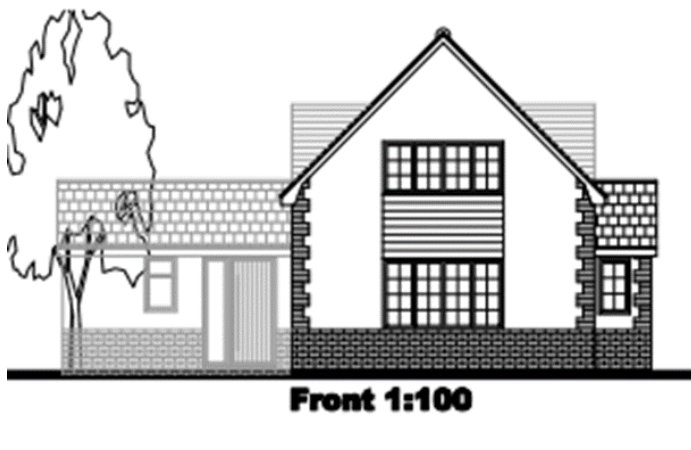




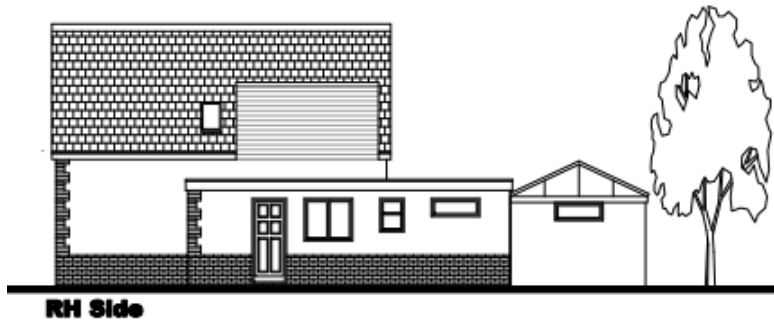
Existing Front Elevation



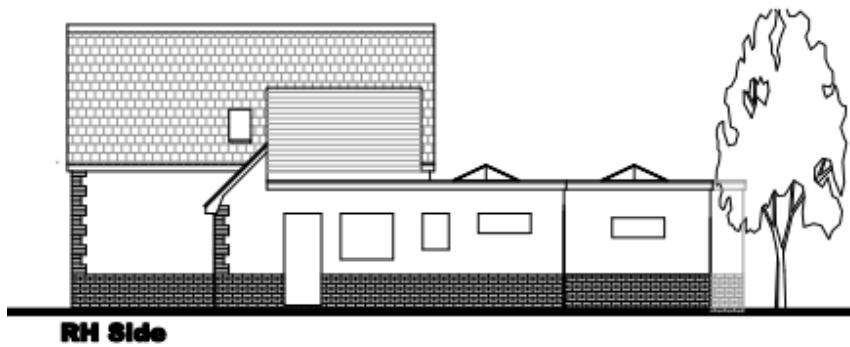
Proposed Front Elevation



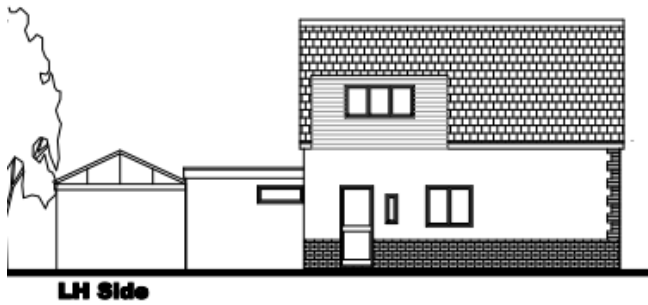
Existing right side elevation



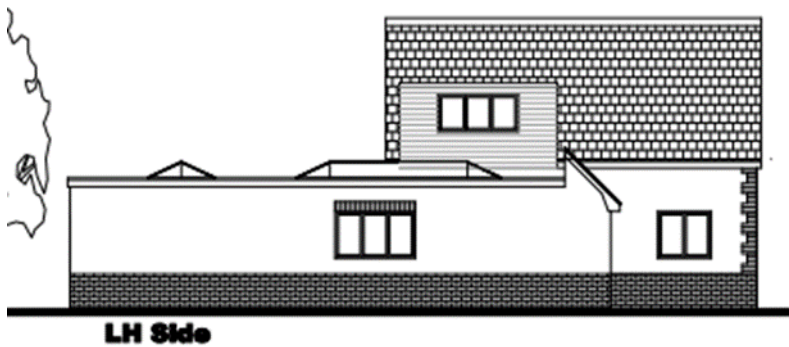
Proposed right side elevation



Existing left side elevation



Proposed left side elevation



Existing and Proposed Rear Elevation



Existing front elevation





Existing side elevation of Application Site showing relationship with side elevation of No.37





Existing structure to be demolished and replaced with the proposed side extension





Existing side elevation showing car port which is to be demolished





Existing rear elevation



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