

21/P Application Number: 18/0327- The Waters Edge. 220 Mytchett Road, Mytchett, Camberley. GU16 6AG*

The application was an outline application for the erection of 248 dwellings with associated access roads, footpaths, play areas, parking, open space and landscaping, with matters of access and layout to be determined (scale, appearance and landscaping to be reserved matters). Full planning permission for the use of land and associated works to provide suitable alternative natural green space (SANG) and associated parking, following demolition of existing buildings and structures on the site. (Amended plans rec'd 15/6/18 & 18/6/18). (Amended info rec'd 19/06/2018 & 21/06/2018.) (Additional info rec'd 27/06/2018 & 19/07/2018.) (Amended plan and additional plans and information rec'd 18/07/2018.) (Additional information & plan rec'd 2/8/18). (Amended information rec'd 01/08/2018.) (Amended plan rec'd 10.08.2018). (Amended plans rec'd 13/8/18). (Amended plans rec'd 14.08.2018) (Amended description 21.08.2018)

Members were advised of the following updates and the referenced annexes published with the supplementary agenda papers:

'For information purposes the comments from the County Highways Authority and Environment Agency, already relied upon in the report, are appended to this update.

UPDATE

Representation (page 28)

Members have received information from the Mytchett, Frimley Green and Deepcut Society commenting on the officer's report.

In addition, 5 further objection letters have been received. The concerns raised relate to traffic; GP/dentist/hospital/school places; noise from the A331; insufficient parking; contractor parking; flooding; and, numbers of police.

Officer comment: It is considered that these issues have been sufficiently addressed already in the agenda report. Police numbers is not a material planning consideration.

Highway impacts (page 38)

- The applicant has provided further information in respect of road adoption, as follows:

'Under planning and highway rules and regulations there is no requirement for new roads to be adopted. Any adoption procedure must be voluntary (as per S.38 of the Highways Act) and a developer cannot be compelled to offer the roads to the Council. In this case, Surrey County Council has indicated it would not be interested in adopting the roads.

The developer has to accept the future maintenance liability, which is usually covered by the creation of a management company, as will be the case with this development. The proposed roads will, of course, need to be designed and constructed to full adoptable standard, so the only difference is who looks after the roads in the future, not what the roads look like or how they function. This approach to dealing with roads in larger housing developments is very much the norm these days, for example, as with Deepcut and the Wellesley Barracks site in Aldershot.

In this case, the residential estate would be managed by a residents' management company entirely separately from the management of the SANGS area. The management of the residential estate would include the roads, communal open space/landscaped areas and play areas. Annual management costs are typically of the order of a few hundred pounds per property and are graduated based on the size of the property.'

Officer comment: The applicant is correct that future maintenance of the estate roads falls outside the Planning Acts and is controlled under the Highways Act 1980. The developer can apply to the County Council to adopt the roads and enter into a section 38 agreement. The terms of the agreement describe that if the developer builds the new road up to County standards and maintains it for a year after it is built the County will then adopt it as a public road. However, there is no obligation on the landowner/developer to seek road adoption and it is not within the remit of the Planning Authority to insist upon this or refuse the application on these grounds.

Blackwater Valley footpath (page 39, para 7.5.5)

The applicant has advised that they are willing to pay for the cost of constructing the link outside the site to join the footpath. They suggest that this could be agreed through the S106 agreement, and discussions are ongoing with the Blackwater Valley Countryside Partnership and Hampshire County Council to facilitate this.

SANG Management (page 40, para 7.6.4)

Following further discussions with Natural England, the applicant was advised that the SANG management would only be acceptable if one of the following two options be adopted:

1. The developer transfers the SANG land to the ownership of Surrey Heath. Surrey Heath will construct and manage the SANG. The developer also pays the full CIL contribution for the development (not the reduced rate) in order to allow Surrey Heath to do so.
2. The Council are listed as the authority to step-in in the legal agreement, and either the SANGS contribution (difference between full CIL and reduced CIL rate) is paid to the Council as a bond at this stage and held in perpetuity (for 80 years) or an indemnity policy for this amount is taken out at this stage.

Officer comment: The applicant has agreed to option 2 which would be secured as part of the legal agreement. In the officer's opinion this provides far greater certainty over securing SANG management in perpetuity and prevents a repeat of problems experienced elsewhere in the Borough with private SANG Management. Such an

approach is also consistent with other neighbouring boroughs, including Guildford and Bracknell.

Education contribution (page 46, para 7.11.3)

A letter with supporting evidence was received from The Kite Academy Trust (responsible for Holly Lodge Primary School and Mytchett Primary School) on the 16 August 2018. This evidence seeks to justify primary school funding of £720,171, in addition to early years provision of £166,916.

Officer comment: On the basis of this evidence the applicant has agreed to pay the Trust an additional £720, 171. This would allow the Trust to provide additional primary classroom places and associated facilities at either Holly Lodge or Mytchett primary schools, which are the closest to the development, to accommodate the projected pupil yield of 52-53 children. In the officer's opinion this new evidence is comprehensive and meets the NPPF planning obligation tests. This will be secured via the S106 legal agreement.

Corrections/amendments to text

- Paragraph 7.3.3 - states that bus stops are 400-800m from the site boundary – this is incorrect as they are immediately outside the entrance, as explained in paragraph 7.5.5.
- Paragraph 7.8.3 – last sentence should read “Instead they have asked for conditions to prevent land raising and for finished floor levels.”
- Paragraph 7.12.1 - should say 0.6m rather than 6m of clean soil across the site.
- The first conditions should be numbered 1-7 not a-g – this is a formatting error.

Recommendation (page 47 and 59)

The recommendation should read as follows:

GRANT subject to a signed legal agreement (to secure affordable housing provision, SANG management, SAMM contributions, education contribution of £887,087, open space provision, monitoring of contaminated land, and a contribution towards a footpath link to the Blackwater Valley path) and subject to the following conditions:

The applicant has agreed an extension of time until 31st October to finalise the legal agreement.

Amended conditions

- Conditions 9 and 12 shall have the following penultimate sentence added:
The details shall demonstrate how the overall biodiversity status of the site

has not been reduced from its baseline value, as established by the botanical survey undertaken in respect of Condition 38.

- Condition 10 should refer to Condition 9 in the text and not Condition 8.
- Condition 11 should read as follows:

11. Prior to commencement of development, a detailed SANG Landscape and Ecology Management Plan, based on the SANG Management Plan Revision E received 15.8.18 shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be updated to include the elements as listed under paragraph 6.117 of the Amended Ecological Assessment NKH21037 Rev C received 15.8.18 and shall include the details of the occupational phase mitigation for protected species. The SANG area as set out on Location Plan SPA001 received 18.4.18 shall be managed in accordance with the details and timescales as set out in the approved Plan.

- Condition 13 should read as follows:

13. No dwellings hereby approved shall be occupied unless and until a Residential Landscaping and Ecology Management and Maintenance Plan for the residential part of the site has been submitted to and approved in writing by the Local Planning Authority. This shall set out the long term management and maintenance details for the landscaping approved under Condition 12, biodiversity enhancements under Condition 14, the LEAP and LAP areas, and shall include the occupational phase mitigation for protected species, a map indicating the extent of public green spaces and private gardens, a species list and planting/seeding plan, and conservation management of hedges and grassland.

Additional conditions

Following further advice from Surrey Wildlife Trust and the West Surrey Badger Group, the following additional conditions are recommended:

36. Development shall not commence until a Method Statement for the protection of badgers on site, during and post-construction, has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall include the measures proposed in paragraphs 6.58-6.70 of the Amended Ecological Assessment NKH21037 Rev C received 15th August 2018 and shall include proposals for closing of the main sett only once there is evidence that the badgers have found the artificial sett, and for post-development artificial sett monitoring for a minimum period of two years.

Reason: In order to ensure that badgers are protected during the course of the development and post-construction, in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

37. Development shall not commence until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a designated reptile receptor area, reptile fencing, and a reptile trapping

and translocation programme, and shall have regard to the measures set out in paragraphs 6.110 – 6.115 of the Amended Ecological Assessment NKH21037 Rev C received 15th August 2018.

Reason: In order to ensure that reptiles are protected during the course of the development and post-construction, in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

38. Prior to commencement of development, a botanical survey (National Vegetation Classification) shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The survey shall establish the current biodiversity value of the site and the status of the species and habitats for which the SNCI was selected.

Reason: In order to establish the existing biodiversity value of the site in order to sufficiently compensate for biodiversity loss, in accordance with Policy CP14A of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.'

The officer recommendation to approve the application was proposed by Councillor Jonathan Lytle and seconded by Councillor Mrs Vivienne Chapman and put to the vote and carried.

RESOLVED that application 18/0327 be granted subject to a signed legal agreement (to secure affordable housing provision, SANG management, SAMM contributions, education contribution of £887,087, open space provision, monitoring of contaminated land, a contribution towards a footpath link to the Blackwater Valley path) and to the conditions as set out in the officer report and planning updates.

Note 1

It was noted for the record that:

- i. Members of the Committee had attended the proposal's open day and all members had received various pieces of correspondence on the application.
- ii. The Committee had known one of the public speakers on the application, as he had previously been a Borough Councillor.

Note 2

As this application had triggered the Council's Public Speaking Scheme, Mr David Whitcroft, on behalf of Mytchett, Frimley Green and Deepcut Residents' Society; and Mr Alan Barwick spoke in objection to the application. Mr Paul Dickinson, the agent, spoke in support of the application.

Note 3

In accordance with Part 4, Section D, paragraph 18 of the Constitution, the voting in relation to the application was as follows:

Voting in favour of the recommendation to grant the application:

Councillors Nick Chambers, Mrs Vivienne Chapman, Colin Dougan, Surinder Gandhum, Edward Hawkins, Jonathan Lytle, Max Nelson, Adrian Page, Robin Perry, Conrad Sturt and Victoria Wheeler.

Voting against the recommendation to grant the application:

Councillors Katia Malcaus Cooper, David Mansfield, Ian Sams, Pat Tedder and Valerie White.