

2019/0154

Reg Date 05/03/2019

West End

LOCATION: ROSEDENE FARM & LAND TO THE SOUTH OF FENNS LANE, WEST END, WOKING, GU24 9QF

PROPOSAL: Outline application for the erection of 74 dwellings (and the retention of Rosedene Farm), provision of accesses, landscaping and play space along with an area of public open space following the demolition of existing buildings. (Amended info recv'd 9/4/19) (Additional info rec'd 30/04/19), (Amended/additional plans & info rec'd 06/11/19).

TYPE: Outline

APPLICANT: Mr Edward Searl
Fairfax Acquisitions Ltd

OFFICER: Duncan Carty

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This outline application relates to the erection of up to 74 dwellings and use of land as public open space following the demolition of existing buildings on the site. The application seeks to approve the access arrangements with all other matters (appearance, landscaping, layout and scale) to be determined at the reserved matters stage. The site lies to the west of the settlement of West End, within the Green Belt. The site lies on the south side of Fenns Lane, on a mixed-use site.
- 1.2 The proposal does not meet any of the exceptions under paragraph 145 of the NPPF and would cause substantial harm to openness and is therefore inappropriate development in the Green Belt. Whilst the layout is schematic only, it is envisaged that there would also be harm to the rural character of the site. The development is acceptable in terms of its impact on residential amenity, highway safety, housing mix and local infrastructure. It is considered that very special circumstances do not exist to outweigh the identified harm to the Green Belt. The completion of a legal agreement would also be required to secure contributions towards SAMM and affordable housing provision, which has not been completed to date. The application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site lies to the west of the settlement of West End, within the Green Belt. The site lies on the south side of Fenns Lane. It is split into two parcels of land including an equestrian site to the west (Fenns Livery/Riding Centre) and a mixed use site to the east (Rosedene Farm) comprising an equestrian site with caravan storage and builders' yard. The lawful status of the land is currently being considered although it is likely that these different uses have lawful status on specific parts of the site. However, it is clear that the areas of caravan storage and builders' yard provide a small proportion of this wider site.
- 2.2 There are currently contains a series of equestrian buildings within the site, which are to be demolished, and hardstanding areas. These buildings are typically up to 5 metres in maximum height, reducing to about 4 metres at the eaves. The applicant has indicated that the building footprint/floorspace totals 637 square metres of development.

There are a number of trees and tree groups on, or at the boundaries of, the site, none of which are protected under a Tree Preservation Order. The site frontage includes a number of major trees as well as other trees and vegetation.

- 2.3 The 400 metre Thames Basin Heaths SPA buffer crosses the site with the southern portion within the buffer zone but the proposed housing element would fall outside this buffer. Public Footpath No. 124 runs from north to south through the wider site between the west and east parcels connecting Fenns Lane with Lucas Green Road to the south.
- 2.4 Locally listed buildings, Fenns Farm lie opposite the western parcel of the site and Heathermead between the two parcels. Listed buildings Lucas Green Manor and Manor Cottage lie on Lucas Green Road to the south.
- 2.5 The application site falls within the Character Area 9 of the West End Village Design Statement SPD 2017. This character area is mainly to the west of the village settlement and located predominately within the Green Belt. The SPD indicates that there is no consistency of building design or style within this area and, with the exception of the listed buildings, are normally twentieth century buildings.

3.0 RELEVANT PLANNING HISTORY

The relevant planning history is listed below:

- 3.1 SU/87/1051 Erection of 11 stables, tack room, feed store and use of land for riding and livery stables at Fenns Livery/Riding Centre.

Approved and implemented.
- 3.2 SU/94/0088 Change of use of part of former poultry farm yard to storage of touring caravans for a temporary period at Rosedene Farm.

Refused in April 1994.
- 3.3 SU/94/0373 Change of use of part of former poultry farm yard to storage of 10 touring caravans for a temporary period at Rosedene Farm.

Refused in July 1994.
- 3.4 SU/00/0355 Change of use of part of outbuilding from ancillary offices to residential accommodation (retrospective) at Fenns Livery/Riding Centre.

Approved in May 2000.
- 3.5 SU/09/0093 Change of use of part of storage building associated with the riding school to provide enlarged residential accommodation for existing grooms quarter at Fenns Livery/Riding Centre.

Approved in March 2009.
- 3.6 SU/19/0214 Certificate of lawful existing development/use for mixed use to include use of part of the site as builders yard and storage of caravan and mobile homes; as well as a residential property and equestrian centre at Rosedene Farm.

Considered to be lawful in December 2019.

4.0 THE PROPOSAL

- 4.1 This outline application relates to the erection of up to 74 dwellings following the demolition of existing buildings. The means of access is to be determined under this application with all other matters reserved. A schematic layout has been provided which proposes two accesses, one for each parcel of land, with a cul-de-sac arrangement for the proposed dwellings. The vehicular access to the western parcel would be positioned close to the north west corner of the site, and the vehicular access to the eastern parcel would be positioned close to the north east corner of the site. Both vehicular accesses would access directly onto Fenns Lane.
- 4.2 The dwellings would include a mix of two storey houses and detached bungalows. The planning statement has confirmed the mix to be 19 no two bedroom, 9 no three bedroom and 5 no four bedroom houses in the western parcel and 5 no one bedroom, 26 no two bedroom, 8 no three bedroom and 2 no four bedroom houses in the eastern parcel.
- 4.3 The schematic layout includes a traditional layout for the west parcel with short cul-de-sacs running off the main crescent access road, with small parking courts. A play area would be provided close to the main arc on the north side of the crescent access road. The dwellings are arranged as a series of shorter terraces and detached/semi-detached units. The layout includes a road access towards the north east corner of the site running behind the residential curtilage of Rosedene Farm, with a series of more engineered squares and parking courts. The proposed dwellings are arranged as longer groups of terraces. The design and access statement indicates that the arrangement for the west parcel is traditional with the crescent shape of the access designed around a major retained tree to the site frontage. This statement indicates that the arrangement for the east parcel is designed as a farmyard complex with a farmhouse style structure at its centre with an ad hoc arrangement of farm buildings (barns, cart stores, etc.) typical of a rural cluster. The layout would have more hardstanding around the building frontages to reflect this arrangement.
- 4.4 The design and access statement indicates that one of the key objectives is to deliver a scheme that has an identifiable character. The dwellings within the east parcel would have the appearance of converted farm buildings and the use of a sensitive and mellow palette of materials, such as wood cladding, sitting comfortably in the locality. The elevation treatments to the west parcel would have a number of traditional features and materials. Details would include porches, bay windows and chimneys.
- 4.5 This application has been supported by:
- Planning Statement;
 - Design and Access Statement;
 - Transport Assessment (amended);
 - Tree Report (amended);
 - Drainage Strategy Report (amended);
 - Phase 1 Habitat and Phase 2 Ecology Surveys and Biodiversity Enhancement and Management Plan;
 - Land Contamination Report;
 - Heritage Statement (amended);
 - Energy Statement (amended);

- Air Quality and Noise Impact Assessments (amended);
- Flood Risk Assessment and Technical Note Addendum (amended); and
- Utilities Strategy Report.

The assessment in Paragraph 7.0 below has taken into consideration the content of these reports.

5.0 CONSULTATION RESPONSES

5.1	County Highway Authority	No objections, subject to the imposition of conditions, including the provision of a passing bay. The full comments of the County Highway Authority are provided as Annex A to this report.
5.2	Arboricultural Officer	No comments received. Any received comments will be provided on the update.
5.3	Senior Environmental Health Officer	No objections.
5.4	Natural England	No objections.
5.5	Local Lead Flood Authority	No objections.
5.6	Scientific Officer	No objections.
5.7	Environment Agency	Raised an objection to the original proposal and have been reconulted on the basis of amended details. Any received comments will be provided on the update.
5.8	SCC Archaeological Officer	No objections.
5.9	Surrey Wildlife Trust	No comments received. Any received comments will be provided on the update.
5.10	Thames Water	No objections.
5.11	Urban Design Consultant	An objection is raised to the proposal on its impact on the Green Belt.
5.12	West End Parish Council	Raise an objection in that the development is in the Green Belt for which very special circumstances would have to be proven. The proposal would have an adverse impact on the openness and rural nature of the village. The proposal would lead to substantial traffic activity on Fenns Lane and would have an adverse impact on the very limited infrastructure of the village including highways, medical, educational and other public services and amenities.

6.0 REPRESENTATIONS

At the time of preparation of this report, no representations have been received in support and 108 objections, including an objection from the West End Village Society and the West End Action Group, have been received for the following summarised reasons:

6.1 Principle/Green Belt/Character [See paragraphs 7.3, 7.4 and 7.11]

- Scale of proposal
- Appearance and design is out of character
- Impact on trees
- Impact on character
- The development plan (local and national policy) has been disregarded
- Impact on semi-rural nature in area
- No justification for the erosion of the Green Belt
- Loss of trees (if the highway is to be widened)
- Loss of countryside
- High density (28 dph) compared with nearby dwellings
- Majority of the site is open fields and not previously developed
- Only a small part of the site is previously developed land
- Impact on rural landscape of the area
- If replicated elsewhere could lead to coalescence of settlements
- Two storey properties out of character with chalet style of properties on south side of Fenns Lane
- Impact on character by increased use of verges by passing traffic on Fenns Lane
- Urban character of proposed layout
- Inconsistent with Village Design Statement. Density is far greater than Character Area 3 of the Statement [See paragraph 2.5]
- Low quality of landscape as indicated in the landscape and visual assessment is incorrect. The photos in the assessment demonstrate the quality of this landscape and proposal would not have any beneficial impacts
- Impact on rural character of the streetscene
- Equestrian buildings and use is more in keeping with rural character/Green Belt than current proposal
- Lack of housing provision elsewhere is an extremely weak argument and not sufficient justification in this case

- A lack of housing supply is not always determinative in outweighing Green Belt harm

6.2 Residential Amenity [See *paragraph 7.6*]

- Noise, dust and fumes from increased traffic in the village
- Night time light pollution from houses and additional street lights
- Loss of privacy
- Impact on peace and tranquillity
- Noise pollution
- NPPF policy indicates that development cannot make life worse now or in the future for communities
- Impact of health from air pollution due to increased traffic
- Any enhancement of the site by removing unauthorised uses and development should not be considered to have very little weight as a very special circumstance

6.3 Highway safety [See *paragraph 7.5*]

- Impact on highway safety on Fenns Lane, a narrow country lane without footpaths and blind bends, and increased accident risk and use of verges for passing traffic
- Sustainability
- Limited and expensive bus services
- Impact on local roads and highway safety during construction
- Increased highway safety risk on local roads, including Kerria Way which is used by school children and the elderly
- Impact on proposed one-way system [*Officer comment: A one-way system is not being proposed*]
- Impact on traffic congestion
- Traffic assessment does not taking into consideration the lower level of existing traffic from equestrian-based traffic which includes low levels from livery
- Fenns Lane is not a safe cycling route (as indicated in the traffic statement)
- Traffic assessment understates the impact of the proposal
- Traffic assessment understates impact of increased traffic on Brentmoor Road
- Insufficient parking
- Cumulative impact on traffic (including other committed residential developments in West End) required. No wider assessment (e.g. in Bisley or Gordons Roundabout have been undertaken
- Impact on walkers, dog walkers and school children on Fenns Lane

6.4 Housing need and infrastructure [See paragraphs 7.7 and 7.9]

- Impact on infrastructure, community and other services including doctor's and dentist's services and schools, emergency services
- Cumulative impact on infrastructure with other recent housing developments
- Not providing sufficient affordable housing
- Preferred options (in new local plan) is for small scale development within village
- Too much building in the village, some of which is not yet completed
- No more funding for roads and facilities
- Insufficient information provided about affordable housing provision and little weight attached to this provision

6.5 Other matters

- Nature conservation has been overlooked and ignored [See paragraph 7.10]
- Loss of outlook [Officer comment: This is not a reason to refuse this application]
- Loss of property value and knock-on economic dis-benefits [Officer comment: This is not a reason to refuse this application]
- Impact on wildlife (including deer, birds (including red kites, swallows), newts, bats, weasels, stoats, water voles, badgers, harvest mice and frogs [See paragraph 7.10]
- Impact on fauna (old oaks, wild orchids and orange lichens) [See paragraph 7.10]
- Impact on flood risk with natural floodplain being lost and the river coping with more water [See paragraph 7.8]
- Boardwalk will become water-logged during times of high rainfall/flood [See paragraph 7.8]
- Impact to, and irreversible damage on, green spaces [See paragraphs 7.3 and 7.4]
- Impact on the SPA buffer zone which should remain untouched [See paragraph 7.8]
- Impact on drainage [See paragraph 7.8]
- Loss of natural habitat [See paragraph 7.10]
- Lawfulness of existing use on the site (builders' yard) [Officer comment: This is being considered separately under application SU/19/0214. In addition, see paragraph 7.3]
- Caravan storage is not previously developed land [See paragraph 7.3]
- Reckless interpretation and manipulation of the NPPF must not override common sense [See paragraph 7.3]

- Site falls within the flood plain and surface water takes some time to drain [See paragraph 7.8]
- Flood risk increased due to failure of balancing ponds upstream [See paragraph 7.8]
- Loss of equestrian use [*Officer comment: Noting the amount of equestrian sites in the Borough, this would not be a reason to refuse this application*]
- Full investigation on archaeology required [See paragraph 7.10]
- Bias of submitted reports [*Officer comment: This would not be a reason to refuse this application*]
- Provision of a SANG is not a justification to allow development. However, if approved SANG must form a part of the provided development and not later deleted [*Officer comment: The SANG element of the proposal has been deleted and replaced with public open space*]
- SANG is not large enough to satisfy dog-walking requirements [*Officer comment: The SANG element of the proposal has been deleted*]
- Provision of a SANG will result in more housing proposed elsewhere leading to more pressure on existing services [*Officer comment: The SANG element of the proposal has been deleted*]
- Public consultation does not convey the immense degree of opposition to the proposal. Exit poll has provided a different result (86% opposed and 2% in support) [*Officer comment: This would not be a reason to refuse this application*]
- Pre-demolition survey of asbestos required [*Officer comment: The issue of contamination can be considered by condition if minded to approve. In addition, there are separate powers for the control of asbestos on sites under the Environmental Pollution Acts*]
- Impact on SPA, habitats and protected species (Brentmoor Heath) [See paragraph 7.7]
- Resulting change in the village demographics [*Officer comment: This would not be a reason to refuse this application*]
- Agricultural land is not previously developed land [*Officer comment: The land is currently not used for such purposes*]
- Infiltration drainage is not suitable for this site due to underlying geology of Windlesham Formation of sand, silt and clay [See paragraph 7.8]

7.0 PLANNING CONSIDERATIONS

- 7.1 The proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP5, CP6, CP8, CP9, CP11, CP14, DM9, DM10, DM11, DM12, DM16 and DM17 of the adopted Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Surrey Heath Green Belt and Countryside Study 2017 (GBCS);

Residential Design Guide SPD 2017 (RDG) and The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPD) are also material.

7.2 The main issues in the consideration of this application are:

- Impact on the Green Belt;
- Impact on local character and trees;
- Impact of the proposed accesses on highway safety;
- Impact on highway network, transport sustainability and parking capacity;
- Impact on residential amenity;
- Impact on the Thames Basin Heaths Special Protection Area and Infrastructure;
- Impact on land contamination, flooding and drainage;
- Impact on affordable housing provision; and
- Very special circumstances.

Other matters include:

- Impact on ecology;
- Impact on energy sustainability;
- Impact on play space provision; and
- Impact on archaeology.

7.3 Impact on the Green Belt

7.3.1 Paragraph 133 of the NPPF confirms that the Government attaches great importance to Green Belts. 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 134 of the NPPF confirms that Green Belts serves five purposes which includes the prevention of the merging of neighbouring towns and to assist in safeguarding countryside from encroachment.

7.3.2 Paragraph 145 of the NPPF indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt with a number of exceptions. These include (d) the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces and (g) the complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

7.3.3 Annex 2 of the NPPF defines previously developed land as being land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It is noted that there are a number of exceptions, but none of these apply to this site. In this case, the land includes equestrian and other buildings, with associated paddock land integral to the use of the land, as well as small areas of a builders' yard and caravan storage, which are considered to be lawful under lawful development certificate SU/19/0214 and would therefore be considered to be previously developed land.

The definition in Annex 2, however, confirms that it must not be assumed that the whole of the curtilage should be developed.

- 7.3.4 Whilst the proposal is in outline form, for which only access is to be determined under this application, it is likely to have a significant urbanising impact and loss of openness on the site. The footprint and floorspace of existing buildings amounts to about 637 square metres. Whilst the floorspace and footprint of the proposed dwellings has not been provided (for this outline proposal), it is envisaged that the proposal would result in a large uplift in the built form in terms of floorspace/footprint and spread of development across the site. In addition, whilst there is hardstanding within the builders yard and caravan storage area as well as around the existing equestrian buildings, and a menage, it is envisaged that the proposal would result in further hardstanding (access roads, car parking, drives, etc.).
- 7.3.5 Case law has established that the concept of openness is open textured and has a spatial and visual aspect. In spatial terms, the proposal would provide a significant increase in built form, particularly in terms of volume and floorspace, which are key indicators of a reduction in the impact on the openness of the Green Belt. This would be most apparent to the west part of the western parcel and the west part of the eastern parcel which do not currently contain any buildings.
- 7.3.6 It is considered that the likely form of the development would have an urbanising, visual impact which would alter the character of this edge of the village and will lead to a significant encroachment of development into the countryside. The sites lies within areas G70a and G71 of the GBCS. The GBCS indicates that these areas perform strongly against the purposes of preventing the merging of nearby towns and countryside encroachment exhibiting an open countryside character. In particular G71, which relates to the north part of the site, plays an important role played in preventing development in the narrow gap between Lightwater, Bisley and West End. In addition, the proposal would harm the integrity of the Green Belt, by developing beyond a strong Green Belt boundary (Fenns Lane). Hence, the proposal would also conflict with the purposes of including land within the Green Belt.
- 7.3.7 For the above reasoning the proposal is to be inappropriate and harmful development in the Green Belt. Before considering whether there are very special circumstances, it is necessary to consider whether any other harm exists, in addition to this Green Belt harm.

7.4 Impact on local character and trees

- 7.4.1 Policy DM9 of the CSDMP requires development to respect and enhance the local character paying particular regard to scale, materials, massing, bulk and density. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without compromising local character, the environment or the appearance of the area. Principle 6.6 of the RDG indicates that new residential development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Principle 7.8 of the RDG indicates that designers should use architectural detailing to create attractive buildings that positively contribute to the quality and character of an area. Buildings which employ architectural detailing which is unattractive, low quality or which is not legible will be resisted.
- 7.4.2 There is a distinct difference in character between the north and south side of Fenns Lane. The north side of Fenns Lane is residential, falling within the West End settlement, with predominantly early to mid-twentieth century dwellings typically detached or semi-detached two storey or chalet bungalows, often setback with generously sized front gardens. To the south of Fenns Lane is the more typically open

countryside (in the Green Belt) with sporadic dwellings in between this more undeveloped landscape. The road frontage is heavily landscaped especially to the south boundary which provides a sylvan character to this streetscene. However, views through this landscaping reveal this more open and rural setting.

- 7.4.3 As indicated in Paragraph 4.2 above, the design and access statement indicates that the proposed development would provide different schematic design layouts for the west and east parcels with the west parcel is to be provided on a more traditional suburban arrangement and the east parcel is designed to have the appearance of a farmstead around a central farmhouse. The design and access statement has indicated a traditional approach to design incorporating traditional features.
- 7.4.4 It would have been expected that for this level of development the proposal would have undertaken a design review, but this has not been undertaken. The Council's Urban Design Consultant (UDC) has advised that the proposal would have a detrimental and permanent effect on the visual qualities of the Green Belt transforming the area and providing a built up, suburban character at odds with the rural character of the area. The UDC has indicated that the development in the west parcel would provide a suburban development with an urbanising impact. The east parcel whilst the stable blocks and open court yard approach is appreciated, but the indicative design is dominated by an urban, highly engineered character and too much hardstanding, and does not integrate in the south east corner of the development with the sensitive green surroundings; also being adjacent to a proposed pond. In the officer's opinion, it is therefore considered, the indicative layout has not demonstrated how this development could be successfully integrated into the local environment. The proposal would fail to improve the character and quality of the area.
- 7.4.5 Principle 6.7 of the RDG indicates that parking layouts should be high quality and designed to reflect the strong heathland and sylvan identity of the Borough with parking arrangements softened with generous soft landscaping and breaking up of groups of three parking spaces with intervening landscaping. Principle 6.8 of the RDG indicates that on-plot parking should be generally to the side and rear with Principle 6.9 indicating that car parking courts should be designed with active frontages and attractive places with high quality soft and hard landscaping.
- 7.4.6 The proposed parking would be provided either on-plot (drive/garage parking) with some parking courts. The parking courts would be located principally behind the street frontages and would be provided with soft landscaping to break-up these parking areas. These arrangements are generally considered likely to be likely acceptable in design terms.
- 7.4.7 Policy DM9 of the CSDMP indicates that development will be acceptable where they protect trees and other vegetation worthy of retention and provide high quality hard and soft landscaping where appropriate. There are a number of trees on and around the site none of which are protected under a Tree Preservation Order. However, the largest and most important trees are generally located at the site edges. Whilst the layout is indicative only, the tree report provided with this application indicates that some facilitation tree loss would occur but this more limited tree loss would be offset by tree planting that would be provided across the site, particularly to the public open space. The comments of the Council's Arboricultural Officer are awaited and any received comments will be provided on the update. Subject to no objections raised by the Arboricultural Officer, the proposal is considered to be acceptable on these grounds.
- 7.4.8 As such, it is considered that the proposed development has not demonstrated that it can be accommodated within the site without harm to the rural character and as such does not comply with Policies CP2 and DM9 of the CSDMP and the NPPF.

7.5 Impact on highway network, transport sustainability and parking capacity

- 7.5.1 Policy DM11 of the CSDMP indicates that all development should ensure safe and well designed vehicular access and egress and layouts should consider the needs and accessibility of all highway users including cyclists and pedestrians.
- 7.5.2 The application is in outline only but with the accesses to the site to be determined at this stage. The new accesses would be provided onto Fenns Lane, on the outside of minor bends in the road which aid visibility at these proposed access points. The County Highway Authority (see comments at Annex A) has confirmed that the proposed access points can be designed to provide adequate visibility and therefore provide safe accesses onto the highway network. As such, no objections are raised on this ground with the proposal complying in this regard with Policy DM11 of the CSDMP.
- 7.5.3 Policy DM11 of the CSDMP indicates 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 and mitigate such impacts to acceptable levels can be implemented. Policy DM11 of the CSDMP requires development to comply with the car parking standards. Paragraph 109 of the NPPF indicates that developments should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.5.4 The proposal would add 74 dwellings to the highway network in this area, replacing a commercial (principally equestrian) use, for which the expected level of traffic movements to be generated by the development proposal can be accommodated on the highway network. It is noted that Fenns Lane is fairly narrow without footways in part but the County Highway Authority has indicated that this traffic could be accommodated onto this highway subject to the provision of a passing bay on Fenns Lane, which could be provided by condition (and through a S278 agreement).
- 7.5.5 In support of the application a Transport Statement (TA) has been submitted. This indicates that whilst currently 60 two way trips are generated at the site (due to its equestrian use with a current usage of about 15 horses), it has the capacity to generate 108 two way trips if fully operational (about 27 horses). The County Highway Authority has indicated that whilst some assumptions have been made concerning these estimates, the approach taken is considered reasonable. However, the CHA have considered that most of these trips would occur before the morning peak and after the evening peak. The proposal would generate 172 two way trips per day, with an additional 35 two way vehicle trip movements in the morning (rush hour) peak and 33 in the evening peak.
- 7.5.6 The County Highway Authority concludes that the majority of traffic movements to and from the site would use the Kerria Way roundabout onto the A322 Guildford Road and that, with committed development in other parts of West End, the increased delay in traffic at this junction (10 seconds) at its worst peak is manageable. As such, the proposal has demonstrated that the proposal would not have a severe residual impact on the highway network in accordance with paragraph 109 of the NPPF.
- 7.5.7 The site is located 0.5 kilometres from the centre of West End village. There is a bus service between Bagshot and Knaphill/Woking with bus stops on Guildford Road about 0.4 metres from the site. The site is located close to amenities and therefore is considered to be fairly sustainable in transport terms.

The County Highway Authority has raised no objections subject to the provision of bus stop improvements (raised platforms) to be secured by condition and through the S278 route.

- 7.5.8 The proposal is in outline form and is proposed to provide 141 parking spaces, 17 spaces more than the standard set out in the County's parking guidelines but would include some parking for visitors to the public open space. The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway grounds, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

7.6 Impact on residential amenity

- 7.6.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.

- 7.6.2 The residential properties on the north side of Fenns would face the front boundary of boundary of the application site. The proposal includes single and two storey dwellings facing these properties which, noting the level of separation, is not likely to have any significant impact on residential amenity.

- 7.6.3 Rosedene Farm fronts onto Fenns Lane with the development proposed to wrap around the flank and rear boundaries of this property. The access road is shown close to the east flank with housing to be provided to the west flank and rear. With the details of layout, scale and appearance proposed to be provided at the reserved matters stage and the single/two storey nature of these properties, it is considered that the development could be accommodated with harm to the amenities of the occupiers of this dwelling. The proposed development is therefore likely to have an acceptable relationship with this property.

- 7.6.4 The Barn and Heathermead are located close to the east boundary of the west parcel. With the details of layout, scale and appearance proposed to be provided at the reserved matters stage and the single/two storey nature of these properties, it is considered that the development could be accommodated without harm to the amenities of the occupiers of the dwellings. The proposed development is therefore likely to have an acceptable relationship with these properties.

- 7.6.6 Whilst it is noted that any increase in traffic movements arising for the change of use of the land could result in a material increase in noise levels or increases in other pollutions (e.g. air pollution), the Council's Senior Environmental Health Officer has raised no objections to the proposal.

- 7.6.7 As such, no objection is raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 (iii) of CSDMP.

7.7 Impact on the Thames Basin Heaths Special Protection Area and Infrastructure

- 7.7.1 The application site partly lies within 0.4 kilometres of the Thames Basin Heaths Special Protection Area (SPA). However, the residential element of the proposal would lie beyond the 400 metre buffer edge. The TBHSPD identifies Suitable Alternative Natural Greenspaces (SANGs) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity. Policy CP14 of the CSDMP indicates that "*developments of 10 or more net new dwellings will only be permitted within the identified catchment areas of SANGs.*" The application

site lies within the catchment of Chobham and Windlemere SANGs where there is capacity available for the proposed development. SANG contributions are secured through the Community Infrastructure Levy (CIL) process.

7.7.2 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. This project does not form part of the CIL scheme and a separate contribution is required through an upfront payment or a planning obligation to secure this contribution for this development. The proposal has indicated details of dwelling size (number of bedrooms) but these details can only be confirmed at reserved matters stage and, as such, a contribution in accordance with the SPD would therefore be required. With this provision currently not secured through a legal agreement, an objection is raised on this ground with the proposal failing to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP and the NPPF, as well as guidance within the TBHSPD.

7.7.3 Objectors have raised concerns over the impacts of this development upon existing infrastructure. The Infrastructure Delivery SPD 2014 and the CIL Charging Schedule was adopted by Full Council in July 2014. There are a number of infrastructure projects which would be funded through CIL (The Regulation 123 list). In addition to SANGs this includes, for example, community facilities. These projects are not directly related to the development proposal. CIL is a land charge that is payable at commencement of works. An informative advising of this is to be added.

7.8 Impact on land contamination, flooding and drainage

7.8.1 The proposal has been supported by a land contamination report which concludes that there is no significant contamination on this site. No objections have been raised by the Scientific Officer on these grounds. The proposal is therefore considered to be acceptable on these grounds.

7.8.2 The development element of the proposal would fall within an area of low flood risk (Zone 1 as defined by the Environment Agency). A small part of the development would fall within Zone 2 and the comments of the Environment Agency to the revised drainage/flood risk details are awaited. Subject to their comments, no objections are raised on fluvial flood risk grounds.

7.8.3 The LLFA have considered the impact of the proposal on surface water drainage and considered the proposal to be acceptable. The drainage strategy includes the use of ponds, swales, permeable paving, filter drains and rain gardens to mitigate the impact from water runoff. There is confirmation that there is adequate capacity in the foul system to accommodate this development. No objections are therefore raised to the proposal on surface water flood risk grounds.

7.8.4 As such, no objections are raised on land contamination, flooding and drainage grounds, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

7.9 Impact on affordable housing provision

7.9.1 The proposal would deliver 74 (net) residential dwellings and accordingly, the provision of 30 affordable housing units within the scheme would be required to comply with Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012. The provision this level of affordable housing is to be secured through a legal agreement. Without the securing of this provision to date, an objection is raised on this grounds with the proposal failing to comply with Policy CP5 of the CSDMP.

7.10 Other matters

- 7.10.1 Policy CP14 of the CSDMP indicates that development that results in harm to or loss of features of interest for biodiversity will not be permitted. The ecological report provided with this application indicates that the application site has site value for roosting bats, nesting birds, common amphibians, reptiles and badgers. Avoidance/mitigation measures, would be put in place to allow the development to proceed without harm to these species and ecological enhancements provided. Surrey Wildlife Trust has raised no objections indicating that the avoidance/mitigation measures and proposed ecological enhancements would prevent adverse effect to legally protected species from the proposed development and help to offset any adverse effects to the biodiversity of the site resulting from the development. As such, no objections are raised on the grounds with the proposal complying with Policy CP14 of the CSDMP and the NPPF.
- 7.10.2 Policy CP2 of the CSDMP indicates that development should assist in supporting renewable and low carbon energy to reduce energy consumption. In this regard, the energy statement has indicated that the use of photovoltaic panels to south facing roof slopes and heat recovery ventilation systems, as well as passive measures (e.g. insulation) to provide benefits to energy consumption. These benefits are considered to be acceptable in meeting the requirements of Policy CP2 of the CSDMP in this respect.
- 7.10.3 Policy DM16 of the CSDMP indicates that development would be expected to provide or contribute towards open space and playspaces. The current proposal would provide a Local Equipped Area of Play (LEAP) and further open space within the development. As such, no objections are raised on these grounds with the proposal complying with Policy DM16 of the CSDMP.
- 7.10.4 Policy DM17 requires that development on sites over 0.4 hectares require an archaeological assessment. An evaluation has been provided and the SCC Archaeological Officer has raised no objections subject to a condition for the implementation of a programme of archaeological work. As such, no objections are raised on these grounds with the proposal complying with Policy DM17 of the CSDMP.

7.11 Very special circumstances

- 7.11.1 Paragraphs 143 and 144 of the NPPF indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities, should ensure that substantial weight is given to any harm to the Green Belt. "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.
- 7.11.2 The identified harm for this application is the impact of the proposal on the Green Belt and rural character. In addition, the identified harm includes the impact on affordable housing provision and the SPA on the basis that a legal agreement to mitigate these impacts has not been provided to date.
- 7.11.3 The applicant has indicated that the site should be considered as previously developed land, as a whole, and is in a poor visual condition. They have put forward very special circumstances in support of the proposal as follows:
- Lack of housing supply and delivery with the planning balance weighing in support of the proposal;

- Benefits of using previously developed land; and
- Provision of public open space, visual improvements to the site, the visual self-containment of the site and improvements to public right of way (PROW) i.e. Public Footpath No. 124.

Lack of housing supply and delivery with the planning balance weighing in support of the proposal

- 7.11.4 Paragraph 59 of the NPPF confirms that to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 of the NPPF indicates that a five year supply of housing should be identified (with a buffer) and Paragraph 75 of the NPPF indicates that an action plan to increase the delivery of housing where the Housing Delivery Test (95% of annual provision) is not met for the previous three years.
- 7.11.5 Where a five year supply of housing (with buffer) cannot be identified, Paragraph 19(d) of the NPPF indicates that housing policies would be treated as out-of-date and planning permission should be granted unless other NPPF policies to protect specified areas provides a clear reason to refuse the application. Green Belt are one of these protected areas. As such, even if a five year supply of housing (with buffer) cannot be identified in the Borough, this would not be a sufficient justification to allow this development in the Green Belt. This approach has been agreed in recent case law.
- 7.11.6 The Council has provided an updated Housing Land Supply paper in August 2019 which indicates that a 5.32 year supply of housing is available and the Housing Delivery Test has been met. As such, the Council does not need to release further sites for housing in the Green Belt and so limited weight is given to this benefit.

Benefits of using previously developed land

- 7.11.7 The applicant considers that the site is previously developed land (PDL). The Council agrees that the mix of equestrian uses (across both parcels) and builders' yard and storage of caravans (on a small part of the eastern parcel) would be previously developed land as defined by Annex 2 of the NPPF. However, as indicated in Paragraph 7.3.2 above, this does not mean that all parts of previously developed land should be developed on. In addition, Paragraph 145(g) of the NPPF indicates that to meet this exception to inappropriate development, development on previously developed land would not have a greater impact on the openness of the Green Belt than the existing development.
- 7.11.8 The applicant has indicated the Council's support for the Fair Oaks village as an example of residential redevelopment of previously developed land in a more remote location in the Green Belt. However, no decision has been made yet on the Fair Oaks application (18/0624) which is still under consideration; and, in any event each proposal is assessed on its own merits.
- 7.11.9 As indicated in section 7.3 of this report, a large increase in built form and spread of development across the site would occur from this development. It is not considered that the previously developed nature of this site should lead to its redevelopment in the likely proposed form which would be significantly more harmful to openness than the existing development. As such, very limited weight is given to the argument.

Provision of public open space, visual improvements to the site and improvements to public right of way (PROW) i.e. Public Footpath No. 124

- 7.11.10 The proposal would include proposals to improve the visual appearance of the site, particularly to the southern portion with the provision of public open space in this location and improvements to the environment of the public footpath route which would have some benefits. It is noted that the UDC raises concerns about the potential for a more intensive use of this land including the urbanising impact resulting from an over-ornate soft landscaping scheme and the criss-crossing of footpaths across the open space suggested within the original SANG proposal and the boardwalk. The landscaping details would be dealt with at the condition stage, if minded to approve, and it is expected that the landscape design would be more simplified and would provide a landscape proposal akin to the general landscape and not an urban park. Notwithstanding this benefit, it is considered that this does not outweigh the likely harm from the development highlighted above.
- 7.11.11 It is considered that in combination, very special circumstances do not exist to outweigh the significant harm of the development on the Green Belt. An objection is raised on these grounds with the proposal failing to comply with the NPPF.

8.0 WORKING IN A POSITIVE MANNER

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.

9.0 CONCLUSION

- 9.1 The proposal is acceptable in relation to its impact on residential amenity; housing mix; land contamination, drainage and flood risk, archaeology; ecology and highway safety.
- 9.2 The proposed development is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The development would cause significantly more harm to Green Belt openness than the existing development and would conflict with the purposes of including land within the Green Belt. In addition, further harm exists as it has not been demonstrated how the proposal could successfully integrate into its rural setting. Moreover, a legal agreement would be required to secure a SAMM payment and affordable housing provision and has not been secured to date. Very special circumstances do not exist to outweigh the identified harm. As such, this application is therefore recommended for refusal.

10.0 RECOMMENDATION

REFUSE for the following reason(s):-

1. The proposal by reason of the increase in the quantum of built form and spread of development across the site would have a substantially greater impact on the

openness of the Green Belt than the existing development, both spatially and visually, and would therefore be inappropriate development in the Green Belt. By association, the proposal would conflict with the purposes of the Green Belt by failing to safeguard the countryside from encroachment and preventing the merging of nearby towns. There are no very special circumstances to outweigh this harm to the Green Belt (and other harm resulting from the proposal, identified in reasons 2- 4 below). The proposal therefore fails to comply with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Policies 2012 and the National Planning Policy Framework.

2. The southern side of Fenns Lane is rural and open in character and it has not been demonstrated to the satisfaction of the Local Planning Authority that the indicative layout, by reason of its quantum of built form and spread of development across the site, could be accommodated on the site and integrate into this countryside setting. As such the development would urbanise and harm the rural character of the area and fail to promote local distinctiveness. The proposal would therefore be contrary to Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Policies 2012 and the National Planning Policy Framework.
3. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2019).
4. The proposal fails to provide a satisfactory legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the on-site delivery of affordable housing. The proposal therefore does not satisfactorily address the requirements of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2019.