

<b>LOCATION:</b>	Land At Former Cheswycks School, Guildford Road, Frimley Green, Camberley, Surrey, GU16 6PB,
<b>PROPOSAL:</b>	A hybrid planning application (part outline, part full) for the erection of 13 self-build dwellings within serviced plots with associated car parking, landscaping and other associated works (outline including the details of access, layout and landscaping to be determined), and a full details application for the erection of a pavilion for a retained tennis court, following the removal of remaining structures. Details of access, layout and landscaping to be determined.
<b>TYPE:</b>	Outline
<b>APPLICANT:</b>	Mr Adam Stratford
<b>OFFICER:</b>	Mr Duncan Carty

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

**1.0 SUMMARY**

- 1.1 This hybrid application relates to the provision of 13 detached dwellings within the Countryside (beyond the Green Belt) to the east of Frimley Green and south of Deepcut with associated accommodation. The site is located behind landscaping fronting Guildford Road, to the west of the Deepcut Bridge Road junction on a former school site which was substantially burned down in 2007. A caretaker's dwelling on the site has more recently been demolished.
- 1.2 The proposal relates to a self-build project for which the developer would provide the access and servicing arrangements, as well as the offsite works, e.g. woodland management, refurbished tennis court (and associated pavilion) and play space provision, with the plots sold to individuals to submit the reserved matters and to develop each residential plot as a detached residential unit. The application is a hybrid proposal with the residential dwellings in outline (with details of access, layout and landscaping to be determined under this application and details of external appearance and siting reserved matters) as well as full details for a pavilion building to support the refurbished tennis court. A play area and communal open space are to be provided.
- 1.3 The application is an alternative to the previously approved residential scheme on the site, which was considered to be acceptable in respect of the principle of development. Whilst the current proposal would lead to further development on a slightly larger area, the benefits of the provision of self-build units overcomes any increased impact on the countryside. No objections are also raised on local character, residential amenity, highway safety, ecology and trees. Subject to the completion of a legal agreement to ensure that the development is implemented as a self-build development and measures to provide mitigation towards SAMM and SANG and a contribution towards affordable housing provided elsewhere in the Borough, no objections are raised to the proposal.

## **2.0 SITE DESCRIPTION**

- 2.1 The site is located on the north side of Guildford Road and to the west of the Deepcut Bridge Road junction. The site lies in the defined Countryside (beyond the Green Belt) to the east of the settlement of Frimley Green and south of Deepcut. Whilst the site measures 1.9 hectares, and there is further woodland to the north under the applicant's control, only a proportion of the site is to be developed for housing. The school on this site closed in the 1990's and was substantially burned down in 2007. The main school building was located roughly towards the middle of the site. The former caretaker's dwelling on the site was removed in 2018 and there are no buildings which now remain on the site.
- 2.2 There is evidence of hardstanding for the former school buildings, playgrounds, access road(s), car parking, swimming pool accommodation, etc., and these areas have been recently cleared of undergrowth, and the access road up to the main school buildings. There are a number of mature trees on the site, including a tree belt between the car parking and siting of the main school buildings and another tree belt to the site frontage. There is woodland to the west and north of the site. Tree Preservation Order No. 17/06 relates to individual trees and tree groups within the site. The land falls from the south west to the north east part of the site. Part of the wider site lies within 400 metres of the Thames Basin Heaths Special Protection Area.

## **3.0 RELEVANT HISTORY**

- 3.1 SU/15/0568 – An outline application for the erection of a two storey building with accommodation in the roof to provide a 62 bedroom care home including car parking, landscaping, access and associated works.

*Approved in September 2015.*

- 3.2 SU/17/0765 – Erection of 10 no. detached four bedroom dwellings with integral garages with landscaping and access following the demolition of existing buildings.

*Approved in March 2018.*

## **4.0 THE PROPOSAL**

- 4.1 This hybrid application relates to the outline application relates to the provision of 13 residential dwellings within serviced plots provided with an access from Guildford Road in outline and pavilion (with full details). The details of access, layout and landscaping are to be determined under the outline element of this application. Siting and external appearance are reserved matters. The proposal relates to self-build plots for each individual owner/occupier to construct their own dwellings within their plots and it is expected that each owner/occupier will be submitting their own reserved matters applications.
- 4.2 The pavilion building would support an existing (refurbished) tennis court and would be located west of the residential plots with a play space and open amenity area for future residents. The pavilion building would measure 3.5 by 6.6 metres, with a hipped roof over the building and veranda, with a ridge height of 4.6 metres, with a cupola and weathercock above, and would be traditional (Victorian) in design.
- 4.3 The plots would be arranged around the end of the access road and would be located towards the north east corner of the site. All of the plots would be provided at least 400 metres from the SPA and would be provided across approximately 40% of the application site. The remaining land would be provided as open space with woodland to the north. The plots would be serviced by providing access, drainage (outside plot) and utility connections, play and open space, refurbished tennis court and tennis pavilion.

- 4.4 The development is to be provided in two phases. The developer is to provide the infrastructure for the development, including the road access, utility services, drainage (outside of the plots), and other parts of the development including the open and play spaces, tree, woodland and ecological management of the land (outside of the plots), tennis court refurbishment and pavilion. The access road would be provided predominantly using the same principal access road which is currently in a poor condition and will need resurfacing or replacing. The plots will be remediated for contamination and delineated on the ground. The future dwelling owners would take forward the development including the approval of reserved matters application for their building plot, design and build of their dwelling, and provide landscaping and drainage within their plot, as well as remediate any unexpected contaminants uncovered on their plot.
- 4.5 The proposal has been provided with a design code with parameter plans. This code provides the following details:
- Maximum height for the development;
  - Maximum floor area of development;
  - Build areas within each plot (roughly 50% of the floor area of each dwelling) and plot areas;
  - A palette of materials to be used (brickwork; render; timber cladding; and slate and plain clay tiles);
  - Contextual cross-section;
  - Management regimes;
  - Public realm details; and
  - Tree constraints.

It is expected that the proposal would provide traditional built forms, including pitched roofs, but to be built in accordance with this design code.

- 4.6 The application is also supported by the following documents:
- design and access statement;
  - planning statement;
  - arboricultural impact assessment;
  - ecological impact assessment;
  - surface water management strategy;
  - archaeological assessment;
  - transport statement; and
  - contaminated land assessment.

## 5.0 CONSULTATION RESPONSES

- |     |                                     |  |
|-----|-------------------------------------|--|
| 5.1 | County Highway Authority            | No objections subject to conditions [ <i>A copy of their comments are appended as Annex A</i> ].   |
| 5.2 | Arboricultural Consultant           | No objections  |
| 5.3 | Senior Environmental Health Officer | No objections subject to condition.  |
| 5.4 | Natural England                     | No objections on the basis that the proposal meets the requirements of the SPD (in terms of SAMM and SANG contributions) and that the residential development falls outside of the 400 metre SPA buffer. |
| 5.5 | Local Lead Flood Authority          | No objections are raise subject to the imposition of conditions.   |
| 5.6 | Surrey Wildlife Trust               | No objections subject to conditions and the provision of a Landscape and Ecological Management Plan (LEMP).  |

- |     |                        |  |
|-----|------------------------|--|
| 5.7 | Scientific Officer     | No objections subject to conditions to address likely land contamination issues at the site. |
| 5.8 | Joint Waste Solutions  | No objections, providing advice on bin sizes and collections.                                |
| 5.9 | Archaeological Officer | No objections subject to condition.  |

## **6.0 REPRESENTATION**

6.1 At the time of preparation of the report, no representations were received in support and two objections have been received, including an objection from the Mytchett, Frimley Green and Deepcut Society, raising objections for the following reasons:

- ☐ Dangerous site access (which should be moved) with limited visibility on a bend in the road and at the top of a hill.

## **7.0 PLANNING CONSIDERATION**

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, and DM16 of the 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, Residential Design Guide SPD 2017 (RDG); the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPA); the National Design Guide 2019 (NDG); and in the Surrey Heath Green Belt and Countryside Study 2017 (GBCS) are also material.

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

- Principle for the development;
- Impact on the countryside, trees and rural character;
- Impact on highway safety;
- Impact on residential amenity;
- Impact on the Thames Basin Heaths Special Protection Area, ecology and local infrastructure;
- Impact on land contamination, flooding and drainage; and
- Impact on affordable housing provision.

Other matters include:

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

### **7.3 Principle for the development**

7.3.1 The proposal relates to the redevelopment of previously developed land in the countryside. Residential development has been previously approved at the site which remains extant. In addition, the proposal relates to a major self-build project which would provide the first such proposal in the Borough. There is a lack of available serviced land for such proposals.

7.3.2 A serviced plot of land is a plot of land that has access to a public highway and has connections for electricity, water and waste water or, in the opinion of the local planning authority, can be provided with access to these services. However, as in the case of this proposal, there is no expectation that services must be physically connected to the plot at the time of the granting of a planning permission.

- 7.3.3 The NDG advises that the self-build and custom build approach provides new options for housing delivery. This approach embeds homeowners into the design process from the start and ensures that homes are fit for their needs. It allows homeowners to, within parameters, decide on the size and layout of the house and specify the design and build style of the house. Homeowners can decide how involved they wish to be in the design and build process; and provides flexibility in this regard. Homeowners can work with an architect to design and plan the house, hire tradespeople to construct the house and add essential utilities, and decorators to finish the house. Alternatively, they can undertake some (or all of these works) themselves.
- 7.3.4 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) is concerned with increasing the availability of land for self-build and custom housebuilding. The regulations which support this legislation sets out the requirements and criteria, including local eligibility, for providing a register of those interested in self-building and to consider when local planning authorities can demonstrate that the demand for self-build plots has been satisfactorily met. This assessment is made for provision against this demand within specified base periods.
- 7.3.5 The legislation requires all councils to grant permission for enough serviced plots to meet the demand for self-build and custom housebuilding that arises from each base period. In this case, there is a proportion requirement for 28 units to be provided because there are currently 84 entrants on the Surrey Heath self-build register. This is the first such project and the proposal will provide towards this target and, as such, it is considered that this is a significant benefit of the proposal. As such, the principle for the development is established subject to the assessment below.

#### **7.4 Impact on countryside, trees and rural character**

- 7.4.1 Paragraph 170 of the NPPF indicates that development should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including trees and woodland. Paragraph 5.6 of the CSDMP, which supports Policy CP1, indicates that inappropriate development within the defined countryside will cause harm to its intrinsic character and beauty, landscape diversity, heritage and wildlife.
- 7.4.2 Policy CP1 of the CSDMP indicates that new development will come forward largely through the redevelopment of previously developed land in the western part of the Borough and that development in the countryside beyond the Green Belt which results in the coalescence of settlements will not be permitted. Policy DM9 of the CSDMP indicates that development will be acceptable where they respect and enhance the local or natural character of the environment be it in an urban or rural setting, paying regard to scale, materials, massing, bulk and density. Policy DM9 also indicates that development will be acceptable where it protects trees and other vegetation worthy of retention and provides high quality hard and soft landscaping schemes.
- 7.4.3 The current proposal would lead to an expansion over the size of the extant development under permission SU/17/0765, as can be seen in the following table:

	Former school	Approved housing development	Current proposal
Floorspace	1,700 sq.m.*	2,700 sq.m.	3,657 sq.m.
Footprint	1,380 sq.m.	933 sq.m.	Not known
Hardstanding	4,825 sq.m.	2,664 sq.m.	2,664 sq.m.
Maximum height	Not known	9.0 m.	9.6 m.

Volume	Not known	8,320 cu.m.	Not known.
Developable area	3.18 ha.	0.98 ha.	1.06 ha.

\*Estimated

The expansion in terms of the floorspace increase is likely to increase building mass and form which would have an impact on the countryside setting. The more minor increases in maximum height and developable area would have additional impact. However, these increases need to be seen against the need for self-build serviced plots, as set out in Paragraph 7.3 above, and that the site is previously developed land. The uplift in units and floorspace is also required to secure sufficient return because a more limited return is gained from such self-build developments (where much of the profit gained from market housing schemes lies in the build process). In addition, such development is more difficult to integrate into an urban setting because of the variety of expected building design, form and materials that would be provided by such projects. It is therefore considered that this greater impact on the countryside is considered to be acceptable in this instance.

- 7.4.4 The proposal would provide a traditional design approach in terms of built form, using traditional pitched roof forms, rather than a more contemporary (e.g. flat roof) design. This would provide the development with a design integrity which could be lost if a wider range (i.e. mixing traditional and contemporary design responses) of building forms were accepted. Nevertheless, there would be an expectation that such development would provide a more varied built form. It is the range of finishes and the build design/size which would provide variety to the dwellings within this development. Whilst the built form does not need to integrate into any existing built development in this rural location, it is considered that the design integrity should be maintained because the development would need to integrate into its countryside setting and could be seen from Guildford Road.
- 7.4.5 The design and access statement indicated that the architectural vision of the project is based around the provision of villas within a parkland setting. As a counterpoint to the approved layout, the scheme is conceived as a more relaxed development, with a larger central focal green, containing a swale, where a small number of homes would appear to be set within other existing “clearings” within the woodland. The new dwellings would need to comply with the design code and would be individually assessed by the Council through the required reserved matters applications required to be secured prior to construction.
- 7.4.6 The tennis court pavilion would be provided alongside the existing tennis court. The pavilion is small in scale and would not in itself have any significant effect upon the countryside character. The provision of a play area (see Paragraph 7.9.1) and footpath link nearby would also have very little impact on the countryside setting but would provide benefits for the proposal and improve the visual appearance of the wider site, which is currently in a relatively poor condition.
- 7.4.7 The site includes a range of trees within the site which are protected under TPO No. 17/06. In addition, there is woodland to the north and west, predominantly outside of the application site, which is under the control of the applicant. The proposal would seek the retention of the protected trees within the site and woodland management in the longer term. This will also provide genuine improvements to the appearance of the wider site. The design and access statement confirms that the proposal included the provision of extensive open space and is landscape led, through the utilisation of the inherited green infrastructure assets drawing the best from the site features and landscape character. This is considered to be a benefit of the proposal.
- 7.4.8 The open space, play area, tennis court and pavilion and woodland would be managed in the longer term by the applicant, through a management company to ensure that the quality of these spaces and building are retained in the longer term.

7.4.9 To protect the visual amenities of the countryside and to protect the design integrity of any future extensions or outbuildings, it is considered appropriate to remove the permitted development rights for the proposed dwellings within this proposal. The proposal is considered to be acceptable on its impact on the countryside, trees and rural character complying with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

## **7.5 Impact on highway safety**

7.5.1 Policy DM11 of the CSDMP indicates that development which would adversely impact the safe and efficient flow of the highway network will not be permitted unless it can be demonstrated that measures to reduce or mitigate such impacts to more acceptable levels can be implemented. All development should ensure that safe and well-designed vehicular access and egress is provided. Policy CP11 indicates that development shall comply with parking standards.

7.5.2 The proposal would use the existing access onto Guildford Road, which is on the inside of a bend and close to the brow of a hill. Visibility will need to be improved for safe access and egress, and has been requested by the County Highway Authority. The Authority has advised that the access would be provided onto a road with a 40 mph speed limit. Speed data has been provided and that Authority is satisfied that the resultant data is sufficient to provide the visibility splays of 2.4 by 108 metres without the need for any speed calming measures.

7.5.3 The County Highway Authority has advised that the application site is not an ideal location in sustainable transport terms as it is not easily accessible except by the motor car. However, they acknowledge that some developments, in more rural locations, will not be able to meet the requirements of locational and transport policies and that the wider sustainability of the development is not just reflected in transport terms.

7.5.4 The current proposal would provide a net increase of three residential units for this site, above the approved scheme, which would not materially affect the level of expected trip generation to and from the site over and above the level of trip generation for the extant scheme. The County Highway Authority has considered that the proposal is unlikely to lead to a significant increase in vehicle movements to and from the site and it is unlikely to have a material impact on highway safety issues.

7.5.5 Two parking spaces are to be provided within individual plots to meet the SCC guidance requirements. No objections are raised to this level of provision. As such, no objections are raised to the proposal on these grounds with the proposal complying with Policies CP11 and DM11 of the CSDMP and the NPPF.

## **7.6 Impact on residential amenity**

7.6.1 Policy DM9 indicates that development will be acceptable where it provides sufficient private and public amenity space and respects the amenities of the occupiers of neighbouring properties and uses. The nearest residential properties are Corry Hill to the west, Ivy Bungalow to the east and Restomel to the south. All of these properties are set significant distances from the developable part of the site to have any material effect.

7.6.2 The proposal provides, within the design code, plot specific design codes which provides details of the expected residential layout for each plot. The exact position of the individual dwellings is not fixed at this stage but the garden areas shown would indicate that sufficient garden areas would be provided to serve each dwelling. To safeguard privacy between dwelling plots, restrictions on any side facing windows, where appropriate, are to be restricted by condition.

- 7.6.3 The site falls within a more rural location and background ambient noise levels would be expected to be relatively low. However, the influence of the rail line to the north, albeit within a deep cutting, and the road network, especially Guildford Road, could have an impact on noise for future residents. A condition to secure noise reduction is proposed.
- 7.6.4 No objections are therefore raised to the proposal on these grounds with the proposal complying with Policy DM9 of the CSDMP and advice in the RDG.
- 7.7 Impact on the Thames Basin Heaths Special Protection Area, ecology and local infrastructure**
- 7.7.1 Policy CP14 of the CSDMP indicates that the Council will only permit development where it is satisfied that this does not give rise to likely significant adverse effect on the Thames Basin Heaths Special Protection Area (SPA). All net residential development within 5 kilometres of the SPA is considered to give rise to the possibility of likely significant effect. No (net) residential development will be permitted within 400 metres of the SPA and proposals for development between 400 metres and 5 kilometres will be required to provide appropriate measures to avoid adverse effects on the SPA, in accordance with the THBSPA. The wider site includes land within 400 metres of the SPA; but this part of the site is not proposed to provide residential properties (or their curtilages). Policy CP14 confirms that appropriate measures include contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring (SAMM) measures. Policy NRM6 of the SEP and the NPPF reflects this policy.
- 7.7.2 Contributions towards SANG are normally delivered through CIL. SAMM provision falls outside of CIL and therefore has to be provided by an upfront payment or secured through a legal agreement. In this case, and because the size (number of bedrooms) of the dwellings is not fixed at this (outline) stage, the requirement is to provide the amount in accordance with the SPD. A legal agreement has been provided in this respect. As such, no objections are raised to the proposal on SPA grounds with the proposal complying with Policy CP14 of the CSDMP; Policy NRM6 of the SEP; the NPPF and guidance within the TBHSPA.
- 7.7.3 Policy CP14 of the CSDMP indicates that the Council will seek to conserve and enhance biodiversity within the Borough and developments that result in harm to or loss of features of interest for biodiversity will not be permitted. Development will where appropriate be required to contribute to the protection, management and enhancement of biodiversity. The site lies within the countryside and about 100 metres (minimum) from a Site of Nature Conservation Interest. There would be an expectation that the site could provide habitats for protected species.
- 7.7.4 The ecological report provided with the application confirms that the site provides common habitats including small areas of mixed and broadleaved woodland, semi-improved acid grassland, scattered trees, scrub, ruderal and continuous bracken. The site could support roosting, foraging and commuting bats, foraging badger, hazel dormouse, breeding birds, hedgehogs and notable invertebrates such as stag beetle and is known to support a low population of common reptile species.
- 7.7.5 The ecological report confirms that compensation and mitigation measures would be provided including the provision of a reptile fence around the development part of the site and translocation of reptiles from within this part of the site; a watching brief during site clearance; no vegetation clearance during the nesting season; deep excavations to be covered to ensure foraging badgers do not become trapped; and a bat box to replace loss of roosting features (due to the removal of a tree). A Landscape and Ecological Management Plan (LEMP) would be provided for this development (by condition). The Surrey Wildlife Trust has raised no objections to the proposal on this basis. No objections are raised on biodiversity grounds with the proposal complying with Policy CP14 of the CSDMP and the NPPF.

7.7.6 Policy CP12 of the CSDMP indicates that sufficient infrastructure will be provided to support the development proposal. Where funding gaps for infrastructure have been identified, the Council will require developers to make a contribution towards the shortfall in funding. This is to be provided through the Council's CIL scheme. This is funded through a levy system and is secured outside of the application process. As such, no objections are raised on these grounds with the proposal complying with Policy CP12 of the CSDMP and the NPPF.

## **7.8 Impact on land contamination, flooding and drainage**

7.8.1 Paragraphs 178 and 179 of the NPPF indicates that planning decisions should ensure that account is taken of ground conditions and any risks arising from contamination and where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or land owner. The former use of the site, and processes likely to have taken place with that use, the likely materials (e.g. asbestos) of the temporary buildings on the site and the major fire at the site would lead to a potential for land contamination at the site. The contamination assessment report, provided by the applicant, comes to that conclusion. The development of the individual plots at different times could also lead to re-contamination of plots, which are to be developed and have been remediated which adjoin plots which have not been remediated where the development is not to commence at that time. The Scientific Officer has considered that the proposal is acceptable subject to a condition which considers any uncovered contamination and a remediation strategy but also takes into consideration this scenario.

7.8.2 Policy DM10 of the CSDMP indicates that in order to manage flood risk, a sequential approach to determining planning applications. The site falls within an area of low flood risk (Zone 1) and the developable sites is less than 1 hectare. As such, it is not considered that the proposal would lead to increased flood risk, subject to Paragraph 7.8.3 below.

7.8.3 Policy DM10 of the CSDMP also indicates that development will be expected 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. The proposal would provide a mix of on-plot drainage (such as soakaways) where this is appropriate and off-plot accommodation including a balancing pond. Subject to condition, no objections are raised by the LLFA.

7.8.4 As such, no objections are raised on contamination, flood risk 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 Policy CP5 of the CSDMP requires developments of this scale to provide 30% affordable housing. However, this proposal relates to a self-build project for which on-site provision, i.e. provided for an affordable housing provider, would lead the scheme to not be a self-build scheme. Under such circumstances, a contribution towards the delivery of affordable housing elsewhere in the Borough is required.

7.9.2 A contribution of £60,495 would be secured through a legal agreement and, subject to this provision, no objections are raised to the proposal on affordable housing provision grounds with the proposal complying with Policy CP5 of the CSDMP and the NPPF.

## **7.9 Other matters**

7.9.1 Policy DM16 of the CSDMP requires the provision of adequate play space provision for residential developments. With the location of the site, this provision should be provided on the site. The proposal includes the provision of a play area to the west part of the site which would meet this requirement, subject to the approval of details.

7.9.2 Policy CP2 of the CSDMP indicates that development will be required to provide measures to improve energy efficiencies and sustainability. With the proposal at outline stage with external appearance (and therefore design) a reserved matter, it is considered prudent to agree these details by condition. However, the design and access statement provided with this application sets out a number of sustainability benefits which could be provided by this development, including the use of low carbon technologies into the development, where this is practicable; improving the energy efficiency of the dwellings; using appliances, fixtures and fittings to reduce the use of water; limiting waste production during construction; promoting recycling and reducing the resources overall required for construction and occupation, after.

7.9.3 Policy DM17 of the CSDMP indicates that on sites of 0.4 hectares or over, a prior assessment of the potential archaeological significance of the site has to be undertaken. In this case, a desk-based assessment has been provided which indicates that the site has a low archaeological potential but should be the subject of further investigation (trial trench evaluation). The Archaeological Officer has been consulted and raise no objections subject to the imposition of a condition.

## **8.0 POSITIVE/PROACTIVE WORKING**

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 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 current proposal is considered to be acceptable in terms of its impact on rural character and trees, residential amenity; highway safety; rural character and trees; infrastructure and ecology; land contamination, drainage and flood risk; affordable housing; play space provision, energy efficiency and archaeology. The increase in likely size of the development would have an increased impact on the countryside but is considered to be justified on the basis that this delivers a significant amount of self-build development. Subject to securing this as a self-build project, and contributions towards SAMM and affordable housing provision (to be provided elsewhere in the Borough), the proposal; is considered to be acceptable.

## **10.0 RECOMMENDATION**

GRANT subject to a legal agreement to ensure that the proposal is a self-build project and to secure contributions towards SAMM and affordable housing provision elsewhere in the Borough and the following conditions:

1. Approval of the details of the scale and appearance of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(a) Application for approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission.

(b) The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To prevent an accumulation of unimplemented planning permissions and to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and the Compulsory Purchase Act 2004.

2. Except where required by Conditions 3 and 4 below, the proposed development shall be built in accordance with the following approved plans: 3542\_106, 3542\_108, 3542\_109, 3542\_111, 3542-112, 3542\_114, 3542\_115, 3542\_116 and 3542\_117 received on 20 December 2019; 3542.P.101 Rev B, 3542.P.102 Rev B and 3542.P.105 Rev D received on 3 February 2020; and 3542\_07 Rev A, 3542\_110 Rev A, 3542\_113 Rev A, 3542\_118 Rev A and 3542.P.119 received on 9 March 2020; 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 applications for the approval of the reserved matters pursuant to this outline planning permission shall be in accordance with the Design Code by BHP Harwood Architects [Ref: 3542 DESIGN CODE Rev E (March 2020)] received on 9 March 2020; except where varied by the requirements of the conditions below.

Reason: In the interests of the visual amenity of the countryside and local character and to comply with Policies CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

4. The residential dwellings shall have a maximum floorspace (gross external area) as follows:

- Plots 1, 2 and 3 - 335 square metres
- Plots 4, 5, 8 and 9 - 238 square metres
- Plots 7 and 10 - 293 square metres
- Plots 6 and 13 - 282 square metres
- Plots 11 and 12 - 275 square metres

Unless the prior written approval has been obtained from the Local Planning Authority. For the avoidance of doubt, any roof level floorspace will be included which has a minimum floor to ceiling height of 1.5 metres.

Reason: To enable the Local Planning Authority to retain control over the size of the development in the interests of visual amenity of the countryside and to accord with Policy CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

5. Prior to the submission of the first application for the approval of any reserved matters pursuant to this outline planning permission, the applicant shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To comply with Policy DM17 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

6. Visibility zones shall be provided in accordance with Drawing No. 3580-1200-T-005 A, and thereafter the visibility zones shall be kept permanently clear of any obstruction between 1 and 2 metres above carriageway level.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7. Each dwelling hereby approved shall not be occupied unless and until a scheme to provide on-site parking for that plot has been submitted to and approved by the Local Planning Authority and provided on the plot in accordance with the approved details.

Reason: The condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with Policies CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. No development shall take place until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) 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 condition above is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to protect the amenities of residents in accordance with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and thereby reduce the reliance on the private car and meet the prime objective of the National Planning Policy Framework.

9. The dwellings hereby approved shall not be occupied until the relevant dwelling has been 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 by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To improve site sustainability and to comply with Policies CP2, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. The details of external lighting (outside of the residential development plots) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of any of the dwellings hereby approved. The development shall be implemented in accordance with the approved details prior to occupation.

The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification

Reason: In the interests of nature conservation, residential and visual amenities of the countryside and to accord with Policies CP2, CP14 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

11. The details of external lighting (within the residential development plots) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the dwelling hereby approved within that plot. The development shall be implemented in accordance with the approved details prior to occupation of the dwelling within that plot.

The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification

Reason: In the interests of nature conservation, residential and visual amenities of the countryside and to accord with Policies CP2, CP14 and DM9 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) no further extensions, roof alterations, outbuildings shall be erected or undertaken without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargement, improvement or other alterations to the development in the interests of visual amenity of the countryside and residential amenity and to accord with Policy CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

13. Before first occupation of the development hereby approved any window(s) in the flank elevations of the dwellings shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings shall be created in these elevations without the prior approval in writing of the Local Planning Authority.

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

14. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

The above scheme shall include:-

- (a) a contaminated land desk study and proposed site assessment methodology;

(b) a site investigation report based upon (a);

(c) a remediation action plan based upon (a) and (b);

(d) a "discovery strategy" dealing with unforeseen contamination discovered during construction; and,

(e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d).

Prior to the submission of the first application for the approval of any reserved matters pursuant to this outline planning permission:

(a) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out for the land outside of the residential plots (as defined by Drawing No. 3542.P.102); and

(b) a method statement to ensure that at any stage of the development the re-contamination of an individual plot, which has been remediated, does not occur where an adjacent or nearby plot remains undeveloped (and therefore not remediated) and the development shall be undertaken in accordance with the approved details.

Each dwelling cannot be occupied until:

(a) a verification report appended with substantiating evidence demonstrating the agreed remediation has been carried out for the land within the individual residential plot concerned (as defined by Drawing No. 3542.P.102).

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

15. Prior to the submission of the first application for the approval of any reserved matters pursuant to this outline planning permission, details of the design of a surface water drainage scheme should be submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.

The required drainage details shall include:

(a) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc) outside of the residential plots (as defined by Drawing No. 3542.P.102) and a strategy for providing drainage within the residential plots (as defined by Drawing No. 3542.P.102).

(b) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational and partly operational.

(c) Details of drainage management responsibilities and maintenance regimes for the drainage system outside of the residential plots (as defined by Drawing No. 3542.P.102).

(d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Prior to the construction of the dwellings within this development, detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers, etc.) within the residential plot concerned (as defined by Drawing No. 3542.P.102).

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site and to accord with Policy DM10 of the Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

16. Prior to the construction of any of the dwellings within this development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed for the land outside of the residential plots (as defined by Drawing No. 3542.P.102) as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed.

Reason: To ensure the drainage system is constructed to the national Non-Statutory Technical Standards for SuDS.

17. Prior to the first occupation of the dwellings within the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system for the residential plot concerned (as defined by Drawing No. 3542.P.102) has been constructed for that dwelling as per the agreed scheme (or detail any minor variations), and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out and completed wholly in accordance with such details as may be agreed.

Reason: To ensure the drainage system is constructed to the national Non-Statutory Technical Standards for SuDS.

18. A Landscape and Woodland Management Plan, including long term design objectives, management responsibilities/timescales and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, or any phase of the development whichever is the sooner, for its permitted use. The Landscape Management Plan shall be carried out as approved.

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

19. No development shall take place until a detailed arboricultural method statement has been submitted and approved in writing by the Local Planning Authority which builds upon the preliminary arboricultural method statement provided within the Arboricultural Impact Assessment & Preliminary Method Statement by Owen Allpress [Ref: 1896 Rev 03 dated 10 March 2020]. The statement will be in accordance with British Standard 5837:2012 "Trees in Relation to Design, Demolition and Construction" and shall contain details of pruning or removal of trees, specification and location of tree and ground protection (for both pedestrian and vehicular use), all demolition processes including existing hardstandings, details of construction processes for hard surfaces. The statement should also contain details of arboricultural supervision and frequency of inspection along with a reporting process to the Tree Officer. All works to be carried out in strict accordance with the approved details.

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

20. In this condition 'retained tree' means an existing tree or hedge which is to be retained in accordance with the approved plan; and clauses a) and b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) No retained tree shall be cut down, uprooted or destroyed, nor any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without further planning permission being granted by the Local Planning Authority. Any topping or lopping shall be in accordance with BS 3998: 2010 "Tree Works - Recommendations" and in accordance with any supplied arboricultural method statement.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in a similar location and that tree shall be of such size and species, and shall be planted at such time, as approved by the Local Planning Authority.

(c) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development protective fencing and ground protection such as GeoTextile membrane or scaffold boards in accordance with British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction" shall be installed around all the retained trees in accordance with details that first shall be submitted to and agreed in writing with the Local Planning Authority. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in the fenced protective areas nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular accesses be made within the protected areas without planning permission.

(d) Prior to both the commencement of works on site and before the installation of the tree protection, in accordance with (c) above, the Council's Arboricultural Officer shall be notified to arrange a pre-commencement meeting to agree the location and extent of any works to retain trees and a site inspection programme (including the frequency of visits and reporting to the Council).

Reason: This permission was only granted on the basis that the 'retained trees' would remain on site to mitigate the impact of the development and to preserve and enhance the visual amenities of the locality in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

21. No soft or hard landscaping works outside of the residential plots (as defined by Drawing No. 3542.P.102) shall take place until full details of both have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be carried out as approved and implemented prior to first occupation. The scheme shall include indication of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development.

No soft or hard landscaping works within the residential plots (as defined by Drawing No. 3542.P.102) shall take place until full details of both have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be carried out as approved and implemented prior to first occupation of this dwelling. The scheme shall include indication of all hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development.

Any landscaping which, within 5 years of the completion of the landscaping scheme, dies, becomes diseased, is removed, damaged or becomes defective in anyway shall be replaced in kind.

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

22. Within 12 weeks of the development hereby approved commencing details of the amenity and childrens' play areas shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the details shall be implemented in accordance with the approved scheme and shall be completed prior to the first occupation of the development.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies DM9 and DM16 of the Surrey Heath Core Strategy and Development Management Policies 2012.

23. No external facing materials shall be used on or in the pavilion building hereby approved until samples and 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 visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

24. A Landscape and Ecological Management Plan, including long term ecological objectives and management responsibilities/timescales and maintenance schedules for the woodland and other landscape areas (not including privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development, or any phase of the development whichever is the sooner, for its permitted use. The Landscape and Ecological Management Plan shall be carried out as approved.

Reason: In the interests of nature conservation and in accordance with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 the National Planning Policy Framework.

25. Details of a noise reduction strategy and any required mitigation (such as sound proofing measures) for the approved development shall be submitted to and approved by the Local Planning Authority prior to the construction of any of the approved dwellings. The approved details must be implemented in full before first occupation of the dwellings hereby approved.

Reason: In the interests of the amenities of future residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

### **Informative(s)**

1. 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.

2. The applicant is advised that, under the requirements of Condition 1 above, applications for the approval of reserved matters for each residential unit should be provided within three years of the date of this permission.

In the event that a satisfactory legal agreement has not been completed by 27 June 2020, or any other period as agreed with the Executive Head of Regulatory, the Executive Head of Regulatory be authorised to REFUSE for the following reasons:

1. In the absence of a completed legal agreement under Section 106 of the Town and Country Planning Act 1990, the proposal would not be providing self-build residential development under the requirements of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) which would result in the provision of market housing which is likely to have an adverse impact on the countryside setting and has failed to comply with Policies CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the NPPF.
2. The proposal fails to provide an adequate provision for affordable housing elsewhere in the Borough, which would meet the housing requirement of all sectors of the community. The application is therefore contrary to the aims and objectives of Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.
3. In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14 of the Surrey Heath

Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2019.