

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

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

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

## 1.0 SUMMARY

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

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

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

## **2.0 SITE DESCRIPTION**

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

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

## **3.0 RELEVANT HISTORY**

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

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

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

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

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

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

4.1 This application seeks reserved matters approval for

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

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

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

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

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

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

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

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

## 5.0 CONSULTATION RESPONSES

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

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

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

## 6.0 REPRESENTATION

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

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

### Character

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



## Landscape

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

## Residential amenity

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

## Environmental matters

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

- Woodland has great value as a carbon deposit;

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

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

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

### The Water Environment

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

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

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

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

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

#### Other matters

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

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

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

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

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

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

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

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

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



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

## **7.0 PLANNING CONSIDERATION**

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

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

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

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

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

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

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

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

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

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

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

7.5.4 Principle 6.7 of the RDG advises that ;

Parking layouts should be high quality and designed to:

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

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

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

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

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

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

#### Layout

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

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

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

#### Design and built form

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

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

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

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

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

### Trees and Landscape

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

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

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

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

### The impact on neighbouring properties

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

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

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

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

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

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

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

#### The impact on future occupiers

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

### **7.7 Highways and access**

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



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

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

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

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

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

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

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

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

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

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

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

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

## **7.9 Ecology and Biodiversity**

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

### Condition 21

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

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

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

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

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

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

#### Condition 22

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

#### Conditions 23, 26 and 27

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

7.9.9 In determining the appeal the Inspector advised that:

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

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

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

#### Other matters

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

7.9.14 The submitted Air Quality Assessment has also considered the impact on habitats. This assessment concludes by advising that the maximum predicted increase in the annual average exposure to NO<sub>x</sub> at the identified ecological receptor, due to changes in traffic movements associated with the development is below the development contribution stated within the guidance of "A Guide to the Assessment of Air Quality Impacts in Designated Nature Conservation Sites IAQM 2019. As such no further assessment is required and the impact is considered to be negligible. Natural England raise no objection to the proposal on air quality grounds.

7.9.15 The application under consideration is for reserved matters. As it is not an application for planning permission the provisions of the Environment Act 2021 do not apply in relation to Biodiversity Net Gain which includes the need to complete Biodiversity Metric 3. For information these provisions do not become mandatory for applications for planning permission until 2023. This metric is a habitat based approach to determining biodiversity value. Notwithstanding this the applicant has submitted a Biodiversity Metric 3 which demonstrates a net gain in biodiversity from this development. Natural England have confirmed that they would be satisfied with a net gain in biodiversity achieved using this metric. SWT has made various comments on the metric to which the applicant has provided supplementary information. Any further views received from SWT on this will be updated at the meeting.

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

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

7.10.2 All of Surrey Heath lies within 5km of the Thames Basin Heaths SPA and this site is approximately 780m from the SPA at its closest point which begins to the north of the site along Chertsey Road. The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 to mitigate effects of new residential development on the SPA. It states that no new residential development is permitted within 400m of the SPA. All new development is required to either provide Suitable Alternative Natural Green Space (SANG) on site as is secured for this development or for smaller proposals make a financial contribution towards SANG provided, which is collected as part of CIL.

7.10.3 The Inspector considered the need for an Appropriate Assessment in his assessment of the appeal for the outline application. The Section 106 agreement which is attached to the outline permission provides for avoidance and mitigation measures in the form of the proposed SANG and the Strategic Access Management and Monitoring (SAMM) contributions. In the Inspector's view the agreement also contained an appropriate definition of the SANG management company including that it has responsibility for managing and maintaining the SANG in perpetuity; appropriate arrangements for collecting a service charge from purchasers of the proposed dwellings to pay for the management and maintenance of the SANG; secure arrangements for the maintenance of the SANG until it is transferred to the management company and arrangements for monitoring by the Council, backed up "step in" rights should the management company fail to discharge its responsibilities satisfactorily. He also imposed a condition (25) to secure an updated SANG Management Plan to ensure that the plan that guides the management company's work would be fully reflective of current circumstances.

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

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

## **7.11 Open space provision**

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

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

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

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



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

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

## **7.13 Infrastructure**

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

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

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

## **7.15 The Water Environment**

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

## **7.16 Other matters**

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

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

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

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

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

## **9.0 CONCLUSION**

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

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

## 10.0 RECOMMENDATION

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

REFUSE details for condition 23

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

LP.01 rev B

Layout plans

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

Dwellinghouse plans

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

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

#### Landscape plans

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

#### SANGS plans

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

## Technical plans

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

### **Informative(s)**

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

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

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

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

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

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

13. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
14. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
15. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
16. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
17. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>  
for guidance and further information on charging modes and connector types.
18. The Highway Authority has no objection to the proposed development, subject to the above conditions, but, if it is the applicant's intention to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
19. The applicant is advised that the submission of details to comply with condition 23 are REFUSED as the survey information submitted with the Landscape and Ecological Management Plan are more than two years old.