

2014/0451

Reg Date 13/05/2014

West End

LOCATION: LAND SOUTH OF, BELDAM BRIDGE ROAD, WEST END,
WOKING

PROPOSAL: Erection of 2no. five bedroom and 1no. four bedroom two storey
detached dwellings with detached double garages and
accommodation in the roof with landscaping and access.
(Amended and additional plans/information recv'd 26/5/16)

TYPE: Full Planning Application

APPLICANT: Redrow Homes Ltd

OFFICER: Duncan Carty

This application has been reported to the Planning Applications Committee at the request of the Executive Head of Regulatory Services because of its strategic significance.

RECOMMENDATION: GRANT subject to a legal agreement and conditions

1.0 SUMMARY

- 1.1 The current outline application relates to the erection of three dwellings on land to the south of Beldam Bridge Road. The proposal lies within the West End reserve site. Annex 1 shows the location of this site in relation to other reserve site proposals.
- 1.2 In terms of the impact on local character, trees/hedgerows, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, land contamination, drainage, flood risk, local infrastructure, no objections are raised. A legal agreement is to be provided to secure a SAMM contribution, and the SANG contribution would be delivered through the CIL process.
- 1.3 It is considered that in the light of the recent appeal decision for SU/14/0532 (land south of Kings Road and Rose Meadow) and planning permissions SU/15/0884 and SU/16/0332) at land north of Beldam bridge Road, the site should be released for housing. No objections are raised to the current proposal.

2.0 SITE DESCRIPTION

- 2.1 The application site relates to a roughly triangular piece of agricultural land to the south of Beldam Bridge Road on land which is defined as Countryside (beyond the Green Belt) but has been retained as a housing reserve site. The land falls gently from north to south and the majority of the significant trees are located to site boundaries of this site.
- 2.2 The site measures 0.36 hectares in area. Land immediately to the south and east of the proposed housing site is owned/controlled by the applicant and fall within the Green Belt. The application site falls within an area of low flood risk (Zone 1 as defined by the Environment Agency).

3.0 RELEVANT HISTORY

- 3.1 There is no relevant planning history on the site but other related West End/Windlesham reserve site proposals are referred to below.

Land south of 24-46 Kings Road and 6 & 9 Rose Meadow:

- 3.2 SU/14/0532 Outline planning application for the erection of 84 dwellings with access from Rose Meadow (access only to be considered). Non-determination appeal allowed in December 2015.

The Council had taken Counsel's advice in respect of this appeal decision and had concluded that there were no grounds to challenge this decision.

- 3.3 SU/16/0554 Approval of reserved matters (appearance, landscaping, scale and layout) pursuant to outline planning permission APP/D3640/W/15/3028247 [SU/14/0532] for the erection of 84 dwellings with access from Rose Meadow. Currently under consideration.

Land north of Beldam Bridge Road:

- 3.4 SU/14/0594 Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space (details of access only to be considered). Non-determination appeal has been withdrawn.

- 3.5 SU/15/0884 Outline planning application for the erection of up to 85 dwellings with new access and change of use of land to publicly accessible recreation space (SANG), car parking, landscaping and open space (details of access only to be considered). Approved in February 2016.

This decision was subject to a subsequent application for High Court challenge by a local resident but subsequently rejected by the Court.

- 3.6 SU/16/0323 Outline planning application for the erection of up to 85 dwellings with new access, car parking, landscaping and open space (details of access only to be considered). Approved in July 2016.

Land north and east of Malthouse Farm, Benner Lane:

- 3.7 SU/15/0455 Erection of residential development to provide 95 dwellings with vehicular/pedestrian accesses, parking, landscaping and open space. Refused in October 2015 on housing supply/spatial strategy (this objection now withdrawn on the basis of the appeal decision SU/14/0532 above), affordable housing and SAMP provision (now withdrawn due to the completion of a planning obligation securing this provision), and character grounds. Subsequent appeal hearing to be held in September 2016.

Land to the rear of 4-14 (evens) Kings Road

- 3.8 SU/16/0679 Residential development of 35 dwellings with associated access, car and cycle parking, refuse/recycling storage and landscaping. Currently under consideration.

Heathpark Woods, Heathpark Drive, Windlesham:

- 3.9 SU/15/0590 Outline planning application for the erection of up to 140 dwellings and community facilities, with associated landscaping, open space, car parking and access from Woodlands Lane, and use of land to provide publicly accessible recreation space (SANG) details of access only to be agreed. Refused in March 2016 on loss of safeguarded land/spatial strategy, impact on protected species and the SPA, and affordable housing provision grounds.

4.0 THE PROPOSAL

- 4.1 The current proposal relates to the erection of 1 no four bedroom and 2 no five dwellings with garaging and its proposed access from Beldam Bridge Road. The access would be provided at roughly the midpoint of the frontage onto Beldam Bridge Road, east of the road junction with Kings Road. The dwellings would be arranged around the access with Plot 1 located to the north west corner of the site with the proposed dwelling facing east, away from properties in Rose Meadow. Plot 2 would be located to the north east corner of the site facing north (i.e. Beldam Bridge Road). Plot 3 would be located in the south corner of the site facing the flank boundary of Plot 1.
- 4.2 In its amended arrangement, the proposed dwellings would be set back a minimum of 9 metres from the road frontage (behind the existing tree screen) i.e. the side wall of Plot 1; and a minimum of 4 metres for the boundary with Rose Meadow properties i.e. the side wall of Plot 3 (corresponding to 14 metres from the main rear walls of these properties); and a minimum of 4 metres from the south west site boundary with the Green Belt i.e. the side wall of Plot 2.
- 4.3 The proposal has also been amended in respect of the design of the proposed dwellings. Plot 1 has been amended from a Highfield to a Balmoral type, which incorporates a predominant brick finish with timber clad gable detail, two storey height bay (with tile hanging detail between ground and first floor windows), and open porch with mono-pitch roof over supported by wooden posts. Plot 2 has been amended from a Wentworth type to a Blenheim type, which incorporates a predominant brick finish with two half gable/hipped roof details with hanging tile detail with small pitched roof dormer in between, two storey bay with tile hanging detail between the ground and first floor windows and a recessed porch with arched entrance. Plot 3 has been amended from a Beaumont type to a Sandringham type, which incorporates a predominant brick finish with timber frame/render detail to a gable, single storey bay and a recessed porch with arched entrance. All properties would provide windows with small lights.
- 4.4 The proposed dwellings, in their amended form, would range in maximum height from 8.5 metres (Plot 3) to 9.5 metres (Plot 1). The proposed detached garage buildings would have a maximum height of 6.5 metres.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections, subject to conditions.
- 5.3 Arboricultural Officer No objections, subject to conditions.

5.4	Surrey Wildlife Trust	No objections, subject to the implementation of the mitigation and enhancement actions set out in the ecological report.
5.5	Natural England	No objections on the basis that the proposal meets the requirements of the SPA avoidance strategy.
5.6	Archaeological Officer	No objections, subject to the agreement of securing the archaeological work by condition.
5.7	West End Parish Council	An objection is raised on the grounds of flood risk, lack of diversity of dwelling size and loss of trees.

6.0 REPRESENTATION

At the time of preparation of this report, no representation in support and 34 representations raising an objection had been received which raise the following issues:

6.1 Principle

- Combined impact with other proposals and their piecemeal nature. Applications should be considered together [*Officer comment: Each application is to be determined on their own merits*]
- Other sites should be developed instead. The West End reserve sites need not be used [See paragraph 7.5]
- Amount of houses is in excess of the core strategy requirement (20 houses), particularly in taking into account the housing that will be delivered on appeal site (SU/14/0532) [See paragraph 7.5]
- Impact on Green Belt status of land [*Officer comment: The site is within the Countryside (beyond the Green Belt)*]
- West End does not need any more housing and has provided its fair share of housing in the past. Development, in combination with other reserve site proposals, is too large for the village [see Paragraph 7.5]
- Development proposal is premature and not sustainable [See paragraph 7.5]
- Adequate provision of housing has been/will be provided elsewhere [See paragraph 7.5]
- Development is proposed before sites allocation document is published. Noting the position set out in the HLSP 2015-2020, this site would not come forward for housing [See paragraph 7.5]
- Development is proposed before a local plan review [See paragraph 7.5]
- In housing delivery terms, the Inspector in the Local Plan review indicated that the SPA was a special constraint on housing delivery which should be taken into consideration [see Paragraph 7.5]
- The Council has demonstrated that it has more than sufficient land available for housing (8.5 years-worth) to meet 5 year target (Housing Land Supply Paper 2015) [See paragraph 7.5]

- Calculating housing supply is not an accurate way of assessing the Borough's progress in meeting required targets [See *paragraph 7.5*]
- Non-conformity with NPPF policy on sustainable development. Brownfield sites should be released before green field sites [See *paragraph 7.5*]
- NPPF's presumption in favour of development does not apply in this case. It is excluded due to Paragraph 85 of the NPPF. Safeguarding is a policy indicating development should be restricted [See *paragraph 7.5*]
- The principle for sustainable development in the NPPF does not apply where an appropriate assessment (under the Habitats regulations) is required [See *paragraph 7.5*]
- Setting a precedent [See *paragraph 7.5*]
- Site would not be sustainable (scored minus 15 in Interim Sustainability Appraisal 2013) [Officer comment: *This scoring is assessed against this Appraisal but this level of scoring for the site would not preclude its development for housing on sustainability grounds*]

6.2 Character and Green Belt reasons

- Out of character with dwellings much larger than surrounding properties [See *paragraph 7.6*]
- Impact on trees. Need to protect retained trees by TPO or condition [See *paragraph 7.6*]
- Loss of gap to Chobham and merging of separate communities [See *paragraph 7.6*]
- Impact on the character of the village and countryside [See *paragraph 7.6*]
- Loss of trees [See *paragraph 7.6*]
- Destruction of rural land/countryside [See *paragraph 7.6*]
- Impact on Green Belt [See *paragraph 7.6*]
- Changing local character/environment [See *paragraph 7.6*]
- Impact on West End Village Design Statement [See *paragraph 7.6*]
- Turning this part of village (with other reserve site proposals) into a large construction site [Officer comment: *This would not be a reason to refuse this application*]

6.3 Residential amenity

- Increase in noise and general disturbance from development and increased traffic [See *paragraph 7.7*]
- Increased light and air pollution [See *paragraph 7.7*]
- Loss of daylight and sunlight to houses and gardens [See *paragraph 7.7*]

- Loss of privacy from overlooking. Even obscure glazed windows will need to be opened leading to overlooking [See paragraph 7.7 and Condition 4]
- Impact of construction process [Officer comment: This would not be a reason to refuse this application. See Condition 10]
- Loss from privacy from roof accommodation [See paragraph 7.7]
- Upper floor accommodation over detached garages could be used for commercial purposes [Officer comment: Such a use, if this accommodation were to be so used in the future, would require separate planning permission]

6.4 Highway and transportation matters

- Impact on road infrastructure [See paragraph 7.8]
- Increased traffic resulting in traffic congestion and increased risk of accident at local road junctions and wider road network [See paragraph 7.8]
- Highway implications of dangerous access and increased traffic accessing onto a bend in a narrow, winding road and proximity to other road junctions (Kings Road) [See paragraph 7.8]
- If allowed, could access to adjacent site (land to the rear of 24-46 Kings Road and 6 & 9 Rose Meadow) be provided to this site [Officer comment: The adjoining site has separate outline planning permission with the access gained from Rose Meadow]
- No footpath access to site [See paragraph 7.8]
- Impact on school traffic/horses [See paragraph 7.8]
- Unsustainable location with a lack of local facilities [See paragraph 7.8]

6.5 Impact on ecology

- Surprise that bat survey did not detect roosting sites [See paragraph 7.9]
- Impact on wildlife and their habitats – bats, birds (including birds of prey), deer, ducks, pheasants, rabbits, toads, frogs, butterflies, hedgehogs, moths, squirrels and beetles. Animals cannot be translocated because they are territorial [See paragraph 7.9]

6.6 Impact on drainage/flood risk

- Impact on drainage (including local ditches/Bourne stream, high water table) and flooding [See paragraph 7.10]
- Impact on the floodplain (Zone 2 – medium risk) [Officer comment: The site does not fall within the floodplain, it falls within a Zone 1 low risk area]

6.7 Impact on the SPA

- SANG mitigation will now be not within walking distance of the village, leading to an increase in car journeys [See paragraph 7.11]
- If a SANG is not proposed, this makes the scheme even less desirable [See paragraph 7.11]

- Impact on Brentmoor SSSI/SPA. [*Officer comment: The site is located about 800 metres from the SPA and would not have any direct impact. Also, see paragraph 7.11*]
- The site is within 5 kilometres of the SPA and not providing its own SANG. The Council's web-site indicates that SANG land is not available. The adjoining land has been indicated as available for public recreation but details of a SANG proposal on this land have not been provided [*Officer comment: The application proposal does not include the provision of its own SANG. Since the submission of this application the Chobham SANG has become available for sites of this scale to make contributions towards. Also, see Paragraph 7.11*]

6.8 Other matters

- Archaeological details provided insufficient [*See paragraph 7.12*]
- Impact on local infrastructure and local/public services (school places, doctors, hospitals) which is unsustainable [*See paragraph 7.13*]
- Lack of affordable housing [*See paragraph 7.15*]
- Development is not wanted by local people. Level of local opposition should not be ignored [*Officer comment: This is noted but is not, in itself, a relevant planning matter*]
- Developer making a quick profit [*Officer comment: This is not a relevant planning matter*]
- Stress/anxiety caused by proposals [*Officer comment: This is not a relevant planning matter*]
- Devaluation of property value [*Officer comment: This is not a relevant planning matter*]
- Previous refusals for minor proposals in the local area [*Officer comment: Each application is assessed on its own merits*]

7.0 **PLANNING CONSIDERATIONS**

- 7.1 The housing part of the application site is located within a site which has been part of a housing reserve site, adjoining the settlement of West End, but is defined as Countryside (beyond the Green Belt).
- 7.2 As such, the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) as well as Policies CPA, CP2, CP3, CP5, CP6, CP11, CP12, CP14, DM9, DM10, DM11, DM16 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved); and Policy H8 of the Surrey Heath Local Plan 2000 (as saved) are relevant. In addition, advice in the West End Village Design Statement SPD 2016; Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012; Infrastructure Delivery SPD 2014 are also relevant. Regard will also be had to the Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) and the Housing Needs Survey Paper 2016-2021 (2016).

- 7.3 The current proposal follows the earlier planning permissions for residential developments on other parts of this housing reserve site land SU/15/0558 and SU/16/0323 (Land north of Beldam Bridge Road), and the appeal decision (SU/14/0532). These decisions are material considerations for this application. Annex 1 shows the location of this application site in the context of these earlier permissions.
- 7.4 Having regard to all of the above, it is considered that the principal considerations to be addressed in the determination of this application are:
- Principle for the development;
 - Impact on local character and trees;
 - Impact on residential amenity;
 - Impact on highway safety;
 - Impact on ecology;
 - Impact on drainage and flood risk;
 - Impact on the Thames Basin Heaths Special Protection Area;
 - Impact on archaeology;
 - Impact on local infrastructure; and
 - Financial considerations of development.

7.5 Principle for the development

Spatial Strategy

- 7.5.1 Paragraph 17 of the NPPF sets out the core land-use planning principles. This includes the need to *"recognise the intrinsic character and beauty of the countryside"* and *"encourage the effective use of land by reusing land that has been previously developed (brownfield land)"*. Policy CPA of the CSDMP sets out the spatial strategy for the Borough and acknowledges that new development in the Borough will come forward largely from the redevelopment of previously developed land in the western part of the Borough.
- 7.5.2 Policy CP3 of the CSDMP sets out the scale and distribution of housing within the Borough up to 2028, which is to be provided within existing settlements up to 2026 and, if insufficient sites have come forward, then between 2026 and 2028, the release of identified sustainable sites within the Countryside (beyond the Green Belt). The local and national policy seeks the development of previously developed land first, with local policy indicating that development should be focused in the settlements, with any releases that are to be made in the defined countryside from 2026, if insufficient sites have come forward for development.

Housing supply

- 7.5.3 The NPPF has a presumption in favour of sustainable development and there are three dimensions to this: economic, social and environmental. The NPPF considers that where relevant policies are absent, silent or out-of-date, the policies within the NPPF would take precedent, unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*. The NPPF puts the delivery of sustainable development at the heart of the decision making process.

- 7.5.4 The NPPF within its series of core principles includes the proactive delivery of housing. Paragraph 47 of the NPPF indicates that, to support this core principle, local planning authorities should *"use their evidence base to ensure that their Local Plan meets the full, objectively needs for market and affordable housing in the housing market area,...[and]...identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements within an additional buffer of 5% [20% in the case of a persistent under delivery] (moved forward from later in the plan period) to ensure choice and competition in the market for land.* The availability of a five year supply (plus buffer) of deliverable housing sites is a factor when determining applications for residential development, notwithstanding the spatial strategy set out in Paragraph 7.5.1 above.
- 7.5.5 Paragraph 49 of the NPPF indicates that: *"Housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."* Without the supply of deliverable housing sites, local policies on housing supply would be considered to be out-of-date and development which is considered to be sustainable (as defined in the NPPF) would be considered to be acceptable. It is considered that for the proposed development, when balancing the clear social and economic benefits with any potential environmental dis-benefits (see Paragraph 7.7 below), the proposal would be deemed to sustainable development (as defined in the NPPF). This is the same conclusion drawn by the Inspector for the appeal proposal SU/14/0532 and the Council for permissions under SU/15/0588 and SU/16/0323.
- 7.5.6 The application site falls within the defined Countryside (beyond the Green Belt) but also forms a part of a housing reserve site as previously defined in Policy H8 of the Surrey Heath Local Plan 2000 has been saved under the CS review.
- 7.5.7 The Council provided a Five Year Housing Land Supply Paper 2015-2020 in February 2015 (HLSP) which indicated that there is an available eight year supply of housing, based on the delivery rate of 191 dwellings per annum, as set out in the Core Strategy.
- 7.5.8 The Hart, Rushmoor and Surrey Heath Strategic Housing Market Assessment (December 2014) (SHMA) has been provided to develop an up-to-date evidence base for the housing market area to develop the evidence of a full objectively assessed needs (FOAN) for market and affordable housing, as required by Paragraph 47 of the NPPF (see Paragraph 7.5.4 above). The SHMA requires a much higher delivery rate of 340 dwellings per annum.
- 7.5.9 The key issue is to which rate of housing delivery should be provided for this Borough. The Inspector for the appeal for SU/14/0532 (Land south of Kings Road and Rose Meadow) in allowing that proposal indicated:
- "To my mind, [Paragraph 47 of the NPPF] introduces a much greater emphasis on the delivery of housing than was at the case at the time of the adopting the [Core Strategy], albeit that this must be weighed against other policies of the Framework. Given that the [Core Strategy], even at the time of adoption, would not meet housing requirements for the plan period, this represents a clear conflict with the Framework. Furthermore, Policy CP3 outlines a strategy to reserve housing sites until after 2025 and only release them if it is established at that time that insufficient sites have come forward. This is likely to result in significant delay in addressing potential housing shortfalls that would be at odds with the Framework's important objective to boost significantly the supply of housing. For these reasons, I attach the policies of the Framework in respect of housing great weight and this justifies a departure from the development plan [i.e. Core Strategy]."*

As such, the Inspector determined that the starting point for determining a five year housing land supply was the higher untested (FOAN) figure of 340 dwellings per annum rather than the Core Strategy figure of 191 dwellings per annum. This represents a material and important change in circumstance. In a similar manner to this appeal proposal and permissions SU/15/0588 and SU/16/0323, the current application has to be assessed in the light of this re-balancing, between national and local policies, of the policy position on housing delivery.

- 7.5.10 The Council has provided a Five Year Housing Land Supply Paper 2016-2021 in September 2016 (HLSP) which indicated that, when assessed against the FOAN figure, there is a current under delivery of housing which equates to a 3.78 year housing land supply, including the recognised under delivery since 2011. The Council concludes that currently it does not have a five year housing land supply (against the FOAN figure).
- 7.5.11 Paragraph 119 of the NPPF, however, indicates that *"the presumption in favour of sustainable development (paragraph 14 [of the NPPF]) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."* In the same manner as appeal SU/14/0532, and permissions SU/15/0884 and SU/16/0323, the delivery of a SANG contribution under this application (See Paragraph 7.7 below) and a SAMM contribution would similarly avoid a significant adverse effect on the SPA and the application would also not preclude the application of the presumption in favour of sustainable development (under Paragraph 17 of the NPPF) for the current proposal.
- 7.5.12 The application site forms a small part of the West End reserve housing site and lies between the development sites at land south of 24-46 Kings Road and 6 & 9 Rose Meadow (to the south west of the application site) and land north of Beldam Bridge Road (on the opposite side of Beldam Bridge Road), both which have outline permission for housing development. The application site is a smaller triangular piece of land that relates to the remaining part of the reserve site between these much larger sites and it is considered, when viewed in this context (see Annex 1), that the proposal would not therefore provide a piecemeal form of development.
- 7.5.13 It is therefore considered that the proposed development, by providing residential units in a site designated as Countryside (beyond the Green Belt) on part of a housing reserve site, is acceptable.

7.6 Impact on local character and trees

- 7.6.1 Paragraph 7.5.11 above already recognises that unless there is a clear proven need to release countryside for housing, the intrinsic characteristics of the countryside should be protected for its own sake. However, on the assumption that this land has to be released then the following conclusions can be drawn on the merits of the proposal.
- 7.6.2 The West End Village Design Statement SPD 2016 indicates that the application site adjoins the Character Area 3, which the SPD confirms forms the south east corner of the village. The SPD confirms that the positives for this Character Area is the mix of housing styles, low density of development, large front gardens, meadowland visible through the existing development and the layout/design of Rose Meadow. Guideline 14 would seek to reflect the character of the area and not result in the coalescence of villages.

- 7.6.3 The proposal would result in the provision of housing on a greenfield site, which would extend the effective settlement boundary into the defined countryside. This would have some impact on the rural character of the site, with the loss of the land to residential development. However, this effect would not be so significant an impact, noting the site topography, the level of boundary screening (and scope for landscape enhancement), particularly to the north and east boundaries of the site (adjoining the public highway, Beldam Bridge Road, and the Green Belt), and the very limited distance views of the site that would be afforded from the open countryside beyond. Some limited view of the open land would be retained, and viewed between the gaps of the proposed development form. No objections are raised to the impact of the proposal on the rural character of the area.
- 7.6.4 The minimum gap between the settlements of West End and Bisley is 372 metres (at the A322 Guildford Road). The current proposal would be located a minimum of about 690 metres from the settlement of Bisley. The site is also about 2.8 kilometres from the edge of the Green Belt settlement of Chobham. It is also noted that the remainder of the land between these settlements falls within the Green Belt, with the exception of the application site for SU/14/0532. As such, it is not considered that the development proposal would result in the loss of a strategic gap between, or a coalescence of, settlements.
- 7.6.5 The proposal would provide larger, executive-type housing and the design of the dwellings would be traditional and this approach is considered to be acceptable in its local context. Each dwelling is individually designed which reflects the mixture of housing styles which helps define the adjoining Character Area.
- 7.6.6 The current proposal would provide three large dwellings arranged around a central access road. The proposal is considered to provide a spacious form of development with gaps between the dwellings and to all site boundaries. The layout is a departure from the more regimented linear built form of residential dwellings in the adjoining Character Area, being proposed on a more informal layout. However, the triangular shape and size of the site lends itself more to this type of informal layout, which also fits better within its very edge of settlement location. In addition, whilst it is separated from the adjoining part of the housing reserve site (at land south of 24-46 Kings Road and 6 & 9 Rose Meadow) by a heavy tree screen, part of the current reserved matters application scheme for that site (under SU/16/0554) includes, in part, the small grouping of dwellings around short, shared access drives in a similar type of layout form to the current proposal.
- 7.6.7 The outline consents for housing development on land north of Beldam Bridge Road (SU/16/50884 and SU/16/0323) agreed the access to the site only. Details of layout, scale and design would be reserved matters for which an application submission has not been provided to date. It is therefore not possible at this stage to fully assess the level of integration with the future development of that site, but the retained landscaping between (to both site frontages) would assist such integration.
- 7.6.8 The proposed dwellings would be set back from Beldam Bridge Road, and behind a tree screen, most of which would be retained. The Council's Arboricultural Officer has raised no objections to the proposal on tree grounds. With the exception of the gap provided for the proposed access, the views of the dwellings from the highway would be softened by the retained screening.
- 7.6.9 The proposal is considered to be acceptable on character and tree grounds, in this respect, complying with Policy DM9 of the CSDMP and advice within the West End Village Design Statement SPD 2016.

7.7 Impact on residential amenity

- 7.7.1 The proposed dwellings would be two storeys in height and would be positioned so that for Plot 1, the rear wall of the dwelling would face, at an angle, the rear garden (and rear wall) of 1 Rose Meadow and the rear garden (and side wall) of 58 Kings Road and its garage would face, at an angle, the rear gardens and rear walls of 3 and 5 Rose Meadow. For Plot 3, the side wall of the dwelling, and rear wall of the integral garage, would face 5 and 7 Rose Meadow. This level of separation would limit any impact on the occupiers of these residential properties.
- 7.7.2 The rear wall of the dwelling for Plot 1 would be positioned a minimum of 16 metres from the rear boundary with 1 Rose Meadow and a minimum of 28 metres from the rear wall of this property and would be positioned a minimum of 16 metres from the rear boundary with 58 Kings Road and a minimum of 28 metres from the flank wall of this property. These levels of separation are considered to be acceptable.
- 7.7.3 The rear wall of the detached garage for Plot 1 would be set a minimum of 7.4 metres from the rear boundary of 3 Rose Meadow and 9.4 metres from the rear boundary of 1 Rose Meadow. This relationship, noting the position of rooflights in the rear roofslope facing this boundary, is acceptable. Noting the location of the raised external stair at 16 metres from the rear boundary, no adverse impact from this element of the proposal is envisaged.
- 7.7.4 The side wall of the dwelling for Plot 3 would include one first floor window facing 5 and 7 Rose Meadow, which would serve a bathroom. With limitations on opening lights and fitting and retaining of obscure glass, no material loss of privacy is envisaged. The level of separation, at about 14.6 metres, from the main rear walls of 5 and 7 Rose Meadow to the two storey element of the side wall of this proposed dwelling is considered to be acceptable.
- 7.7.5 The dwelling for Plot 2 would be positioned a minimum of 27.5 metres from the boundary with the existing residential properties in Rose Meadow and would be partly obscured by the dwellings/garaging for Plots 1 and 3 and would have no material impact on the amenity of the occupiers of these residential properties.
- 7.7.6 The proposal would lead to a minor increase in traffic noise from increased movements on adjoining streets and activity at the site. However, it is not considered that level of increase would be sufficient to make any significant impact on residential amenity.
- 7.7.7 As such, the proposal is considered to be acceptable on character and tree grounds, in this respect, complying with Policy DM9 of the CSDMP.

7.8 Impact on highway safety

- 7.8.1 The proposed access to the site would be provided from the south side of Beldam Bridge Road on an inside bend on the highway. The County Highway Authority has raised no objections to the proposal subject to conditions, including the provision of access visibility.
- 7.8.2 As such, the proposal is considered to be acceptable on highway safety grounds complying with Policies CP11 and DM11 of the CSDMP.

7.9 Impact on ecology

- 7.9.1 The applicant has provided an ecological appraisal report to support the application proposal. The Surrey Wildlife Trust has confirmed that the report provides sufficient information for the Council to determine this application, with the mitigation and enhancement actions set out in the report required by condition. The report indicates that two large oak trees (T36 and T37) are to be removed, and specific mitigation in respect of these trees would be required. However, these trees are now to be retained within the scheme but may require some remedial work and as such, it is considered appropriate that the required mitigation is still required.
- 7.9.2 As such, the proposal is considered to be acceptable on ecological grounds, in this respect, complying with Policy CP14 of the CSDMP.

7.10 Impact on drainage and flood risk

- 7.10.1 The application site falls within an area of low flood risk (Zone 1) and relates to a development for three dwellings, falling under the threshold for involvement with the Local Lead Flood Authority (Surrey County Council). However, noting the local concerns about drainage and flood risk, it is considered prudent to require details of drainage to be agreed by condition. Under these circumstances, no objections are raised on these grounds with the proposal complying with Policy DM10 of the CSDMP.

7.11 Impact on the Thames Basin Heaths Special Protection Area

- 7.11.1 The application site falls about 0.8 kilometres from the Thames Basin Heaths Special Protection Area (SPA). Policy NRM6 of the South East Plan 2009 (as saved) seeks to protect the ecological integrity of the SPA from recreational pressure, through increased dog walking and an increase in general recreational use, which occurs from the provision of new (net) residential development. Policy CP14 of the CSDMP and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 builds on this approach. The SPD identifies that the impact on the SPA from residential development can be mitigated by the provision of Suitable Alternative Natural Green Space (SANGS) to offset any potential harm to the SPA or by contributing towards SANGS provision. The threshold for delivering on-site SANG is 100 dwellings. As this proposal provides less than this threshold, it can provide towards a SANG elsewhere, so long as it falls within the SANG catchment.
- 7.11.2 The CIL charging schedule incorporates SANG funding, for schemes of the scale of the proposed development. The current proposal seeks to provide a contribution towards SANG delivery; in this case the Chobham Meadows SANG. The application site falls within the catchment (5 kilometres) of this SANG. This approach is considered to be acceptable and Natural England does not object to the proposal on these grounds.
- 7.11.3 Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 also requires a contribution towards the Strategic Access Management and Monitoring (SAMM) measures, which supports the on-site protection of the SPA. As this is not included with the CIL scheme, a separate contribution is required. This contribution amounts to £2,696 and can be provided upfront or secured through a planning obligation. A legal agreement to confirm an obligation to meet this requirement is proposed and expected to be completed within one month from the Committee meeting, and no objections are raised on these grounds.

7.11.4 As such and subject to the completion of the obligation or upfront payment, the current proposal is considered to be acceptable in terms of its impact on the SPA, complying with Policy CP14 of the CSDMP, Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012.

7.12 Impact on archaeology

7.12.1 The applicant has provided a desk based assessment for archaeology which demonstrates that the site is of currently unknown potential, with very little archaeological investigation in the vicinity. The assessment recommends trial trench evaluation in order to ascertain the prospective archaeology and enable decisions to be made regarding any required mitigation measures. The Archaeological Officer agrees with this conclusion and raises no objections, subject to the imposition of a condition concerning the need to provide further archaeological work.

7.12.2 As such, the proposal is considered to be acceptable on archaeological grounds, in this respect, complying with Policy DM17 of the CSDMP.

7.13 Impact on local infrastructure

7.13.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. This development would be CIL liable and the final figure would need to be agreed following the submission of the necessary forms. On the basis of the information submitted to date, the amount of CIL payable would be in the region of £195,350. Informative would be added to the decision advising the applicant of the CIL requirements.

7.15 Impact on the delivery of affordable housing

7.15.1 Paragraph 174 of the NPPF states that local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. Paragraph 50 states that where local planning authorities have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial equivalent of broadly equivalent value can be robustly justified. Policy CP5 of the Surrey Heath Core Strategy and Development Management Policies 2012 requires, for the proposed quantum of development, a contribution towards affordable housing provided elsewhere in the Borough.

7.15.2 In November 2014, the Government issued a Written Ministerial Statement (WMS) indicating that affordable housing contributions should not be sought on developments of 10 units or less (provided that the gross floor space of any such development does not exceed 1,000 square metres). Whilst the aim of this was to assist small and medium housebuilders, the statement effectively applied to all housebuilders. The WMS was subject to a successful legal challenge by West Berkshire District Council and Reading Borough Council, but the decision by the High Court was subsequently reversed by the Court of Appeal on 11th May 2016. As a result, the WMS was reinstated from the 11th May 2016. Updated guidance was then issued in the Planning Practice Guidance (paragraph ID23b-013-20160519).

7.15.3 The WMS is therefore a material planning consideration in the determination of planning applications and it is necessary to determine how much weight should be attached to this. Since the issuing of the WMS there have been a number of appeal decisions whereby some common themes have become evident. This includes the need to produce evidence to continue to apply local policy; and, any such evidence is insufficient to outweigh the WMS unless it is demonstrated that the affordability issues are atypical compared to national, regional and local circumstances. On the basis of this officers are of the opinion that Surrey Heath's affordability issues are not atypical to regional and local circumstances and that there is not a tested argument to justify outweighing the WMS. The applicant has also provided local evidence and justification in support of the application which reaffirms the Council's position.

7.15.4 Consequently, no affordable housing or a financial contribution in lieu of on-site provision can be sought with this development. This application has been considered on its own merits and on the basis of the evidence available at the time of consideration. As the starting point, each application that triggers the threshold for affordable housing must continue, therefore, to address the requirements of Policy CP5. Hence, an Affordable Housing Statement in addition to any viability information will continue to be required.

7.15.5 As such, the proposal is considered to be acceptable on these grounds, in this respect, complying with Policy CP5 of the CSDMP.

7.16 Financial considerations

7.16.1 In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

8.0 CONCLUSION

8.1 As with the earlier planning permissions SU/15/0588 and SU/16/0323 which followed the allowed appeal SU/14/0532 on nearby sites, no objections are raised to the principle of the development. No objections are raised upon the impact of the proposal on local character, trees, residential amenity, traffic generation, parking, highway safety, ecology, archaeology, drainage and flood risk and, local infrastructure. The proposal is acceptable in terms of its impact on the Thames Basin Heaths Special Protection Area, with a contribution for SANG delivery elsewhere in the Borough provide through the CIL scheme. Subject to the completion of a legal obligation to provide a SAMM contribution, no objections are raised to the proposal.

8.2 The application is therefore recommended for approval, subject to the completion of the aforementioned legal obligation or upfront payment prior to the determination of this application.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 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 proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

GRANT subject to a receipt of a satisfactory legal agreement to secure a contribution towards SAMM provision, or upfront payment, by 30 November 2016 and subject to the following conditions:-

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

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

2. The proposed development shall be built in accordance with the following approved plans: R.0334_02_3G, R.0334_17, R.0334_19, R.0334_20-1 REV A, R.0334_20-2 REV A, R.0334_21-1 REV A, R.0334_21-2 REV A, R.0334_22-1 REV A, and R.0334_22-2 REV A received on 26 May 2016, unless the prior written approval has been obtained from the Local Planning Authority.

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

3. Notwithstanding the details shown on Drawing No. R.0334_15 REV A, no development shall take place until details and samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials to be agreed will include the proposed brick, tile, guttering and fenestration. Once approved, the development shall be carried out using only the agreed materials.

Reason: In the interests of visual amenities of the area and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the advice within the West End Village Design Statement SPD 2016..

4. Before first occupation of Plot 1 of the development hereby approved the first floor window(s) in the flank elevation facing 5 and 7 Rose Meadow, shall be completed in obscure glazing and any opening shall be at high level only (greater than 1.7m above finished floor level) and retained as such at all times. No additional openings at first floor level shall be created in this elevation without the prior approval in writing of the Local Planning Authority.

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

5.
 1. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, and implemented prior to first occupation. The submitted details should also include an indication of all level alterations, hard surfaces, walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and shall build upon the aims and objectives of the supplied **BS5837:2012 – Trees in Relation to Design, Demolition and Construction** Arboricultural Method Statement [AMS].
 2. All hard and soft landscaping works shall be carried out in accordance with the approved details. All plant material shall conform to **BS3936:1992 Parts 1 – 5: Specification for Nursery Stock**. Handling, planting and establishment of trees shall be in accordance with **BS 8545:2014 Trees: from nursery to independence in the landscape**
 3. A landscape management plan including maintenance schedules for all landscape areas other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The schedule shall include details of the arrangements for its implementation. The landscape areas shall be managed and maintained thereafter in accordance with the agreed landscape management plan for a minimum period of 5 years.
 4. Any trees or plants, which within a period of five years of commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased shall be replaced as soon as practicable with others of similar size and species, following consultation with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

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

6. No development including demolition shall take place until a detailed arboricultural method statement has been submitted and approved in writing by the Local Planning Authority. The statement will be in accordance with British Standard 5837:2012 "Trees in Relation to Design, Demolition and Construction" and shall contain details of pruning or removal of trees, specification and location of tree and ground protection (for both pedestrian and vehicular use), all demolition processes, details of construction processes for hard surfaces. The statement should also contain details of arboricultural supervision and frequency of inspection along with a reporting process to the Tree Officer. All works to be carried out in strict accordance with the approved details.

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

7. The development shall be implemented in accordance with the recommendations set out in Section 9 of the Ecological Appraisal by Hankinson Duckett Associates dated November 2013 unless the prior written approval has been obtained from the Local Planning Authority.

Reason In the interests of nature conservation and to comply with Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012.

8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of heritage and to comply with Policy DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012.

9. No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding;
- (f) hours of construction;
- (g) a method to keep the highway clean during site clearance and construction;
- and
- (h) confirmation that there would be no on-site burning of material on the site

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

Reason: The condition above is required in order that the development should not prejudice highway safety or residential amenity or long term retention of retained trees on the site, nor cause inconvenience to other highway users and to accord with Policies DM9, CP11 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

10. The proposed access onto Beldam Bridge Road shall be provided with visibility zones, in accordance with Drawing No. C82916-D-001 Rev. C with the visibility zones kept permanently clear of any obstruction between the heights of 0.6 and 2 metres.

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

11. Details of a footway link between the proposed access and the road junction of Kings Road and Beldam Bridge Road shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided prior to the occupation of the development hereby approved.

Reason: In the interests of highway safety and to comply with Policy CP11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

12. The garage buildings hereby permitted should be used for private domestic purposes only in connection with the use of the respective properties as single family dwelling houses.

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

Informative(s)

1. Decision Notice to be kept DS1
2. Building Regs consent req'd DF5
3. Party Walls (etc) Act 1996 DE3
4. CIL Liable CIL1

In the event that a satisfactory legal agreement, or upfront payment, has not been received by the 30 November 2016 to secure a SAMM contribution, the Executive Head of Regulatory be authorised to REFUSE the application for the following reasons:-

- 1 In the absence of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or payment of the SAMM payment in advance of the determination of the application, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012; and, Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan in relation to the provision of contribution towards strategic access management and monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2012).