

-COMMITTEE AGENDA REFERENCE: 5c

APPLICATION REF:	RU.22/0479
LOCATION	Land to the east of Brox Road, Brox Road, Ottershaw, KT16 0LQ
PROPOSAL	Full planning permission for the proposed change of use from agricultural land to publicly accessible open space to be used as Suitable Alternative Natural Greenspace (SANG) on 10.42ha of land, including the demolition of an existing barn and creation of new pathways, associated landscaping and associated earthworks. Creation of new areas of public open space (including play areas and a community orchard) relative to the adjacent site comprising a hybrid planning application comprising: (a) Full planning application for the demolition of existing buildings, provision of 2 x replacement garages for 155 and 157 Brox Road and delivery of a residential development (Use Class C3) comprising 184 dwellings (including 35% affordable housing) and 2 Gypsy and Traveller Pitches, informal and formal open space, footpaths, cycleways and internal roads, landscaping, planting and drainage infrastructure. Creation of new vehicular and pedestrian access into the site from Brox Road; and (b) Outline planning permission for: The use of 0.1 ha of land for the provision of a GP Surgery of up to 800sqm (Use Class E) with associated parking and landscaping.
TYPE	Full Planning Permission
EXPIRY DATE	16/12/2022
WARD	Ottershaw
CASE OFFICER	Louise Waters
REASON FOR COMMITTEE DETERMINATION	Major application
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC:	
1.	To approve the Full Application subject to the completion of a s106 agreement and planning conditions as set out in section 11 of this report.

2	To refuse planning permission at the discretion of the CHDMBC should the S106 not progress to his satisfaction.
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2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site comprises a parcel of open agricultural land extending to some 10.42 hectares comprising woodland and grassland. The allocated housing site Ottershaw East (Policy SL12) is positioned to the north west of the site. A field drain is located along the western boundary and intersects the site from the north west to the south east before joining the River Bourne. A large agricultural storage building is positioned to the north of the site which will be demolished as part of the development. Existing public footpaths are located along the western and southern boundaries of the site.
- 2.2 The site is located within the Green Belt and falls within 5km of the Thames Basin Heath SPA. Brox Copse an area of ancient woodland is located to the south of the site and Halls Farm Wood and Grassland, a Site of Nature Conservation Importance, is positioned to the east of the site. Land to the south east is designated as a biodiversity opportunity area. The eastern parts of the site fall within a Mineral Safeguarding Area. The site is located within Flood Zone 1 (low risk) with land to the east falling within Flood Zones 2 and 3. Existing residential properties surround the site as well as some agricultural holdings and a Polo facility.

3. APPLICATION DETAILS

- 3.1 This application is seeking Full Planning Permission for the proposed change of use from agricultural land to publicly accessible open space to be used as Suitable Alternative Natural Greenspace (SANG). The application includes the proposed demolition of an existing barn and the creation of new pathways, associated landscaping and associated earthworks. The creation of the SANG will provide for new areas of public open space including a new pond and wetland areas, a LEAP (Local Equipped Area for Play), a community orchard (comprising rows of fruit and nut bearing trees planted within open, herb rich grassland) a natural play area and trim trail, woodland play area and new meadow areas.
- 3.2 The development also proposes new pedestrian links into existing surrounding footpaths. The SANG includes a main circular walking route of 2.5km which will be bound in gravel to allow convenient year-round, all weather, and all-ability access. Secondary connecting paths will be laid out to present visitors with a variety of walk lengths and options. Simple timber ditch crossings will be installed where the path route intersects existing field drains.
- 3.3 Site furniture will be of predominantly timber construction in simple and robust designs. Interpretation panels will be installed at main access points which will provide information on the habitats and features of the SANG. Maps will also be provided indicating both the range of walks available within the SANG and its recreational connectivity within the broader landscape. Socially and environmentally responsible recreational activity will be promoted including the use of litter and dog waste bins which will also be provided at access points. Timber benches will be installed at appropriate intervals and near focal points such as the pond and orchard
- 3.4 The SANG will create new habitats across the site including new areas of grassland which

will be predominantly managed as 'wildflower meadow', although localised areas of short sward grassland will be maintained to promote the safe enjoyment of natural play areas. New tree and shrub planting will be undertaken within the northern part of the SANG with scattered trees and linear bands or 'islands' of scrub and woodland. A large area of continuous scrub planting will be provided along the existing woodland edge to screen the Badger sett locations. Once established this new planting will provide a refuge and foraging resource for wildlife and will promote connectivity between the areas of wooded habitat to the north and south.

- 3.5 New native species-rich hedgerow will be planted along the northern part of the SANG's eastern boundary in order to enclose and frame the SANG and provide a link between the wooded areas to the north and south. The hedgerow will serve a screening function and provide breeding habitat for birds, and a foraging resource, refuge, and wildlife corridor for a wide range of species. The two new wetland features will comprise a large basin in the western part of the SANG, which will also serve as a Sustainable Drainage System (SuDS) for the proposed new residential development under RU.22/0454) to the west, and a wildlife pond to the east which will provide habitat for aquatic flora and fauna and an attractive focal point with a naturalistic character.
- 3.6 Parts of this application site fall within policy SL12 (Housing Allocation at Ottershaw East) of the Runnymede 2030 Local Plan which requires the provision of an area of SANG for the new residential development proposed within the Ottershaw East allocated site to avoid harmful impacts to the Thames Basin Heaths Special Protection Area as well as a contribution towards SAMM. This proposed new area of SANG will provide for mitigation against the harmful impacts of planning application RU.22/0454 comprising an area of some 9.97 hectares (excluding the LEAP and new SUD's pond) Allowing for a regional-standard provision rate of 8ha per 1,000 new residents and an average local occupancy rate of 2.2 persons per dwelling (as given in the Thames Basin Heaths SPA SPD), the residual area of the proposed SANG would generate sufficient capacity to mitigate 566 dwellings which would far exceed the mitigation requirements of the neighbouring development site where 184 new dwellings and 2 Gypsy and Traveller Pitches are proposed.
- 3.7 This application is supported by a letter of intent from the Land Trust advising that subject to a contract and payment of an agreed endowment, the Land Trust is intending to take formal ownership of the SANG. On this basis the Land Trust would thereafter remain responsible for its provision and maintenance in perpetuity (no less than 80 years). The agreed endowment would include all management and maintenance, including the periodic capital replacement of site furniture and access infrastructure. The capital sum would be ring fenced for the site and will be invested within the Land Trust's wider investment portfolio. The site would be managed in accordance with the SANG Management Plan. The Land Trust has a proven track record in managing land for the benefit of communities and wildlife. It has been approved by Natural England and a number of Local Planning Authorities as an appropriate body to manage SANG and now manages over 300 ha of SANG from Devon to Surrey.

4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application:

Reference	Details
RU.22/0454	Hybrid planning application comprising: (a) Full planning application for the demolition of existing buildings, provision of 2 x replacement garages for 155 and 157 Brox Road and delivery of a residential development (Use Class C3) comprising 186 dwellings (including 35% affordable housing) and 2 Gypsy and Traveller Pitches, informal and formal open space, footpaths, cycleways and internal roads, landscaping, planting and drainage infrastructure. Creation of new vehicular and pedestrian access into the site from Brox Road; and (b) Outline planning permission for: The use of 0.1 ha of land for the provision of a GP Surgery of up to 800sqm (Use Class E) with associated parking and landscaping. To be discussed on this agenda with an officer recommendation for approval.
RU.22/0460	EIA Screening Opinion in respect of the proposed development of the site for new residential development, a GP Surgery, Gypsy Traveller Pitches and the provision of a SANG (Suitable Alternative Natural Green Space). Not EIA development.
RU.21/0673	Full planning permission for the proposed change of use from agricultural land to publicly accessible open space to be used as Suitable Alternative Natural Greenspace (SANG) on 10.42ha of land, including the demolition of an existing barn and creation of new pathways and associated landscaping. Creation of new areas of public open space (including play areas and a community orchard) relative to the adjacent site comprising an outline planning application for residential development (Use Class C3); serviced gypsy/traveller pitches (Sui Generis); GP Surgery (Use Class E), landscaping and associated development. Withdrawn
RU.21/0672	Outline planning application for residential development (Use Class C3); serviced gypsy/traveller pitches (Sui Generis); GP Surgery (Use Class E); associated landscaping, utilities and drainage infrastructure; and associated infrastructure and enabling works including the demolition of all existing nursery buildings and glasshouses. All matters are reserved for future consideration with the exception of access to the site, to be taken from Brox Road. Withdrawn
RU.21/0633	EIA Screening Opinion in respect of the proposed development of the site for new residential development, a GP Surgery, Gypsy Traveller Pitches and the provision of a SANG (Suitable Alternative Natural Green Space) Not EIA development

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework and Guidance.

- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 SPDs which might be a material consideration in determination:
 SPDs including but not limited to Thames Basin Heaths Special Protection Area (April 2021) and Blue Infrastructure (Nov 2021)
- 5.4 This site falls within the designated Ottershaw Neighbourhood Area. However, a Neighbourhood Plan has not been developed yet for this area.

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Environment Agency	No objections (comments provided with respect to ground water protection)
Lead Flood Authority	No objections subject to conditions
West Surrey Badger Group	No objections subject to conditions
RBC Planning Policy	No objections subject to the SANG land being transferred to The Land Trust with the requisite contribution for management/maintenance in perpetuity.
Surrey Wildlife Trust	No objections subject to conditions
Natural England	No objections
RBC Land Contamination Officer	No objections subject to conditions.
RBC Drainage	No objections
Surrey Bat Group	No objections
Surrey County Council - Countryside Access Officer	No objections – Contribution sought towards enhancing the existing public right of way
RBC Listed Building & Conservation Adviser	No objections

Surrey County Council Minerals and Waste	No objections
National Highways	No objections
Surrey Police - Designing Out Crime Officer (north division)	No objections. Guidance given with respect to Secured by Design.
Surrey County Archaeology	No objections
Sport England	No objections
Tree Officer	No objections subject to conditions
Historic England	No objections
BAA safeguarding (Heathrow)	No objections
RBC Economic Development Officer	No objections
County Highway Authority	No objections subject to conditions. S106 requirement for the retention of public access to and from the SANG
Affinity Water	No comments received.
Thames Water	No comments received
The Ottershaw Society	No comments received
Fairoaks Airport	No comments received
Brox End Nursery Residents Association	No comments received
Safer Runnymede	No comments received
SCC Public Rights of Way	No comments received
Civil Aviation Authority	No comments received
RBC Environmental	No comments received.

Health Officer	
RBC Green Spaces Team	No comments received
Airside Operations Manager	No comments received
Safeguarding Heathrow Airport	No comments received

Representations and comments from interested parties

6.1 230 Neighbouring properties were consulted in addition to being advertised in the local paper. Site notices have also been displayed surrounding the application site. 76 letters of representation have been received which can be summarised as follows

- Harmful impacts upon existing wildlife and biodiversity.
- New developments should include a variety of green open spaces in a variety of sizes and locations. It is not enough for this requirement to be diverted to the SANG.
- Lack of sports facilities which is considered essential by the Runnymede Infrastructure Analysis.
- A Biodiversity net gain has only been achieved by adding in the SuDS and a hedgerow into the SANG which does not form part of the housing development allocated land.
- The development fails to comply with policies and guidance as set out within the Local plan, the Runnymede Design SPD, the NPPF and the National Design Guide.
- Lack of parking and significant problems of overspill on-street parking along Brox Road and other nearby roads. Contrary to advice from Natural England.
- In order to avoid disruption outside of the development the SANG parking provision must fall within the proposed new housing development, accessible from its Brox Road entrance and be suitably convenient to facilitate access to the SANG by all including the less able.
- Evidence from the SANGs Summer survey showed that of 216 visitors (in a 16-hour period) to Ottershaws other SANGs (17ha in total), 36% of those visitors were not local to Ottershaw. Further to this, the transport survey of this document shows 32% of visitors were by car. 60% of visitors were dog walkers. If we assume 1 per vehicle (as many dog walkers are), this is 69 cars in a 16-hour period to a 17ha area. Therefore, we can estimate there could be 40 cars in a 16-hour period visiting the new SANG. There must be a car park to accommodate these visitors otherwise the development area will become congested and Brox Road and its attributor roads, further congested.
- Measures and initiatives need to be both tangible and physical.
- The improvements to the A320/Brox Road junction need to be completed so that residents can have better and safer walking, running and cycling routes.
- The development should not be occupied until the works under 2021/0185 have been carried out. The Ottershaw East site has been included as part of HIF assessment and the improvements highlighted within the submitted Transport

Assessment account for the additional impact generated by this development proposal.

- A planning condition restricting the number and direction of site traffic should be adopted in order to direct site traffic South on Brox Road.
- No improvements are being made to the A320/Brox Road Priority Junction and it does not address a safer route for pedestrians, cyclists and the like to travel between the pedestrian and cycle route along the A320 via the Brox Road/Guildford Road.
- The CHA has made more damage by not including the A320/Brox Road in the A320 HIF improvement (urgent action) as a greater degree of traffic will be diverted along Brox Road Village road causing greater issues particularly for Murray Road residents.
- A cycle path from the development along Brox Road and across the A320 junction to the existing cycle path, would promote safe and healthy travel options.
- Ottershaw is a rural Village, poorly served by public transport. There is only one bus service that runs hourly through the Village, others 2 hours daily. This public transport does not align with the plans for the area and the increase in population.
- The CHA recognise the site, and Ottershaw as a whole, is not a particularly sustainable location (in transport terms), and as a result have requested conditions to include improvements to pedestrian, cycle and bus modes of transport.
- The Travel Plan by Vistry Homes is inadequate as it fails to recognise the importance of the A320/Brox Road Priority Junction improvements due to the failings of Surrey County Council's to include the improvement of this junction in the HIF improvements according to the A320 Corridor Study Report.
- The A320/Brox Road junction is dangerous for pedestrians and cyclists wishing to use NCN Route 223. There is no safe pedestrian or cycle junction from the A320/Brox Road junction where most accidents have occurred.
- The CHA has imposed a 4 metres wide cycle pedestrian access onto Brox Road from the subject development but this has not been met according to plans RU.22/1317.
- In order to avoid disruption outside of the development the SANG parking provision must fall within the proposed new housing development, accessible from its Brox Road entrance and be suitably convenient to facilitate access to the SANG by all including the less able.
- The SANG application is completely nonsensical and is an unacceptable destruction of the local environment.
- The land should be retained solely as land beneficial to local wildlife and not be used by people and dogs.
- The ongoing development and noise will disturb all animals in this local environment, and potentially those in other adjacent nearby ecosystems.
- There are already plenty of outdoor areas used by humans and dogs all around the area.
- The people visiting the SANG will also increase parking problems that already exist on Brox Road.
- Local infrastructure cannot support the number of cars and people this development will generate
- This development along with the Brox End Nursery site has and will completely change our living environment. It will lead to us leaving Ottershaw driven out by unsuitable over development after 35 years of living in a peaceful village environment.

- This application in conjunction with the granting of permission at Brox End near to the site will exacerbate congestion especially at peak times and school drop offs.
- There is insufficient road capacity already within the village.
- Ottershaw village is poorly served by public transport and infrastructure being a dormitory village dependant on car use.
- Scoping Report carried out by HUB stated that the location of the site was not considered sustainable with infrequent bus provision and poorly connected cycle and pedestrian links. The report states that infrastructure is poor. Together with the 46 houses being constructed in Brox Road, the Brox End Nursery, density of the proposed development is unsustainable.
- The opportunity should now be taken to restrict both ends of Brox Lane, together with Slade Road, to all through traffic. i) No Entry (Except for Access and Buses) ii) The 30mph speed limit on both of those roads should be reduced to 20mph.iii) Speed tables and width restrictions are not a satisfactory solution, apart from the additional engine noises they create, they simply cause greater harmful emissions at their sites, with vehicles slowing stopping and accelerating away.
- There is only one access/exit point to the site so there is a possibility of a site gridlock at peak times.
- Biodiversity should be enhanced as part of new development and should be designed to maximise gains in Biodiversity. Offsetting it through a hybrid application to the SANG (which is currently inaccessible and undisturbed land anyway) plays into the developers' hands so they can show numbers to suit them.
- Police Secured By design principles must be adopted.
- ALL NPPF and RBC planning policies must be adhered to fully.
- Brox Road and Slade Road speed limits and restrictions must be implemented before construction commences.
- Parts of the development are not easy walking distance to shops and so car use will increase to link to rail services in Woking, Chertsey and Addlestone. The NPPF states that all housing development must be sustainable and reflect the infrastructure capacity of an area.
- The creation of a SANG- the community does not need this.
- Design should promote the use of local tree species such as oak, birch and Scots pine.
- Local infrastructure will not be able to cope with additional traffic.
- Unclear why the SANG area is proposed to be situated at the farthest point from existing residents? Could the SANG not be repositioned to run along the back of the existing properties along Brox Road that border the field. This could minimise the objections and deprivation of village community feel that the development threatens.
- increased number of cars will add to the noise and pollution.
- Noise disturbance would be a real problem for what was a really quiet, peaceful and pleasant village to live in.
- We have lived in what was a lovely residential village with our family for 36 years, this proposal would completely ruin this environment.
- Object to the development of Green Belt land.
- Earlier this month in the Queens speech opening the new session of parliament, the Government announced the "Levelling up and Regeneration Bill. Given the significant new legislation that has been introduced into parliament it would seem reasonable that the Planning Committee pauses its consideration of such a substantial development until the impact of this legislation is clear.

- The increase in traffic will have a deleterious effect on the local environment resulting in increased pollution and stress to local inhabitants.
- Loss of privacy and security to existing surrounding properties.
- This is an opportunity to secure the long term future of this section of the strategic gap between the built settlements of Ottershaw and Addlestone. All the SANG land must therefore remain designated and protected as Green Belt.
- Unclear if Runnymede will be prepared to take over the woodland North of Jakes Farm, shown on the masterplan which, in its' present state, is not of the same quality and has serious maintenance and public safety problems that the other sites do not.
- This area of woodland has been unmaintained private wilderness as part of Ash Farm. Not clear if RBC will take over the site.
- The marshland has been drained by perimeter and internal ditches and ponds feeding the River Bourne. I believe these ditches have historically been maintained by the Environment Agency, as the woodland plays an important role in holding back stormwater from the River Bourne. Despite that the access to Rose Park and part of Brox Lane become flooded most years
- Concerns over the spread of Himalayan Balsam.
- The boundaries between the woodland of Bourne Rise Farm and Jakes Farm are delineated by maturing oaks which be subject to a TPO. Footpaths should be safely routed further to the north to be clear of their spread.
- New security fencing would have to be away from oaks and hollies whilst allowing maintenance of drainage ditches from within the application site.
- May require ditches to be re-aligned which will have to be negotiated with adjoining owners.
- Details of boundary treatment should be a reserved matter with full details to be approved before development commences.
- The existing woodland environment has real and potential hazards that cannot be considered safe for public access.
- Fear of accidental grass fire spreading to the woodland and becoming uncontrollable.
- Issues of public liability and insurance for all parties must be addressed.
- This area of woodland needs strategic pre- planning and significant investment over a number of years which should start now.
- The considerable cost of setting up the SANG should not fall on the Local Authority.
- The funding of construction/remediation works and ongoing management to ensure a safe and long-lasting public amenity should be part of a Section 106 or similar binding legal agreement.
- It would be beneficial to start improvement works and tree planting early to create a suitable and safe environment for wildlife and residents long before the new housing is completed.
- With proper preservation and enhancement of the best existing features, and by dealing with identified problems, the proposed SANG can remain a strategic part of the Green Belt and become a great asset for the wider community as well as an exemplar project for nature conservation and the enhancement of biodiversity.
- The delivery of the SANG can only be achieved through consultation with adjoining owners and with the active involvement of Runnymede Borough Council in both the sensitive remediation and the establishment of this asset, as well as with long term management and maintenance.
- Loss of green space and public footpaths which are highly valued and utilised by

residents of the area.

- There is inadequate local infrastructure to support such a large development and it would cause major traffic issues to surrounding roads.
- Any further development of this green belt space would have a profound visual impact on neighbouring properties, their privacy and disturbance.
- Increased capacity on the M25 and associated harmful impacts.
- The aim of saving the Thames Basins Heaths Special Protection Area, which is the purpose of a SANG, need not be at this price of sacrificing all other pockets of wildlife.
- The "net biodiversity gain" touted in the reports will be rendered pointless if the wildlife is killed or driven out.
- Concerns regarding the date of the ecological surveys and the accuracy of the information. No evidence was sought or collected from local environmental groups and individuals.
- There should be no intention to install lighting within the SANG. This should be a natural green space, not an un-natural one.
- The "Ottershaw East SANG Creation & Management Plan 4/3/22" also notes that "No part of the SANG is designated for nature conservation; the nearest locally designated site is some 700m distant." It should be designated (formally or informally) for future reference
- The SANG needs areas which are visually pleasing but unappealing to actually access, using brambles, gorse, hedging and such natural deterrents.
- The creation of play areas across the SANG will distribute children, adolescents and dogs throughout the entire SANG with harmful impacts
- How is it intended to keep dogs out of the other pond? This is a permanent issue for Hare Hill Open Space.
- You don't understand how you ruin our lives.
- Local infrastructure will not cope.
- The size of this development will completely encroach on the lives of those living in the village bringing huge amounts of traffic and footfall. It is a terrible shame for Ottershaw to allow change of use from agricultural land.
- it is way too big for such a small village. It is an over-development and the infrastructure cannot cope.
- Loss of agricultural land.
- Either take the whole of the area out of greenbelt or leave the land alone.

The letters of representation also make reference to objections raised under RU.22/0454 with respect to the new hybrid planning application. These comments are considered under this separate planning application.

6.2 In addition, a letter of objection has been received by the Ottershaw Neighbourhood Forum outlining the following concerns:

- The SANG should aim to balance the protection and development of wildlife and vegetation with that of providing amenity space for residents. The current solution fails to achieve this. As such it offers too much freedom for residents to roam across the whole of the site and little or no protection to the habitat.
- The SANG should seek to return the area towards its historical origins. As such greater emphasis should be placed upon indigenous species reforestation and

hedgerow creation.

- The detailed design of the SANG should be developed in close cooperation with the local community in order to ensure its expectations are met. This should be effected through liaison with the local council, Ottershaw Neighbourhood Forum and other community groups.
- No specific consultations regarding the SANG have taken place with the Ottershaw Neighbourhood Forum or other community groups. Discussions held in February 2022 focussed on the housing development and not the villages expectations for the SANG.
- The SANG should seek to reflect the practice and functions of the other SANGS in the local area which seek to limit public access mainly to footpaths and immediate surrounding areas whilst providing only minimal other activity amenity space as stated in the Natural England, Thames Basin & Heaths and RBC, SANG requirements/SPDs.
- The SANG development should include a pictorial and written vision for the space which looks approx. 50 years into the future. This will help to inform the detailed development of the solution to ensure it is delivered to best effect and provide a checkpoint as time passes.
- SANG Categorisation. There is inconsistency in how the areas of the housing development and the SANG are quoted and used across the 2 Ottershaw East applications (0454/0479). Although the SuDS area is embedded in the SANG and is listed many times as an amenity to be used by the SANG users, its acreage has been removed from the SANG total area. The result of this is a SANG of less than 10ha rather than more and as such a different set of requirements are seen to be applicable. In our opinion this is incorrect and the full area of over 10ha should be used.
- Vehicle Parking. It is not clear from the application what category this SANG falls into and it is perceived this will also affect the solution. Looking at its size of around 10ha it is our largest SANG by some margin. As such it is unclear whether the intent is to serve only the local population up to 400 metres or wider. The current application includes no provision for vehicle parking. As such the catchment is stated as 400 metres. This is clearly arbitrary and unrealistic as external users from a wider catchment cannot be deterred unless you restrict public access to the SANG.
- In our experience regarding our other SANGs we see clear evidence of a wider catchment area for about a third of users, eg Memorial Field dog walkers (of which there are many) using its car parks will doubtless wish to use this SANG as a regular alternative. Without dedicated car parking they will simply park on Brox Road.
- For this SANG, given its size and varied nature we would see wider access being even higher. In order to meet the wider case there are firm requirements to provide the following: i) Dedicated vehicle parking within close proximity of the SANG (ie adjacent). ii) Dedicated disabled vehicle parking as a part of the provision and provision for cycle parking.
- The implications of not providing parking will result in completely unacceptable

increased congestion and safety risk along Brox Road

- Badger Habitats. A number of badger setts have been identified within the SANG area and concerns are raised that the current SANG solution appears to take no regard for their presence with many of the footpaths coming in very close proximity or actually right on top of the setts. Additionally, there is no consideration of their foraging areas. We recommend that the SANG layout is carefully reconsidered in order to ensure the safety of this species.
- The current proposed solution does not comply with the requirements for species protection stated/referenced in the Natural England response ref 408394 dated 5 Oct 22
- Woodland Play/Trim Trail. The woodland play area is embedded in an area of ancient woodland which is too remote from the housing development and therefore unsafe. If the requirement for the area remains, it should be relocated.
- It is recommended that additional hedging is introduced throughout the boundary to provide screening of the boundary fence and positively contribute to the Biodiversity Net Gains for the development.
- The footpaths through the forested area in general are in too close proximity to the boundary. Whilst it is understood these alignments are indicative, it is recommended that these are moved a small distance further into the SANG.
- SuDS Outfall. It is unclear whether a full impact assessment has been completed to demonstrate whether the ditch to the south of the development proposed for the outfall and its capacity is sufficient to avoid any increase to flood risk elsewhere.
- Tall Edge Planting/Mature Trees. These plantings should seek to mirror the tree species mix of the adjacent ancient forest. Fast growing, small and non-indigenous species should not be encouraged.
- In our opinion a community orchard is more aligned with an urban rather than a rural setting. We would recommend this is replaced with more irregular indigenous species woodland.
- The SANG boundary onto Brox Lane in the SE corner should be opened to allow pedestrian/cycle access. Providing wider access is pertinent considering the significant size of the SANG when compared to the proposed housing development. This would also provide some benefit with respect to active & sustainable travel.
- Whilst annualised cost estimates have been provided for management and replacement of SANG furniture etc, it is unclear for how long the applicant is required to meet the requirement "in perpetuity". This needs clarification.
- There is an opportunity to provide a cyclepath connection from FP30 through the SANG onto Brox Lane in the SE corner. Provision of this would significantly reduce the amount of vehicle usage, particularly at and around peak times, contributing positively to the proportion of active & sustainable travel in the area.

6.3 In addition a letter of representation have been received from The Brox Road Action Group (BRAG) outlining the following concerns

- Insufficient parking.

- The creation of the SANG as part of the hybrid application (RU.22/0479) and the amenities within it, appeal to those within the village but also to those in nearby villages. Regardless of the bus and cycle links, there will be an amount of the public which will drive to the SANG. There has been no parking provision considered for these visitors nor a contingency parking area should the number of visitors by car exceed expectations once the development is complete.
- According to Nature England, "For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it". The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANG and the SPA.
- According to the BNG assessment report completed by Tyler Grange, and the planning application itself, the SANG comprises 10.42ha of habitat. A car park provision for the SANG should be considered within the residential development area. The amount and nature of parking provision should reflect the anticipated use of the site by visitors and the catchment size of the SANGS. It should provide an attractive alternative to parking by the part of SPA for which it is mitigation. Car parks should be clearly signposted and easily accessed. New parking provision for SANGS should be advertised as necessary to ensure that it is known of by potential visitors.
- Evidence from the SANGs Summer survey showed that of 216 visitors (in a 16-hour period) to Ottershaws other SANGs (17ha in total), 36% of those visitors were not local to Ottershaw. Further to this, the transport survey of this document shows 32% of visitors were by car. 60% of visitors were dog walkers. If we assume 1 per vehicle (as many dog walkers are), this is 69 cars in a 16-hour period to a 17ha area. Therefore, we can estimate there could be 40 cars in a 16-hour period visiting the new SANG. There must be a car park to accommodate these visitors otherwise the development area will become congested and Brox Road and its attributor roads further congested.
- In order to avoid disruption outside of the development the SANG parking provision must fall within the proposed new housing development, accessible from its Brox Road entrance and be suitably convenient to facilitate access to the SANG by all including the less able.
- Design standard 17 states the development should contain a mix of uses. A SANG as large as the one proposed for Ottershaw East would be worthy of a cafe and such a provision should be considered and doubles as an opportunity for social spaces.
- If this is not rectified now, it will have a significant impact on the development and the surrounding roads outside the development. We urge that all parking requirements (the housing development and the SANG) are reviewed before any decision is approved.

7. PLANNING CONSIDERATIONS

- 7.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are considered to be the provision of public open space and whether the proposed development comprises appropriate development in the Green Belt including impact on visual amenities/landscape character, impact on neighbouring amenities, impact on trees and ecology and whether any highway matters would result.

Provision of public open space

- 7.2 The site is currently agricultural land and woodland. Paragraph 98 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The proposed provision of public open space would therefore comply with this aspect of the NPPF and Local Plan Policy SL25

Green Belt Considerations

- 7.3 Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open. Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One of the forms of development not considered to be inappropriate is set out in para 150(e), material changes in the use of land such as for outdoor sport, recreation etc. Paragraph 145 of the NPPF further advises that local planning authorities should plan positively to enhance the beneficial use of the Green Belt and the examples given are “to provide access; to provide opportunities for outdoor sport and recreation; [and] to retain and enhance landscapes, visual amenity and biodiversity”.
- 7.4 Policy EE16 of the 2030 Local Plan states that provision of facilities for outdoor sport, outdoor recreation...may not be inappropriate in the Green Belt provided such provision preserves openness and does not conflict with its purposes. Policy EE19 states that changes of use of land may not be inappropriate but should have no greater impact on the openness of the Green Belt and the purposes of including land within it than the existing use.
- 7.5 The proposal is for the change of use of the land to a Suitable Accessible Natural Greenspace (SANG) with associated works to bring the site up to SANG standard. SANGs are areas of open space provided for general recreation by the public and the primary purpose of a SANG is to provide an alternative to the sites for informal recreation within the Special Protection Area. As part of this application no new buildings are proposed on the site, thus maintaining the openness of the site. The proposed development would also specifically provide public access to the site providing opportunity for outdoor. The proposed change of use of the land to provide a SANG is therefore considered to be an appropriate form of development within the Green Belt which would comply with policies EE16 and EE19 of the Local Plan.
- 7.6 This application also proposes however land raising across the northern section of the SANG in order to prevent excavated material from the neighbouring land (RU.22/0454) being removed off site. Careful consideration needs to be given to the extent of this land raising and its impact upon the Green Belt. Policy EE18 (Engineering Operations in the Green Belt) of the Runnymede 2030 Local Plan confirms that proposals for engineering

operations including material changes in land levels are considered inappropriate development unless the applicant has demonstrated that the operations preserve the openness of the Green Belt at the site and its vicinity, and do not conflict with the purposes of the Green Belt. This policy confirms that the extent and visual impact of the changes in land levels will be taken into account in assessing such proposals, as will the purpose and intent of future use in order to ensure the visual effects are not harmful.

- 7.7 An additional statement has been submitted by the applicant which confirms that maximum ground raising is proposed to be up to 1 metre above existing ground levels. The raised areas are to be graded at the edges over a minimum of 10m resulting in a maximum slope of 1:10 at the site edges. This supporting statement advises that the proposed changes in levels will cause negligible impact on the openness of the Green Belt and this impact will become less apparent once planting has started to establish further softening the proposed land level changes.
- 7.8 Given the proposed extent of the land raising it is considered that there will be some harm albeit limited to the openness of the Green Belt. As such the proposed land raising is therefore considered to represent an inappropriate form of development in the Green Belt (by definition) which would also have detrimental impacts upon the openness of the Green Belt. This would be contrary to policy EE18 of the Local Plan.
- 7.9 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.10 In conclusion there is clearly some limited harm in these respects which weights against the proposal and which will need to be taken into account when considering whether any 'very special circumstances' exist which would clearly outweigh the identified harm to the Green Belt and any other harm. It is therefore necessary to consider whether any other harm would arise from the proposed development.

Impact on residential amenities of neighbouring occupiers

- 7.11 The application includes the proposed demolition of an existing barn and the creation of new pathways, associated landscaping and associated earthworks. The creation of the SANG will provide for new areas of public open space including a new pond and wetland areas, a LEAP (Local Equipped Area for Play), a community orchard (comprising rows of fruit and nut bearing trees planted within open, herb rich grassland) a natural play area and trim trail, woodland play area and new meadow areas. The development also proposes a main circular walking route of 2.5km. This proposed development has been sensitively positioned within the application site so as to be positioned away from existing surrounding residential properties and their immediate private garden areas. The occupiers of existing surrounding land will be aware that the SANG land is to be used as public open space by members of the public. However, given the proposed layout and intended use of the SANG it is not considered that the proposed development would be detrimental to the amenities of existing neighbouring properties.
- 7.12 The proposed SANG is to be utilised predominantly by the occupants of the neighbouring development (RU.22/0454) and the local community. The provision of no onsite parking for the SANG will also restrict the number of people accessing the site by vehicles such that it is

not considered that the level of activity generated by the proposed development would be detrimental to the amenities of nearby occupiers. The proposed land raising of 1.0m within the northern parts of the SANG have been positioned in excess of 10 metres from the site boundaries to ensure that a sufficient buffer is retained to existing site boundaries and sufficient space is provided to allow for a slope of 1:10 at the boundary edges.

- 7.13 A planning condition is recommended to secure the provision of details of any new lighting in order to protect the amenities of existing properties surrounding the site. Given the proposed layout of the development, the separation distances involved and the nature of the use at the site it is considered that the proposal would not adversely affect the amenities of any neighbouring or nearby occupiers. The proposal therefore complies with the guidance in the NPPF which seeks to ensure a good standard of amenity for existing occupiers and Policy EE1 of the Local Plan.

The impact upon existing trees and blue infrastructure

- 7.14 Policy EE11 of the Runnymede 2030 Local Plan seeks to avoid further habitat fragmentation of green infrastructure by encouraging development proposals which restore, maintain and enhance habitat connectivity. The Council will seek development to contribute towards the delivery of a high quality multi-functional green infrastructure network by requiring proposals to provide and make enhancements to onsite green infrastructure assets. Policy EE12 requires development to contribute towards the delivery of a high quality multi-functional blue infrastructure network through the provision, protection, maintenance and enhancement of blue infrastructure to deliver multiple benefits and services for biodiversity, recreation and landscape.
- 7.15 The development is considered to be landscape led and the layout of the SANG has been designed so as to protect existing green infrastructure within the application site. The application is supported by an Arboricultural Impact Assessment and Arboricultural Method Statement. This supporting information confirms that the only green infrastructure which will be removed as part of the development includes category C planting comprising a 10m section of hawthorn and holly hedgerow to allow for the construction of the site drainage. The remaining green infrastructure and blue infrastructure within the site will be retained, protected and enhanced as part of the development proposals.
- 7.16 The application is also supported by a Green and Blue Infrastructure document which confirms that further mitigation and enhancement will be created in the SANG land which includes the creation of a wildlife pond, scrub habitat, woodland habitat, traditional orchard, and native species hedgerow. Further details of the proposed new planting across the site will be secured by planning condition. The development is therefore considered to comply with policies EE11 and EE12 of the Runnymede 2030 Local Plan, the councils Green & Blue Infrastructure SPD and policy within the NPPF.

Ecology Considerations

- 7.17 The intention is that the proposed public open space would be used as a SANG. As such the proposal would assist in mitigating the impact on the Special Protection Area as required by the Saved Southeast Plan Policy NRM6 together with Local Plan Policies EE9 and EE10. This would result in a significant ecological benefit. Policy EE9 (Biodiversity, Geodiversity and Nature Conservation) of the Runnymede 2030 Local Plan confirms that the Council will seek net gains in biodiversity through the creation, expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species.
- 7.18 The application is supported by an Ecological Impact Assessment EIA (including an

addendum report) which provides further details of protected species within the application site and the adjoining land under RU.22/0454. These assessments also provide for proposed mitigation and biodiversity enhancements across both of the application sites. The EIA also considers the wider impacts of the development upon the Southwest London Waterbodies Ramsar and SPA, Windsor Forest and Great Park SAC and Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC) confirming that the proposed development will not give rise to significant effects on European Sites either alone or in combination with other plans and/or projects.

- 7.19 Surveys completed in 2018 and 2020 found a low population of slow worm within the neighbouring site (RU.22/0454), badger setts within the SANG land and evidence of bats. The addendum report sets out the findings of updated results of a Great Crested Newt (GCN) survey, updated bat surveys and an updated reptile survey. The updated surveys found no presence of GCN and the addendum report therefore considers that GCN are absent from both application sites. The addendum report however recommends that a precautionary method of working will be implemented to include timing of works outside the hibernation season and phased habitat removal under the watching brief of a GCN licenced Ecological Clerk of Works. The addendum report confirms that if GCN are found during the development all works would cease to allow consultation with Natural England in order to secure an appropriate licence. The updated reptile survey found a low population of slow worms on the neighbouring site (RU.22/0454). The addendum report confirms that a reptile mitigation strategy will be produced which will include a method statement to both protect and enhance the existing population of slow worms.
- 7.20 The development includes the demolition of all existing buildings within both the application site and within the adjoining development (RU.22/0454). The Ecological Impact Assessment recommended additional bat surveys be undertaken of buildings B1 and B4 on the neighbouring site (RU.22/0454). Updated surveys have found no roosting bats within either buildings. However due to the high suitability of roosting potential and the known foraging within building B4 the addendum report recommends the use of soft demolition techniques (supervised by a suitably qualified bat ecologist) confirming that if a roost is found during demolition works the works will cease until a licenced ecologist is contacted and further works are progressed under licence from Natural England. The updated surveys found foraging and commuting activity along the woodland edge within the SANG land and within the neighbouring site. The addendum report confirms that any lighting on-site will be carefully designed to be directed away from existing boundary features so as to protect these habitats.
- 7.21 Several badger setts were found within the SANG land. There was no evidence of foraging or sett creation within the neighbouring residential land. The Ecological Impact Assessment confirms that the proposed new development under this application will have no impact on these sets. The EIA confirms that a 30 m buffer will be implemented around each Sett entrance during the creation and enhancement works on the SANG land and scrub will be hand planted around the Setts to restrict disturbance from people and dogs within the SANG. A further badger survey is also recommended to be undertaken prior to the commencement of the development to provide up to date evidence of badger activity across the site which will help to secure any proposed mitigation or revisions to the layout of the SANG and the associated pathways.
- 7.22 The EIA found the potential for common and widespread bird species within the tree lines, scrub, hedgerows and woodlands including along the boundary features confirming that these habitats will be untouched by the proposed development. The EIA also makes recommendations with respect to invertebrates, dormice, watervole and hedgehogs. Consideration is also given to the need to control invasive species.

- 7.23 The Ecological Impact Assessment includes mitigation and enhancements to ensure that habitats for reptiles, roosting, foraging and commuting bats, great crested newts and badgers are maintained and enhanced post development and no impacts will occur during site clearance works. The site layout and planting plan has been designed based on ecological considerations to ensure the retention and protection of the most important ecological features across the site, namely the boundary hedgerows and woodland. Mitigation and enhancement will be created in the SANG land, which includes the creation of a wildlife pond, scrub habitat, woodland habitat, traditional orchard, and native species hedgerow. The SANG land will also create additional suitable habitat for a range of reptiles, bats, badgers and GCN by the creation of scrub, deadwood, tussocky grassland, ponds, woodland, wildflower meadows and tree planting.
- 7.24 The application is supported by a Biodiversity Net Gain Assessment Report. This report concludes that enhancements across the SANG land will provide an overall net gain of +24.65% habitat units, +118.88% Hedgerow Units and 104.76% river unit net gain. The Ecological Impact Assessment confirms a commitment to provide and implement a Construction Environmental Management Plan (CEMP) and Landscape and Environmental Management Plan (LEMP) which will ensure that habitat features of most importance to protected and priority species utilising the site are retained and enhanced.
- 7.25 The Surrey Wildlife Trust raise no objections to the development subject to conditions with respect to additional badger surveys, the submission of a sensitive lighting management plan, to secure the biodiversity enhancements as contained within the Ecological Impact Assessment (including the addendum report) and the Biodiversity Net Gain Assessment and the submission of a Landscape and Ecology Management Plan (LEMP) and a Construction Environment Management Plan (CEMP). These requirements will be secured by planning condition. As recommended by the Surrey Wildlife Trust a planning condition will be imposed to secure the submission of a CEMP prior to the commencement of the development. This condition will ensure that a risk assessment of the potentially damaging construction activities are undertaken and practical measures to avoid and reduce their impacts during construction including the use of protective fences, exclusion barriers and warning signs. The development is therefore considered to comply with policy EE9 of the Runnymede 2030 Local Plan and relevant policy within the NPPF.

Flood risk and drainage

- 7.26 The application site is located within Flood Zone 1. A Flood Risk Assessment has been submitted in accordance with the requirements of the NPPF as the site is over 1 ha which also includes details of sustainable drainage. The Flood Risk Assessment demonstrates that the proposed development is not at significant flood risk and that flood mitigation strategies will be undertaken to address any residual risk. The drainage strategy proposes to utilise an open SuDS basin with flows restricted to the current greenfield runoff rate and attenuated up to the 1 in 100-year plus climate change event. A swale is utilised to add further water treatment prior to the discharging at a controlled rate into the adjacent ordinary watercourse via a swale for the provision of additional water treatment prior to outfall.
- 7.27 The Flood Risk Assessment concludes that the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site. The Flood Risk Assessment also advises that within the proposed SANG self-binding gravel pathways will be provided. The development will therefore not increase the impermeable area of this part of the site. Users would be able to safely circumnavigate or leave any areas which may experience temporary flooding. To reduce the risk of standing water on the proposed pathways the Flood Risk Assessment recommends that the pathways should be elevated slightly above the surrounding green space and that

appropriate channels be provided for surface water to cross where necessary.

- 7.28 The Environment Agency raise no objections to the proposals subject to confirmation with respect to groundwater protection and clarification that if infiltration drainage is proposed it must be demonstrated that it will not pose a risk to groundwater quality. The applicant has confirmed that no infiltration SuDS is proposed on site given the site will discharge to the existing ordinary watercourse. Surrey County Council as Lead Local Flood Authority (LLFA) raise no objections subject to conditions. It is therefore considered that the site can deal with surface water drainage for the development in a sustainable manner which complies with the NPPF. Further details of the drainage scheme will be secured by condition as recommended by the LLFA. This will also include details of the proposed finished levels of the site and how the proposed drainage scheme will deal with the proposed new areas of land raising within the northern section of the SANG. Consideration will also need to be given to the impact of any drainage scheme upon biodiversity and protected species. The development is therefore considered to comply with policy EE13 of the Runnymede 2030 Local Plan and relevant policy within the NPPF.

Environmental Protection

- 7.29 A Desk Study Ground Investigation has been prepared to support the application with respect to land contamination. The investigation confirms that there are no significant potential sources of contamination or hazardous ground gases at the site. The report does identify some localised potential sources of contamination however the potential risk is considered to be 'very low to low' and 'locally moderate' within the immediate vicinity of the sources of contamination. The Councils Land Contamination Officer raises no objection subject to the imposition of a planning condition to secure an assessment of the nature and extent of contamination present on the site and the submission of a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment
- 7.30 No comments have been received from Environmental Health with respect to the development proposals. Given the proposal to raise levels within the SANG by utilising excavated material from the neighbouring site (RU.22/0454) the submission of a Dust Management Plan for the construction phase of the development is recommended in order to protect neighbouring residential amenities. It is therefore considered that subject to conditions the development is considered to comply with policy EE2 of the Runnymede 2030 Local Plan and relevant policy within the NPPF.

Highway safety and parking

- 7.31 The proposed SANG does not provide for any parking. Given the provision of no parking for the SANG the guidance from Natural England is that the catchment will only be local to the SANG (400m). The proposed SANG is proposed to mitigate against the impacts of the neighbouring development (RU.22/0454) which is located less than 300 metres from the SANG. If a car park were provided, then the SANG catchment could increase to 2km. The SANG Management Plan references the close proximity of the proposed SANG to the existing Timber Hill, Ottershaw Chase and Hare Hill SANGs advising that 'the three sites could be considered to form a mutually complementary local SANG 'network'.
- 7.32 As such, it may be possible for the proposed SANG to be considered as part of the suite of SANG available in Ottershaw and as car parking is provided in other Ottershaw SANG, a car park in this SANG proposal may not be required to gain a larger catchment area. This will need to be explored with Natural England by Planning Policy should permission be granted. However, at this stage the proposed SANG is proposed purely to mitigate against the harmful impacts of the neighbouring development (RU.22/0454) and given its close proximity

to the SANG a car park is not required by Natural England.

- 7.33 A new vehicular, cycle and pedestrian access would be created on the neighbouring site (RU.22/0454) accessed from Brox Road. This would provide both pedestrian and cycle links through to the new SANG. This new access has been designed at a width of 5.5 metres (flared at the junction) with visibility zones of 2.4m x 50m and 2.4m x 47m. Dropped kerbs, complete with tactile paving will also be provided at either side of the access road to assist pedestrian movements. This new access has also been subject to a Road Safety Audit. The County Highway Authority (CHA) have confirmed that the design of the new access onto Brox Road on the neighbouring site (RU.22/0454) meets with their requirements and the new access is not considered to prejudice highway safety. The County Highway Authority raise no objections to the development subject to conditions.
- 7.34 The CHA has requested planning conditions to secure the provision for sustainable modes of transport to secure improvements to pedestrian, cycle and bus routes and a condition to secure the construction of the new vehicular and pedestrian access into the neighbouring land (RU.22/0454). These requirements will be secured under planning application RU.22/0454 through the S106 legal agreement and a planning condition. This approach will also secure the requirements from the Countryside Access Officer (Surrey County Council) with respect to upgrading works to the existing public footpaths. The County Highway Authority (CHA) also recommend a requirement to secure public pedestrian access for the SANG land. This requirement will be secured through a S106 legal agreement as part of this application. It is therefore considered that subject to conditions and a legal agreement to secure public pedestrian access to the SANG the development is considered to comply with policies SD3 and SD4 of the Runnymede 2030 Local Plan and relevant policy within the NPPF.

Consideration of Very Special Circumstances

- 7.35 The proposed land raising is considered to represent an inappropriate form of development in the Green Belt which would also have minor detrimental impacts upon the openness of the Green Belt. This would be contrary to policy EE18 of the Local Plan and the NPPF. This impact is considered to be minor and will lessen as additional planting to be provided within the site becomes established. It is therefore necessary to consider whether any very special circumstances exist which would clearly outweigh this identified harm to the Green Belt.
- 7.36 The Transport Statement advises that the development proposed under RU.22/0454 will have existing levels remodelled across the site which would amount to some 23,000 cubic metres of excavated material. The Transport Statement advises that if this were to be transported from site the removal of this excess waste would amount to approximately 2,915 lorry loads or 5,830 two-way lorry movements. In order to prevent the removal of this excavated material from site it is proposed that this material will be spread across the northern area of the SANG land.
- 7.37 This approach has significant environmental, neighbouring amenity and highway benefits. Any very special circumstances are required to be assessed against the specific circumstances of the application site in question and the specific development proposals under consideration. These must be fully balanced against any harm identified. It is concluded these material considerations in combination would amount to 'very special circumstances which would justify the development and clearly outweigh the limited harm which has been identified to the Green Belt and given substantial weight.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 In line with the councils charging schedule the proposed development would not be CIL liable.

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

10. CONCLUSIONS

- 10.1 The application proposes the change of use of agricultural land for use as a Suitable Alternative Natural Greenspace (SANG). The use of this land as public open space for informal recreation would provide a beneficial use of this Green Belt land, enhance visual amenities and the proposals will provide significant biodiversity enhancements compared to the existing status of the site, both in terms of the habitats present and the opportunities that the proposal presents for protected species such as nesting and foraging birds, bats, reptiles and mammals.
- 10.2 The proposal will also facilitate biodiversity benefits associated with the Thames Basin Heaths SPA given that it will not only divert potential future use associated with the proposed adjacent new housing (RU.22/0454) but it will also divert existing use of the SPA by existing residents close to the SANG site. The proposal is considered acceptable in terms of the impacts on highway safety and parking, ecology, flooding and drainage, neighbouring residential amenities, environmental protection, existing trees and blue infrastructure.
- 10.3 The proposed land raising is considered to represent an inappropriate and harmful development within the Green Belt (by definition) which would also have detrimental impacts upon the openness of the Green Belt and would conflict with the purposes of the Green Belt. This would be contrary to policy EE18 of the Local Plan. This impact is considered to be minor and will lessen as additional planting to be provided within the site becomes established. There is clearly some limited harm in these respects which weights against the

proposal and which will need to be taken into account when considering whether any 'very special circumstances' exist which would clearly outweigh this identified harm to the Green Belt.

- 10.4 As contained within Paragraph 147 of the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 10.5 The Transport Statement advises that the development proposed under RU.22/0454 will have existing levels remodelled across the site which would amount to some 23,000 cubic metres of excavated material. The Transport Statement advises that if this were to be transported from site the removal of this excess waste would amount to approximately 2,915 lorry loads or 5,830 two-way lorry movements. In order to prevent the removal of this excavated material from site it is proposed that this material will be spread across the northern area of the SANG land. This approach has significant environmental, neighbouring amenity and highway benefits.
- 10.6 It is concluded that these material considerations in combination would amount to 'very special circumstances which would justify the development and clearly outweigh the limited harm which has been identified to the Green Belt. It is considered that in this specific case there would be significant advantages by retaining and re-using any excavated material from the neighbouring site (RU.22/0454) which amounts to the 'very special circumstances' which would justify the development and clearly outweigh the harm which has been identified to the Green Belt
- 10.7 The development has been assessed against the following Development Plan policies - SD2, SD3, SD4, SD5, SL1, SL12, EE1, EE2, EE9, EE10, EE11, EE12, EE13, EE16, EE18, and EE19 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

11. FORMAL OFFICER RECOMMENDATION

The CHDMBC be authorised to grant planning permission subject to the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) to secure the following obligations:

1. Costs of initial set up works
2. Costs of maintenance and replacements in perpetuity
3. Secure management arrangements with the Land Trust for the maintenance of the SANG in perpetuity
4. Secure public pedestrian access for the application site and ensure no lockable gates to public pedestrian access points.

The final s106 planning obligation will also need to describe the split of payments in order that the issues to be resolved by the relevant obligations can be properly assigned to the elements of the development giving rise to them. All figures and contributions will also need to be finalised in negotiation with the applicant and relevant consultees and final authority in these negotiations is given to the CHDMBC.

And the subject to the following planning conditions:

Compliance

1 Full application (standard time limit)

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 List of approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:

Site Boundary Plan (SANG) OTT/SBP/05

SANG Design Plan 14436/P02f

SANG Creation and Management Plan 21/44-1C

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.

3 Protected species

The development hereby permitted shall be undertaken in accordance with the Ecological Impact Assessment (TG Report No. 14436_R01b_NMR_CW) received 16.09.2022, the Addendum Report (TG Report No. 14436_R07_NMR_CW) received 06.10.2022.

Reason: To protect and enhance the biodiversity of the site to comply with Policies EE9, EE11 and EE12 of the Runnymede 2030 Local Plan and guidance within the NPPF.

Pre- Commencement Conditions

4 Landscaping and SANG Details

Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include:

" Means of enclosure/boundary treatments

" Existing and proposed finished levels.

" Details of pedestrian access, circulation areas & hard surfacing materials including proposed links to existing surrounding public footpaths

- " minor artefacts and structures (e.g.furniture, dog waste bins, refuse or other storage units, signs, external services, etc).
- " Maintenance access points and routes
- ' Details of any new lighting including the design, positioning within the application site, hours of operation and a proposed lux levels plan
- " Details of benches/seating
- " Soft landscaping details shall include new planting plans (including new trees, shrubs and other soft landscaping details, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants and trees, noting species, planting sizes and proposed numbers/densities where appropriate and proposed timetable for implementation
- " Detailed design for the proposed LEAP (Local Equipped Area for Play) community orchard, new pond and wetland areas, natural play area and trim trail, woodland play area and new meadow areas.

Once approved the development shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority and shall thereafter be retained. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of amenity (including neighbouring residential amenities) and to ensure the SANG is of sufficient quality to mitigate any future local development in compliance with Policies EE1, EE9 and EE11 of the Runnymede 2030 Local Plan.

5 Tree Protection

- A. Prior to the commencement of any development, including before any equipment, machinery or materials are brought on to the site, further details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority.
- B. The protective measures shall remain in place until all works are complete, and all machinery, equipment and materials have finally left site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access, other than that detailed within the approved plans, be made without the written consent of the LPA.
- C. There shall be no burning within six metres of the canopy of any retained tree(s). Where the approved protective measures and methods are not employed or are inadequately employed or any other requirements of this condition are not adhered to, remediation measures, to a specification agreed in writing by the LPA, shall take place prior to first occupation of the development, unless the LPA gives written consent to any variation.
- D. No tree to be retained in accordance with the approved plans (hereafter known as retained trees and including offsite trees) shall be cut down, uprooted or destroyed

and no works to the above or below ground parts of the trees in excess of that which is approved shall be carried out without the written approval of the Local Planning Authority until the expiration of five years from the date of completion of the development. If, within this time, a retained tree is pruned not in accordance with BS3998, removed, uprooted, damaged in any way, destroyed or dies, replacement trees shall be planted at the same place, sufficient to replace the lost value of the tree as calculated using an amenity tree valuation system, unless otherwise agreed in writing by the Local Planning Authority. The number, size, species, location and timing of the replacement planting shall be as specified by the Local Planning Authority.

Reason: To protect the trees to be retained and enhance the appearance of the surrounding area, to ensure that replacement trees, shrubs and plants are provided and to protect the appearance of the surrounding area to comply with Policies EE1, EE9, and EE11 of the Runnymede 2030 Local Plan and guidance in the NPPF.

6 Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of the development (including demolition) a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be undertaken in accordance with the approved details and thereafter retained.

The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the submitted Ecological Impact Assessment (TG Report No. 14436_R01b_NMR_CW) received 16.09.2022 and the Addendum Report (TG Report No. 14436_R07_NMR_CW) received 06.10.2022 and should include, but not be limited to the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions, together with a plan of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- k) Measures to eradicate Schedule 9 invasive plant species

Reason: In order to secure the protection and enhancement of biodiversity and nature conservation within the site to comply with policy EE9, EE11 and EE12 of the Runnymede 2030 Local Plan and policy within the NPPF.

7 Construction Environmental Management Plan

Prior to the commencement of the development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be based on the proposed impact avoidance measures specified in the submitted Ecological Impact Assessment (TG Report No. 14436_R01b_NMR_CW) received 16.09.2022 and the Addendum Report (TG Report No. 14436_R07_NMR_CW) received 06.10.2022 and should include, but not be limited to the following:

- a) Map showing the location of all of the ecological features (this shall include a badger survey)
- b) Risk assessment of the potentially damaging construction activities (including any drainage proposals)
- c) Practical measures to avoid and reduce impacts during construction (including a Dust Management Plan)
- d) Location and timing of works to avoid harm to ecological/ biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protective fences, exclusion barriers and warning signs.
- g) The submission of a reptile mitigation strategy.
- h) Details of a precautionary approach to construction works (including details of soft demolition techniques) with respect to bats, birds, reptiles, badgers, great crested newts, watervoles and hedgehogs.

When approved the development will be undertaken in complete accordance with the approved details unless a variation is approved in writing by the Local Planning Authority.

Reason: To protect and enhance the biodiversity of the site during construction works and to protect the amenities of existing and proposed residential properties and to comply with Policies EE2, EE9, EE11 and EE12 of the Runnymede 2030 Local Plan and guidance within the NPPF.

8 Construction Transport Management Plan

Prior to the commencement of development a Construction Transport Management Plan to include details of

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones

- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) on-site turning for construction vehicles

Shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy SD4 of the Runnymede 2030 Local Plan and guidance within the NPPF.

9 Surface Water Drainage

Prior to the commencement of the development hereby approved details of the design of a surface water drainage scheme and proposed finished levels shall be submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include: a) Detailed drainage design drawings and calculations which demonstrate how surface water run-off from the proposed SANG will be intercepted and accommodated within the proposed attenuation basin.

Once approved the development will be undertaken in complete accordance with the approved details and shall thereafter be retained.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

10 Land Affected by Potential Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (i) to (iv) or otherwise agreed remedial measures have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until Condition (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

Prior to commencement of development, an assessment of the nature and extent of contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and shall assess any contamination on the site whether or not it originates on the site. The report of the findings must include: (a) a survey of the extent, scale and nature of contamination; (b) an assessment of the potential risks to: o human health o property (existing or proposed) including buildings, crops, livestock,

pets, woodland and service lines and pipes o adjoining land o ground waters and surface waters o ecological systems o archaeological sites and ancient monuments

(ii) Submission of Remediation Scheme

If found to be required no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal and remedial options, proposal of the preferred option(s), a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(iii) Implementation of Approved Remediation Scheme

If found to be required, the remediation scheme shall be implemented in accordance with the approved timetable of works. Upon completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to the local planning authority.

(iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of Condition (i) or otherwise agreed and where remediation is necessary, a remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of Condition (ii) in the form of a Remediation Strategy which follows the .gov.uk LCRM approach. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation (verification) plan and report must be submitted to and approved in writing by the Local Planning Authority in accordance with Condition (iii)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with guidance in the NPPF.

Prior to occupation

11 Landscape management

Following the capital works to install access, infrastructure and landscaping, the SANG will not be made available to the public until the Local Planning Authority have confirmed in writing that the site has been enhanced to the agreed SANG standard,

in accordance with the SANG Management Plan hereby approved. Thereafter, the SANG will be made publicly available and managed in perpetuity by the Land Trust, in full accordance with the landscape maintenance schedule set out within the approved Plan.

Reason: To ensure the SANG functions correctly as per its purpose in respect of Policy EE10 of the Runnymede 2030 Local Plan and guidance within the NPPF.

12 Verification Report (SUDs) Phased (Full and Outline Application)

Prior to the SANG hereby permitted being brought into first use a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations) provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls) and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS

Informatives:

1 Lead Flood Authority

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence

2 Comments from the Surrey County Council Countryside Access Team

The applicant is advised of the comments received from the Countryside Access Team in their letter dated 17.06.2022.

3 Environment Agency Consents, Permits or Licences

The Environment Agency have a regulatory role in issuing legally required consents, permits or licences for various activities. The Environment Agency have not assessed whether consent will be required under this regulatory role. The applicant should contact 03708 506 506 or consult their website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx> This includes any proposal to undertake work in, over, under, or within 8 metres of the top of the bank of a designated main river, called a Flood Risk Activity permit.

4 Ground Water Protection

The application is advised of the comments received from the Environment Agency regarding groundwater protection. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. Any infiltration SuDS greater

than 3m below ground level is considered to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base of the infiltration point and the peak seasonal groundwater levels. All need to meet the criteria set out in the Environment Agencies groundwater protection publication. In addition any infiltration SuDs must not be constructed in ground affected by contamination

5 Natural England Licence

The applicant is advised of the requirement for a Bat Mitigation Licence and Great Crested Newt Mitigation Licence from Natural England where development activities may cause an offence. The licence can only be applied for once planning permission has been granted.

6 New/Modified Vehicle Crossovers and Dropped Kerbs

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.

7 Other Works to the Highway

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.

8 Mud/debris on the highway

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).

9 Accommodation works

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.

10 Damage to the highway

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The

Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

11 Statutory utility works

The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users