

17 OCTOBER 2017 PLANNING COMMITTEE

5c	17/1017	Reg'd:	04.09.17	Expires:	30.10.17	Ward:	HV & HE Y
Nei. Con. Exp:	28.09.17	BVPI Target	Minor	Number of Weeks on Cttee' Day:	8/8	On Target?	

LOCATION: Westfield Common Land, Westfield Common, Westfield, Woking, Surrey

PROPOSAL: Creation of five ponds and extension of an existing pond (habitat improvement for Great Crested Newts).

TYPE: Full

APPLICANT: Woking Borough Council

OFFICER: Joanne Hollingdale

REASON FOR REFERRAL TO COMMITTEE

The applicant is Woking Borough Council and as such the application falls outside the Scheme of Delegation.

SUMMARY OF PROPOSED DEVELOPMENT

This application seeks full planning permission for the creation of five ponds and extension of an existing pond (habitat improvement for Great Crested Newts).

PLANNING STATUS

- Part Urban Area
- Part Green Belt
- Common land
- Part Urban Open Space
- Site of Nature Conservation Importance
- Thames Basin Heaths SPA Zone B (400m-5km)

RECOMMENDATION

GRANT planning permission subject to recommended conditions.

SITE DESCRIPTION

Westfield Common is located to the south of Woking Town Centre, between Mayford and Sutton Green. The site is Common Land comprising a mix of grassland and woodland. The site is also designated as a Site for Nature Conservation Importance.

The site stretches from north-south with the northern sections being within the urban area and the southern sections being within the Green Belt.

RELEVANT PLANNING HISTORY

None relevant

PROPOSED DEVELOPMENT

This application seeks full planning permission for the creation of five ponds and extension of an existing pond for the benefit of Great Crested Newts as below:

Pond reference	Size of pond (m²)	Buffer area (m²)	Approximate position of pond
NWC4	117	817	South of Bonsey Lane, urban area
CWC2	69	699	South of Balfour Avenue, urban area
SWC7	98	770	South-East of Bonners Close, Green Belt
SWC9	84	762	South of Bonners Close, Green Belt
SWC8	94	752	East of New Lane, Green Belt
SWC5 (widen existing pond)	49	598	East of New Lane (north of Robin Hood Lane), Green Belt

The applicant has stated that the ponds will be a mix of those which will be more permanent (holding water all year round) and seasonal water features. Hydrological observations of the ponds over time will show if any are required to be lined in future. Dead wood and brash material will be stacked in key locations to discourage but not preclude access to the new and expanded ponds. Signage will also be produced detailing the works for display to local residents during the works.

CONSULTATIONS

Natural England: No objection as the proposal is unlikely to affect any statutorily protected sites or landscapes. The proposal is partially sited on land that is registered common land (Westfield Common) and the applicant will be required to apply to the Secretary of State for consent for the works on common land for which Natural England will be a consultee (informative 1) [*Officer note: Although informative 1 is included in the recommendation the applicant has advised that “common land consent is not required for the proposed works as Westfield Common is subject to a scheme which allows improvement works without any requirement for additional consent” with further details of this being provided in the application documentation*]. The consultation documents indicate that the development includes areas of priority habitat, namely two areas of deciduous woodland to the north-west and south-east. As stated in the NPPF, local planning authorities should aim to conserve and enhance biodiversity when determining planning applications.

Surrey Wildlife Trust: No comments received

WBC Drainage and Flood Risk Engineer: No objection subject to condition.

WBC Arboricultural Officer: No objection to the proposal in principle but some arboricultural information will be required as part of a condition of any permission.

WBC Scientific Officer: The discovery strategy condition should be imposed on any permission granted (condition 4).

REPRESENTATIONS

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2 letters of representation have been received in respect of the application. A summary of the comments made is given below:

- “At a meeting of the Westfield (Hoe Valley) Residents Association.... it was agreed that this application was in accord with previous consultations and plans for the Westfield Common area and its environmental development, and has the approval of those who attended and who represent all local residents in the area within the scope of this association.”
- Pond SWC8 – will any of the adjacent mature oak trees be adversely affected? [*Officer note: the only trees to be felled to accommodate this pond are 5no. birch trees*]
- A seasonal pond would encourage mosquitoes which would be a nuisance to users of the common and nearby residents.

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2012

Woking Core Strategy 2012

CS6 – Green Belt

CS7 – Biodiversity and Nature Conservation

CS9 – Flooding and Water Management

CS17 – Open space, green infrastructure, sport and recreation

CS21 – Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Development Management (DM) Policies DPD 2016

DM2 – Trees and Landscaping

DM5 – Environmental Pollution

DM6 – Air and Water Quality

DM8 – Land contamination and hazards

Supplementary Planning Documents

n/a

Other Material Considerations

National Planning Practice Guidance (NPPG)

PLANNING ISSUES

Background

1. The works proposed by this application are to facilitate the delivery of the Great Crested Newt (GCN) pilot project. This is a joint Natural England and Woking Borough Council project trialling district licensing for GCN. The pilot takes a proactive approach which focusses conservation where it will bring maximum benefits to GCN. The approach replaces site by site licensing with a new system of plan level licensing with surveys and habitat compensation undertaken proactively at the district level by Natural England and the Local Authority. Developers can then buy into the strategic mitigation locally rather than having to undertake individual site surveys, provide on-site mitigation and seek an individual site licence from Natural England, with the knowledge that works to help local GCN populations succeed are already in place.

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2. The main issues to be considered in the determination of this application are the principle of the proposed works, visual amenity, neighbouring amenity, flood risk and drainage impact, ecology, trees and contamination.

Principle of development

3. Two of the proposed ponds are located within the urban area within the area designated as urban open space. The proposed two pond areas are located within the woodland areas of the site and Policy CS17 of the Core Strategy encourages the improvement in the quality of the Green Infrastructure Network in the Borough. The definition of open space in the NPPF includes "*all open space of public value including not just land, but also areas of water... which offer important opportunities for sport and recreation and can act as a visual amenity*". In addition Policy CS7 also requires development proposals to contribute to the enhancement of existing biodiversity and to explore opportunities to create and manage new ones where appropriate. Therefore there is no objection in principle to the creation of new ponds within the urban open space area which would contribute to the diversity of the urban open space and the enhancement of biodiversity.
4. Three of the ponds to be created and the pond to be extended are located within the Green Belt area of Westfield Common. The requirements of Policy CS7 still apply in the Green Belt area which this aspect of the proposal would meet. In terms of Green Belt policy the creation and extensions of ponds comprises an engineering operation and Paragraph 90 of the NPPF states that engineering operations are not inappropriate development in the Green Belt providing they preserve openness and do not conflict with the purposes of the Green Belt.
5. The creation and extension of the proposed ponds only involves the excavation of land to create a depression to form the pond and by its nature a pond is not considered to impact on the openness of the Green Belt as there is no interruption to the openness of the site. In addition, the creation of a pond is not considered to conflict with any of the five purposes of the Green Belt. On this basis it is considered that the creation and extension of the ponds is not inappropriate development within the Green Belt and would comply with Policy CS6 of the Woking Core Strategy and the policies in the NPPF.

Visual impact on the area

6. With regard to visual amenity, the ponds would all have a natural shape with shallow banks to part of the side of the ponds (as required for GCN to access/egress the pond). The areas immediately around the pond would be formed by trees, woodland floor vegetation and undergrowth. The ponds would appear as naturally formed features rather than man-made, given their irregular and varied shapes and they are not considered to be at odds with the rural character of the surrounding land. It is not uncommon to find ponds within woodland areas either within an urban or rural environment. The proposed creation and extension of the ponds as proposed is not considered to have any adverse impact on the character and appearance of Westfield Common either individually or cumulatively. The proposal is considered to comply with Policies CS21 and CS24 of the Woking Core Strategy and the policies in the NPPF.

Impact upon neighbouring amenity

7. Policy CS21 of the Core Strategy advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful

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impacts. The buffer zone to pond SWC7 would be the closest pond to any nearby neighbouring residential dwelling and this buffer zone would be around 11 metres from the rear garden boundary of the nearest dwelling with the pond being around 20 metres from the rear garden boundary. By their very nature ponds would not result in any structures above ground level and as they are proposed for conservation purposes would not result in any adverse impact to the amenities of any nearby neighbouring residential occupiers. The proposal is therefore considered to comply with Policy CS21 of the Core Strategy and the policies in the NPPF.

Impact upon flood risk and drainage

8. All of the ponds would be located in Flood Zone 1 (low risk). Medium, High and Very High areas of surface water flood risk are scattered across Westfield Common. The proposed development is not considered to result in any increase in flood risk to people or property and the creation of the ponds would expand the water storage properties of the site. The cross sections of the ponds show that they would have a stepped profile and that each pond will allow a 300mm freeboard (extra water volume capacity) above the normal level of the pond. The Council's Drainage and Flood Risk Engineer has raised no objection to the application subject to condition 2. The proposal is therefore considered to comply with Policy CS9 of the Core Strategy and the policies in the NPPF.

Impact on ecology

9. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Circular 06/05 – Biodiversity Geological Conservation also requires the impact of a development on protected species to be established before planning permission is granted. This approach is reflected in Policy CS7 of the Core Strategy.
10. The applicant has advised that the proposed works on this SNCI site are designed solely to benefit the ecology of the site. The applicant has advised that, whilst primarily to support GCN, the creation of the new ponds would also enhance the site for many other native species as part of the 5 year plan for improving the site's habitat. The GCN improvement plan also considers the wider benefits to the botanical interest, breeding birds and bats. The applicant has submitted the Westfield Common Ecological Management Plan (2014) as part of the application along with a Review of the Ecological Management Plan (2017). To support the provision of these documents, the applicant has advised that evidence relating to other species was gathered to feed into the preparation of the management plan documents. The Management Plans have been prepared by Surrey Wildlife Trust and the applicant has advised that no protected species would be adversely impacted by the development.
11. The applicant has also advised that the positions of the ponds have been determined as being the most appropriate locations for the GCN project and response to feedback received through consultation on the project with local residents. It is advised that the position of most of the ponds follows identified areas of naturally occurring depressions in the ground where it is evident that water collects seasonally.
12. 33no. trees are to be removed to facilitate the provision of the ponds within the site. The trees are required to be removed to facilitate the provision of the ponds and to also reduce the shading of the proposed ponds which would reduce their conservation

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benefits if retained. Natural England has advised that the deciduous woodland on the site comprises priority habitat. However the removal of the small number of trees, in comparison to the site as a whole is not considered to undermine the conservation benefits of the priority habitat. In addition the provision of the ponds to support the GCN protected species is also considered to result in an overall enhancement of biodiversity on the site and improve its ecological diversity. Condition 5 will require any vegetation removal to be outside the bird nesting season unless first surveyed by an ecologist. Informative 2 will also remind the applicant that bats are also protected species and prior to any tree felling any trees should be checked for roosts by an ecologist.

13. The proposal is considered to be acceptable in terms of ecological impact and would comply with Policy CS7 of the Core Strategy and the policies in the NPPF relating to ecology and biodiversity and the guidance in Circular 06/05.

Impact on trees

14. As noted above 33no. trees would be required to be removed to facilitate the creation of the proposed ponds. Westfield Common as a whole is covered with dense woodland and the loss of this number of trees is not considered to adversely affect the visual amenity of Westfield Common either in the areas immediately around the proposed ponds or Westfield Common as a whole. The Council's Arboricultural Officer has advised that he has no objection in principle to the proposal but recommends that a condition is imposed to secure the provision of some arboricultural information prior to the commencement of excavation of each pond (condition 3). In this regard the proposal is considered to comply with Policy CS21 of the Core Strategy and Policy DM2 of the DM Policies DPD and the policies in the NPPF.

Other matters

15. Policy DM7 of the DM Policies DPD relates to contamination and it is noted that the applicant has stated that in light of the historic use of parts of the site for the disposal of waste there is the potential for contamination. However there are no historical records that would specifically pinpoint deposits. The applicant has advised that during a walkover of the site with the Council's Scientific Officer there was considered to be a low risk of contaminants being found and has advised that a precautionary approach to contamination will be adopted. The Council's Scientific Officer has advised that a discovery strategy condition should be imposed on any permission granted relating to the discovery of unexpected contaminants during the works (condition 4). The proposal is therefore considered to comply with Policy DM5 and DM8 of the DM Policies DPD and the policies in the NPPF.

LOCAL FINANCE CONSIDERATIONS

16. The Council implemented the Community Infrastructure Levy (CIL) on 1st April 2015. As the proposal does not result in any additional floorspace the proposal is not CIL chargeable development.

CONCLUSION

17. Overall the proposals are considered to be acceptable and would result in the enhancement of biodiversity in Westfield Common without harmful impacts to visual amenity, neighbouring amenity, trees and drainage and flood risk matters. The proposals are considered to comply with Policies CS6, CS7, CS9, CS17, CS21, CS24

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and CS25 of the Woking Core Strategy, Policies DM2, DM6 and DM7 of the DM Policies DPD and also the policies in the NPPF. It is therefore recommended that planning permission is granted subject to the recommended conditions as set out below.

BACKGROUND PAPERS

Planning file PLAN/2017/1017

RECOMMENDATION

It is recommended that planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be commenced not later than three years from the date of this permission.

Reason: To accord with the provisions of Section 91 (1) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved drawings all received with the application dated 04.09.17:

Westfield Common Pond Construction Application site areas (red line and blue line plan)

Westfield Common Pond Construction (ponds overlaid on aerial photograph)

Site Plan NWC4 (Map 1 of 5)

Site Plan CWC2 (Map 2 of 5)

Site Plan SWC7 & SWC9 (Map 3 of 5)

Site Plan SWC8 (Map 4 of 5)

Site Plan SWC5 (Map 5 of 5)

Cross Sectional Planting Plan for Ponds

NWC4 Pond Design

CWC2 Pond Design

SWC7 Pond Design

SWC9 Pond Design

SWC8 Pond Design

SWC5 Pond Design

Reason: To ensure that the development is completed in accordance with the approved plans and in the interests of ecology, flooding and water management and visual amenity and to accord with Policies CS7, CS9 and CS21 of the Woking Core Strategy 2012.

3. Prior to the commencement of any development for each individual pond or the extension of pond identified as SWC5, arboricultural information comprising a method statement outlining how the retained trees will be protected during the works for each pond shall be submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 2012. The development of each pond shall be carried out strictly in accordance with the approved details for that pond.

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Reason: To ensure the protection of trees adjacent to the ponds in the interests of the visual amenities of the locality and the appearance of the development in accordance with Policy CS21 of the Woking Core Strategy 2012.

4. If during development, contamination not previously identified is found present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the a remediation strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.

Reason: To comply with the NPPF which requires development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution and to ensure that adequate site investigation information, prepared by a competent person, is presented and to comply with Policies DM5 and DM8 of the DM Policies DPD.

5. Any scrub, hedgerow and tree clearance must be undertaken outside the bird breeding season (1st March to 30th August inclusive) unless the applicant has first carried out a survey of such vegetation (undertaken by an ecologist) which shows that there are no nesting species within relevant parts of the application site and any such survey results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent birds being injured or killed during site clearance works and to comply Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

Informatives

1. For the avoidance of doubt, condition 3 enables the required arboricultural information to be submitted for each individual pond prior to the commencement of development of each individual pond at different times as it is noted that the ponds may be constructed at different times.
2. The applicant is advised that bats are a protected species and therefore any tree to be felled should be checked for bat roost prior to any works being undertaken and the appropriate ecological advice and/or licences sought, if required.
3. The applicant's attention is drawn to the consultation response of Natural England with regard to the advice under the title Registered Common Land where it is advised that *"this proposal is partially sited on an area of land that is registered common land, namely CL 121 / 55121 Westfield Common. This is covered by the Commons Act 2006 and will have rights of access by the public. If planning permission is granted, the applicant will be required to apply to the Secretary of State for consent under section 16 or section 38 of the Commons Act 2006. Guidance on common land is available at <https://www.gov.uk/guidance/carrying-out-works-on-common-land>. Natural England is a specified consultee under the Commons Act 2006 and will respond to any consultations in line with the above guidance."*
4. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-
08.00 – 18.00 Monday to Friday

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08.00 – 13.00 Saturday
and not at all on Sundays and Bank/Public Holidays.

5. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
6. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.