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COND/2020/0175

WARD: C

LOCATION: Sheerwater Estate, Albert Drive, Sheerwater, Woking

PROPOSAL: Partial approval of details pursuant to Conditions 39 (stag beetle survey), 40 (bat activity survey) and 41 (reptile survey) for Phase Red only of planning permission PLAN/2018/0337 for the Sheerwater Regeneration.

APPLICANT: Gilbert Ash

OFFICER: Joanne Hollingdale

REASON FOR REFERRAL TO COMMITTEE

Although the applicant is the contractor for phase Red of the Sheerwater Regeneration, legal advice is that this conditions application falls outside the Scheme of Delegation and thus such applications are required to be determined by the Planning Committee.

SUMMARY OF PROPOSED DEVELOPMENT

This conditions application seeks approval of details pursuant to Conditions 39 (stag beetle survey), 40 (bat activity survey) and 41 (reptile survey) of planning permission PLAN/2018/0337 relating to ecological requirements.

PLANNING STATUS

- Urban Area
- Thames Basin Heaths SPA Zone B (400m-5km)
- Priority Place
- Flood Zone 1 and 2 (some areas)
- Basingstoke Canal Conservation Area & SSSI
- Urban Open Space
- Local Centre

RECOMMENDATION

APPROVE details submitted.

SITE DESCRIPTION

This conditions application relates to the second phase of the development for the Sheerwater Regeneration. The second phase, known as phase Red, comprises the specialist accommodation, the energy centre, ground floor non-residential uses, apartments, mews dwellings and maisonettes and is due commence shortly. This phase is located diagonally opposite Asda and lies between Albert Drive, Dartmouth Avenue and includes part of Dartmouth Green.

PLANNING HISTORY

The most relevant planning history for this application is as follows:

PLAN/2018/0337 - Hybrid planning application (part outline, part full planning application) for the demolition of 573 residential units and existing non-residential buildings and redevelopment of the site to be implemented in phases to provide a mixed-use development comprising of 869 residents

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units (Class C3), 134 specialist residential units (Class C3/C2), 904 sqm community centre (Class D1), 929 sqm nursery/children's centre (Class D1), 312 sqm health centre (Class D1), 290 sqm additional classrooms (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG), and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or class D1), a new energy centre, formation of a new car park for Broadmere Primary school, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop off area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park, reconfigured and new vehicular and pedestrian access and works to the public highway and associated works; including full planning application for the detailed phases comprising of: demolition of 412 residential units and 7,609 sqm existing non-residential buildings, and construction of 695 residential units (7 no. studios, 68 no. 1-bedroom specialist accommodation, 160 no. 1-bed units, 227 no. 2-bed units, 160 no. 3-bed units, 71 no.4-bed units, and 2 no. 5-bed units.), 904 sqm Community Centre (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG) and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/ or class D1), 929 sqm of nursery/children's centre (Class D1), 312 sqm health centre (Class D1), an energy centre, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop of area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park reconfigured and new vehicular and pedestrian access and works to the public highway and associated works. Permitted 18.04.2019 subject to a S106 Legal Agreement and Executive Obligations.

PROPOSED DEVELOPMENT

This conditions application seeks the approval of details pursuant to Conditions 39 (stag beetle survey), 40 (bat activity survey) and 41 (reptile survey) of planning permission PLAN/2018/0337 for phase Red only.

Submitted with the application is a Protected Species Survey Report relating to all three conditions and shows that all of the existing dwellings within phase Red have been subject to the ecological surveys.

CONSULTATIONS

Surrey Wildlife Trust: Condition 39 (stag beetle) – no further comments and the Council may wish to discharge the planning condition. Condition 40 (bat survey) – notes the applicant's report regarding the use of Natural England's EPS policy 4 and if the applicant's ecologist has confirmed in writing their confidence to the Council that they are confident as to roost characterisation (i.e. low status roost of a common species) and that any likely adverse impacts are capable of being mitigated and suitable compensation would be achievable the Council may wish to accept the applicant's use of Policy 4 and consider there is sufficient information to discharge the condition. Condition 41 (reptile survey) – Notes the report comments and advises the applicant may wish to consider a precautionary approach to working in respect of reptiles [*Officer note: Details added as note to applicant in recommendation*].

REPRESENTATIONS

As this application seeks approval of details pursuant to a condition on a planning permission, there is no statutory requirement for neighbour notification.

RELEVANT PLANNING POLICIES

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Woking Core Strategy 2012

CS7 – Biodiversity and Nature Conservation

PLANNING ISSUES

1. The only issue to consider is whether the details submitted are considered acceptable to comply with the requirements of Conditions 39 (stag beetle survey), 40 (bat activity survey) and 41 (reptile survey). All of the existing 21 residential properties and associated gardens were surveyed.

Condition 39 – stage beetle survey

2. The gardens and green spaces within phase Red were appraised in October, November and December 2020 for their suitability to support Stag Beetle populations. No suitable woodland habitats or any dead or rooting wood were recorded within phase Red. As such, no specific mitigation for this species is required.

Condition 40 – bat activity survey

3. Internal and external surveys of the residential properties were undertaken in October, November and December 2020 to ascertain their potential for use by bats and to search for any sign of current or past bat use. In addition all trees within phase Red were examined from ground level in October 2020 to identify features with potential to support roosting bats and subsequently a single tree was subject to a tree climbing survey in November 2020 on account of its potential roosting features and identified suitability.
4. No evidence of a bat roost, such as staining, droppings or the animals themselves, were recorded in most of the buildings surveyed. The majority of loft voids lacked access points and had a conspicuous presence of cobwebs indicating a lack of disturbance by bats. Evidence of roosting bats was recorded within one dwelling (ref: B1) as approximately 50 bat droppings were recorded on the loft floor. The collected bat droppings were subject to DNA testing and were identified as Common Pipistrelle droppings. The relatively low number of scattered droppings suggests that a small number of Common Pipistrelles have been roosting within this loft void. The tree climbing survey of one tree identified as having potential roosting features recorded no evidence of bats utilising the potential roosting features.
5. Based on the relatively low number of bat droppings recorded the roost is considered to be a summer day roost for a small number of Common Pipistrelles. Nonetheless the development proposals are expected to result in the loss of a single bat roost within the loft void of building B1. Therefore a Natural England European Protected Species (EPS) Licence will be required to undertake the demolition of building B1. The report advises that it is intended that the licence application would be submitted under Natural England's Policy 4 for EPS mitigation licencing (where a lower standard survey effort may be accepted where the cost or delays associated with standard survey requirements would be disproportionate to the additional certainty it would bring; the ecological impacts can be predicted with sufficient certainty and mitigation or compensation will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of any EPS).
6. In this case the report advises that the buildings were subject to emergence surveys in 2017 and the entire site was subject to transect surveys, also in 2017. To undertake further emergence/re-entry surveys on building B1 would cause significant delay to the demolition, which would then cause significant financial implications (as these surveys

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can only be undertaken between May and September). The report advises that further surveys would not provide any further certainty as to the size and significance of the bat roost (as a limited number of bat droppings were found which were subject to DNA testing) and thus the development will result in the loss of a small day roost of a species of low conservation significance only. An appropriate mitigation strategy will be specified in the licence application which will safeguard against the injury/killing of any Common Pipistrelles through soft demolition of the roof structure and void of building B1 under a watching brief of a licenced bat worker. In addition, new bat roosting opportunities will also be provided in close proximity to building B1 to offer alternative roosting opportunities. The numbers, models and location of the proposed bat boxes will be specified in the licence application and be agreed with Natural England and this will represent a net gain of roosting opportunities. A bat box will also be installed on a suitable retained tree prior to demolition to ensure there is a safe alternative roosting site that bats can be moved to during works. The report also advises that this approach is also considered to allow the details pursuant to Condition 40 to be approved prior to the licence application.

7. The landscaping proposals across the whole site will increase the diversity of habitats and provide new foraging and dispersal opportunities for bats and create wildlife corridors to improve connectivity to areas of interest for bats such as the Basingstoke Canal. New bat boxes of various designs will also be installed across the site enhancing roosting opportunities and lighting will be restricted through the construction phase through the Construction and Environmental Management Plan (CEMP) and a sensitive lighting scheme for the development will also limit light spill on features considered to be of interest for bats.

Condition 41 – reptile survey

8. The gardens and green spaces within phase Red were surveyed in October, November and December for their suitability to support reptile populations. The green spaces within the phase comprise of short mown amenity grassland and offer no suitability for reptiles. Similarly the gardens of the existing dwellings comprise hard surfacing, amenity grassland and planting and small elements of Bramble scrub. Since the properties have become unoccupied the gardens have been left unmanaged resulting in a rougher grass sward structure and some scrub development. However due to the recent unsuitable habitat and the lack of connecting habitat the gardens are considered to offer no suitability for reptiles. There is no reptile constraint to the removal of habitats within this phase.

Nesting Birds

9. During the surveys for phase Red, a check survey was also made for the presence of nesting birds. Evidence of past nesting in trees and a loft void of one dwelling was recorded. The report advises that all birds receive protection when nesting and suitable nesting habitat should be removed outside of the nesting season. If this cannot be achieved a check survey for nesting birds should be undertaken by an experienced ecologist (Condition 56). As part of the development new open spaces will be established along with shrub and tree planting, wildflower planting and new attenuation features. These features will increase the diversity of habitats when compared to the existing and provide new foraging and nesting opportunities. Bird boxes will also be incorporated into the design of new buildings (Conditions 42 and 44).
10. The Surrey Wildlife Trust has reviewed the information submitted and has no comments in respect of Condition 39 (stag beetle survey) and offers further advice for the applicant

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in respect of Condition 41 (reptile survey). In respect of Condition 40 (bat survey), the Surrey Wildlife Trust have noted the comments in the report and have advised that if the applicant's ecologist has confirmed in writing their confidence to the Council as decision-maker that they are confident as to roost characterisation (i.e. low status roost of a common species) and that any likely adverse impacts to protected species are capable of being mitigated and suitable compensation would be achievable on site given the low numbers and species present, then in this circumstance, the Council may wish to accept the applicant's use of Policy 4 and consider that there is sufficient information to discharge condition 40 of the planning permission.

11. The applicant's Ecologist has subsequently advised that the *"surveys undertaken provide the necessary confidence to characterise the recorded roost and the impacts that the proposed redevelopment of the Red Phase will have on this roost"*. It is further advised that *"the recorded droppings were sent for analysis to confirm that they are attributed to Common Pipistrelle and the number of droppings present is representative of a small number of bats. The mitigation strategy proposed within the Protected Species Survey Report will be agreed with Natural England and will ensure that adverse impacts will be appropriately mitigated and the conservation status of the local bat population is maintained. Compensation for the lost roost will be provided prior to the demolition of the building supporting the roost, while further roost provisions will be installed throughout the Phase Red redevelopment, as detailed in the Ecological Enhancement Strategy, ultimately achieving a net gain in roosting opportunities post-development."*

CONCLUSION

12. In light of the above information and the comments from Surrey Wildlife Trust the details submitted are considered acceptable and would meet the requirements of Conditions 39 (stag beetle survey), 40 (bat activity survey) and 41 (reptile survey). The submitted details would also comply with Policy CS7 of the Woking Core Strategy 2012. The details submitted are therefore recommended for approval as noted in the recommendation below.

BACKGROUND PAPERS

File - COND/2020/0175

RECOMMENDATION

It is recommended that details submitted are **APPROVED** as follows:

Details approved are:

- Protected Species Survey Report (Red Phase) by Ecology Solutions, received on 04.12.2020; and
- Email from Ecologist/Agent dated 11.01.2021.

Notes to applicant:

The applicant should consider a precautionary approach to working to include:

- Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped.
- Any building materials such as bricks, stone etc. will be stored on pallets to discourage reptiles from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on ground.

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Should any Reptiles be discovered during construction, which are likely to be affected by the development, works will cease immediately. The applicant will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.

The applicant is advised that the approved details relate to phase Red only and details pursuant to this condition require LPA approval for all other phases of the development in accordance with the requirements of the condition.