

To: All Members and Substitute Members of
the Joint Planning Committee
(Other Members for Information)

When calling please ask for:
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Policy and Governance

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Calls may be recorded for training or monitoring

Date: 21 December 2017

Membership of the Joint Planning Committee

Cllr Peter Isherwood (Chairman)	Cllr Stephen Hill
Cllr Carole Cockburn (Vice Chairman)	Cllr Nicholas Holder
Cllr Brian Adams	Cllr David Hunter
Cllr Mike Band	Cllr Jerry Hyman
Cllr Maurice Byham	Cllr Anna James
Cllr Kevin Deanus	Cllr Denis Leigh
Cllr David Else	Cllr Stephen Mulliner
Cllr Paul Follows	Cllr Nabeel Nasir
Cllr Mary Forszewska	Cllr Stewart Stennett
Cllr Pat Frost	Cllr Chris Storey
Cllr Michael Goodridge	Cllr John Ward
Cllr John Gray	Cllr Nick Williams

Substitutes

Appropriate Substitutes will be arranged prior to the meeting

Dear Councillor

A meeting of the JOINT PLANNING COMMITTEE will be held as follows:

DATE: MONDAY, 8 JANUARY 2018

TIME: 7 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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(www.waverley.gov.uk/committees), where you can also subscribe to



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NOTES FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES**

To confirm the Minutes of the Meeting held on 27 November 2017 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF SUBSTITUTES**

To receive apologies for absence.

Where a Member of the Committee is unable to attend a meeting, a substitute Member from the same Area Planning Committee may attend, speak and vote in their place for that meeting.

Please be advised that in order for a substitute to be arranged, a Member must give four clear working days notice of their apologies.

3. **DECLARATIONS OF INTERESTS**

To receive from Members declarations of interests in relation to any items included on the Agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS BY MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public of which notice has been given in accordance with Procedure Rule 10.

5. PERFORMANCE AGAINST GOVERNMENT TARGETS

Planning Performance and the Government Target on quality in planning decision making will now be a standard item on the Joint Planning and Area Planning Agendas. This was an agreed recommendation at Executive on 28 November 2017 and is part of the Development Management, Service improvement Plan .

Officers will draw members attention to the latest available statistics on each agenda. These will not be available for the meeting this evening but they will be made available in all future agendas.

6. APPLICATION FOR PLANNING PERMISSION - WA/2017/1636 - LAND AT BACKWARD POINT, CRANLEIGH ROAD, EWHURST, GU6 7RJ (Pages 5 - 86)

Proposal

Approval of reserved matters including, scale, appearance, layout, landscaping following the outline approval of WA/2015/1903 for the erection of 31 new dwellings together with the discharge of conditions 9, 14 and 19 of WA/2015/1903 (as amended by plans received 21/11/2017)

Recommendation

That, subject to conditions 1-10 and informatives 1-16, the Reserved Matters of Layout, Scale, Appearance and Landscaping be APPROVED and that details pursuant to conditions 9, 14 and 19 of WA/2015/1903 be DISCHARGED

7. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman (if necessary):-

Recommendation

That pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it is likely, in view of the nature of the business transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

8. LEGAL ADVICE

To consider any legal advice relating to any application in the agenda.

**For further information or assistance, please telephone
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by
email at ema.dearsley@waverley.gov.uk**

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Agenda Item 6.

A1 WA/2017/1636
J Neville
Millwood Designer Homes Ltd
22/08/2017

Approval of reserved matters including, scale, appearance, layout, landscaping following the outline approval of WA/2015/1903 for the erection of 31 new dwellings together with the discharge of conditions 9, 14 and 19 of WA/2015/1903. at Land At Backward Point, Cranleigh Road, Ewhurst, GU6 7RJ (as amended by plans received 21/11/2017)

Committee: Joint Planning Committee
Meeting Date: 08/01/2018

Public Notice: Was Public Notice required and posted: Yes
Grid Reference: E: 509094 N: 140085

Parish: Ewhurst
Ward: Ewhurst
Case Officer: Tim Bryson
Expiry Date: 20/11/2017
Time Extended Date: 10/01/2018
Neighbour Notification Expiry Date: 06/12/2017
Neighbour Notification
Amended/Additional Expiry Date: 06/12/2017

RECOMMENDATION

That, subject to conditions, the Reserved Matters of Layout, Scale, Appearance and Landscaping be APPROVED and that details pursuant to conditions 9, 14 and 19 of WA/2015/1903 be DISCHARGED

Introduction

The application has been brought before the Joint Planning Committee because the proposal does not fall within the Council's Scheme of Delegation.

Location Plan



Site Description

The application site measures 1.26 hectares and is located to the north of Cranleigh Road and west of Grandsden Close. The site is accessed via an existing access drive off Cranleigh Road which currently serves a single dwelling known as Backward Point.

The site has a grass surface and general sloping gradient dropping from south-east to north-west. The site's boundaries comprise a mixture of tree cover and established hedging. Close board fencing is present along the north-east boundary and along the existing access drive. An existing water pond is located adjacent to the western boundary of the site.

The site access drive is shared with a public footpath (No. 437) which links from Cranleigh Road to the Recreation Ground.

The site surroundings consist of the recreation ground to the north and west, rear gardens and residential properties on Cranleigh Road to the south and residential properties and gardens on Grandsden Close and The Street to the east and north-east.

Background

Section 92 of the Town and Country Planning Act 1990 defines “Outline Planning Permission” as planning permission granted with the reservation for subsequent approval by the local planning authority of matters not particularised in the application (“reserved matters”).

Part 1 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines “Reserved Matters” as access, appearance, landscaping, layout and scale. Outline permission was granted under Ref WA/2015/1903 for 31 dwellings and associated works with all matters reserved except access. Access has therefore been determined at the outline permission stage. The current application seeks the “reserved matters” (appearance, landscaping, layout and scale) for approval.

A definition for each of the reserved matters is contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015 where it states:

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

“appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Whilst the above matters were “reserved” for further approval under the outline permission, access was the single matter that was included, considered and approved subject to the inclusion of relevant conditions. As such, the principle of the development and means of access have been approved and established. These matters are not, therefore, before the Committee for consideration under the current application.

In determining this application, it is relevant to consider whether there have been any material changes in planning circumstances since the outline planning permission reference WA/2015/1903 was granted (13/03/2015). The Development Plan remains as the Local Plan 2002 and the NPPF 2012 remains in force. The Council is currently in the process of replacing the adopted 2002 Local Plan with a new two part document. At the examination in June/July 2017 the Inspector indicated that modifications will need to be made to the Plan for it to be found sound and invited the Council to submit a list of these proposed modifications. The Council’s Executive Committee has endorsed the modifications to be submitted to the Inspector and the public consultation has now closed. All representations on the proposed modifications will be taken into account by the Inspector before he issues his written report. It is considered that substantial weight can now be given to the policies where no modifications are proposed and significant weight can be given to those policies where modifications are proposed

Members should note that if the reserved matters are approved, such an approval is not a planning permission in its own right but has to be read in conjunction with the outline planning permission. Planning conditions imposed on the outline planning permission will remain in force and would not, therefore, be repeated on any reserved matters approval.

Proposal

Application for approval of Reserved Matters which include scale, appearance, layout and landscaping, following the outline permission of WA/2015/1903 for the erection of 31 dwellings.

The proposal also includes the discharge of conditions 9, 14 and 19 of the outline permission.

The proposed dwellings would comprise a variety of detached, semi-detached, terrace and flatted dwellings of between 2 and 2.5 storeys in height.

The proposal would include 9 affordable dwellings, as per the outline permission.

The following mix of dwellings proposed is as follows:

Unit type	Number of units
1-bed	3
2-bed	12
3-bed	9
4+bed	7
Total	31

The breakdown of market homes is as follows:

Market unit type	Number of units
1-bed	0
2-bed	6
3-bed	9
4+bed	7
Total	22

The breakdown of affordable housing is as follows:

Affordable unit type	Number of units
1-bed	3
2-bed	6
3-bed	0
4-bed	0
Total	9

Proposed Site Plan



Proposed elevations and floorplans – Plot 1

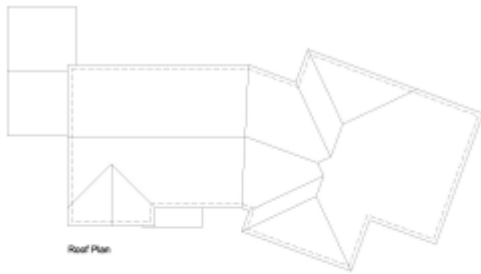




Proposed elevations and floorplans – Plot 2



Proposed elevations and floorplans – Plots 3 and 4



Proposed elevations and floorplans – Plot 5



Front Elevation



Side Elevation



Rear Elevation



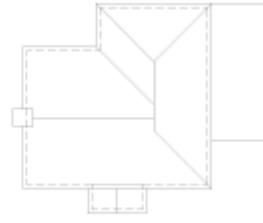
Side Elevation



Ground Floor Plan



First Floor Plan



Roof Plan

Proposed elevations and floorplans – Plot 6



Front Elevation



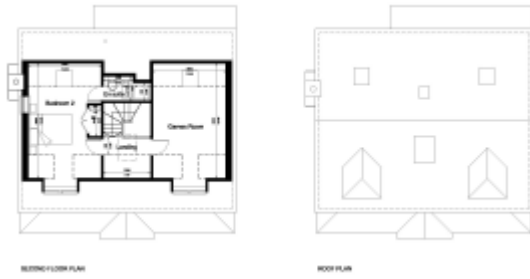
Side Elevation



Rear Elevation



Side Elevation



Proposed elevations and floorplans – Plot 7



Proposed elevations and floorplans – Plot 8



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



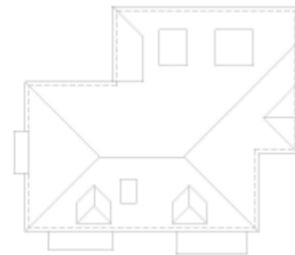
Ground Floor Plan



First Floor Plan



Second Floor Plan



Roof Plan

Proposed elevations and floorplans – Plot 9



Front Elevation

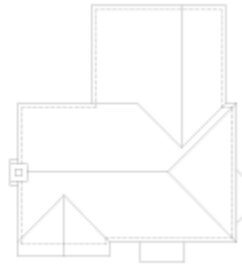


Side Elevation



Rear Elevation

Side Elevation



Proposed elevations and floorplans – Plots 10 and 11



Front Elevation



Side Elevation (West)



Rear Elevation



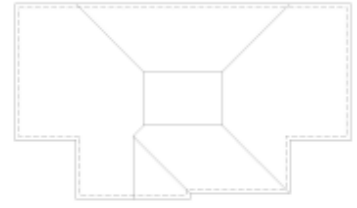
Side Elevation (East)



Ground Floor Plan



First Floor Plan



First Floor Plan

Proposed elevations and floorplans – Plots 12 and 13



Front Elevation



Side Elevation



Side Elevation



Rear Elevation



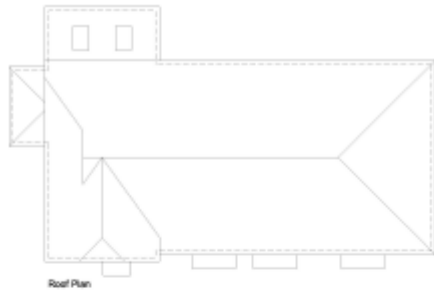
Proposed elevations and floorplans – Plots 14, 15 and 16





Proposed elevations and floorplans – Plots 17, 18, 19 and 20





Roof Plan



First Floor



Ground Floor

Proposed elevations and floorplans – Plots 21 and 22



Front Elevation



Side Elevation (West)



Rear Elevation



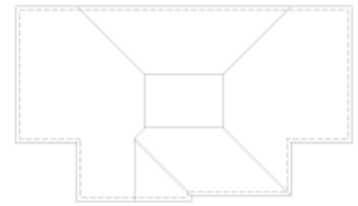
Side Elevation (East)



Ground Floor Plan



First Floor Plan



First Floor Plan

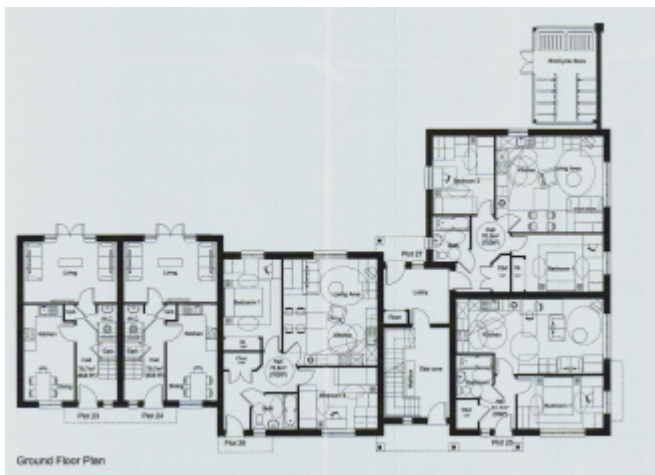
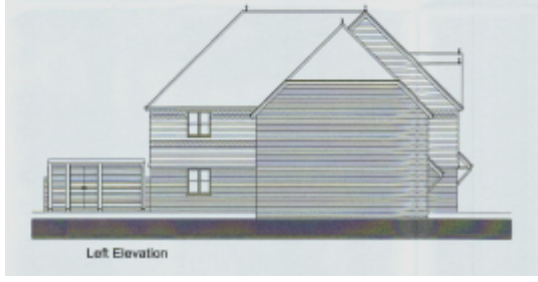
Proposed elevations and floorplans – Plots 23 - 30

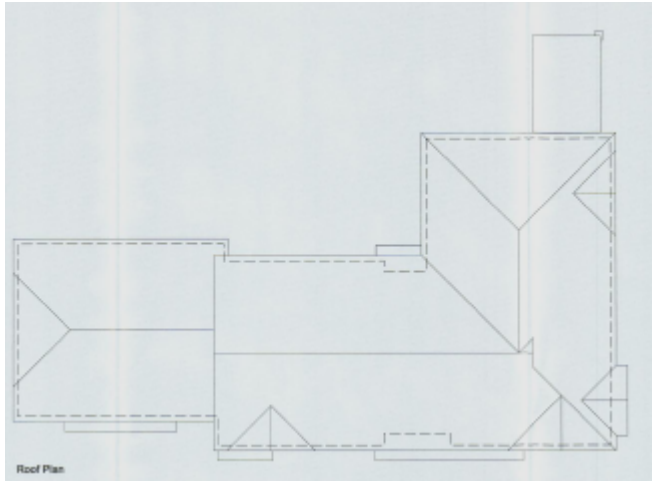


Front Elevation



Rear Elevation





Proposed elevations and floorplans – Plot 31



Front Elevation



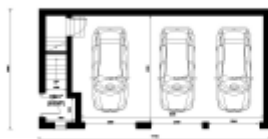
Side Elevation



Back Elevation



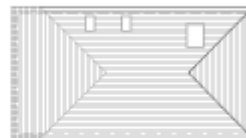
Side Elevation



Ground Floor



First Floor



Roof Plan

Proposed streetscenes



View south of Plots 1 - 5



View north of Plot 9 and Plots 23 - 30



View east of Plots 9 – 16



View east of Plots 17 - 20

View south-west of Plots 6 - 8

Elevations – external materials (indicative colour)



3D visual aid



Relevant Planning History

WA/2015/1902	Outline application for proposed development of up to 13 dwellings with access, layout, appearance and scale to be determined (alternative proposal Option 1).	Refused	26/02/2016	Appeal Dismissed
WA/2015/1903	Outline application for proposed development of up to 31 dwellings with access to be determined (alternative proposal Option 2). (as amplified by Archaeological Report received 07/03/2016)	Refused	24/03/2016	Appeal Allowed

Planning Policy Constraints

Countryside beyond the Green Belt – outside of defined rural settlement
 Public Footpath (No. 437)
 Rural Settlement of Ewhurst (access drive only)
 Neighbourhood Plan Designation
 Ancient Woodland Buffer Zone
 Section 106 agreement (WA/2015/1903 – the outline permission)

Development Plan Policies and Proposals

Saved Policies D1, D2, D3, D4, D5, D6, D7, D8, D9, D13, D14, C2, HE15, HE3, H4, H10, RD1, RD9, M1, M2, M4, M5, M14 of the Waverley Borough Local Plan 2002:

Draft Local Plan Part 1 Strategic Policies and Sites 2017 Policies: SP1, SP2, ALH1, ST1, ICS1, AHN1, AHN3, RE2, RE3, TD1, NE1, CC1, CC2, CC4, HA1

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the

Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002), therefore remain the starting point for the assessment of this proposal.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. In line with paragraph 215 due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The report will identify the appropriate weight to be given to the Waverley Borough Local Plan 2002.

The Council is currently in the process of replacing the saved 2002 Local Plan with an emerging Local Plan. At the examination in June/July 2017 the Inspector indicated that modifications will need to be made to the Plan for it to be found sound and invited the Council to submit a list of these proposed modifications. The Council's Executive Committee has endorsed the modifications to be submitted to the Inspector and the public consultation has now closed. All representations on the proposed modifications will be taken into account by the Inspector before he issues his written report. It is considered that substantial weight can now be given to the policies where no modifications are proposed and significant weight can be given to those policies where modifications are proposed.

Other guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Strategic Flood Risk Assessment (2015/2016)
- Council's Parking Guidelines (2013)
- Residential Extensions SPD (2010)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
- Waverley Local Plan Strategic Highway Assessment (Surrey County Council, 2016)

Consultations and Parish Council Comments

Ewhurst Parish Council	<p>Summary of comments as follows:</p> <ul style="list-style-type: none"> - Units 6 and 8 are three storey dwellings which are out of character with local area. Elevated level of dormer and velux windows to bedrooms within roof space would lead to unneighbourly development.
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	<p>Proximity of unit 6 to Tanglewood is of concern.</p> <ul style="list-style-type: none"> - No details of street lighting have been provided. Estate roads should feature low level bollard lighting, in keeping with the character of the village. This should also be applied to the new access road. - Landscape details do not indicate the type and means of fencing proposed to the southern boundary. Preservation of existing hedgerow is welcomed, it remains unclear on how new fencing will be erected whilst preserving the existing mature planting. - Residents have suggested tree protection fencing should be permanent, allowing for a landscape buffer. - Rear garden length for unit 1 is less than 10 m. This was not a feature of the illustrative plan approved at appeal, and compromises the amenity and privacy to the existing residential property at Squirrels Leap. Amenity space at the site entrance has also been reduced. - It is noted that SCC has raised concerns over lack of detail regarding SuDS. - Ownership boundary issues raised by residents. - No details are provided for the ecological or long-term management of the pond. - Details of maintenance and surfacing of the public footpath
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	<p>not provided within the landscape strategy.</p> <ul style="list-style-type: none"> - Rear gardens are minimal and sub-standard resulting in new occupants to prune trees and hedges. - Public access to amenity space? - No details of condition 12 have been submitted. - No technical details have been submitted regarding connection to the existing and fragile asbestos water mains serving the site. - Should the Council decide that 3 storey development is appropriate on this site then it should be confined to the low-lying areas where it will have the least impact. It may be appropriate to move the 3-storey unit on plot 6 to plot 7. - Residents concern over access and safety remain.
County Highway Authority	<p>17/11/2017 - Initial response: requesting additional information on the shared surface access, swept path analysis for refuse vehicle and swept path analysis of a fire tender truck.</p> <p>Amended response received 15/12/2017, following receipt of additional information:</p> <p>No objection, subject to conditions and informatives.</p> <p>Explanatory informative:</p> <p>The Highway Authority has visited the site to assess the highway safety</p>

implications of the proposed development. The application site takes access onto Cranleigh Road via a private track that is not under the Highway Authority's jurisdiction. This private track is classified as a Public Right of Way (Footpath Number 437). The applicant's transport statement submitted with the Outline Application (WA/2015/1913) has assessed the likely vehicular trip generation from the proposed development. The Highway Authority considers the methodology used to calculate the trip generation is robust and fit for purpose. The assessment demonstrates that the peak periods for traffic movements associated with the proposed development would be 8am to 9am and 5pm to 6pm. The development is likely to generate 15 two-way vehicular movements in the morning peak hour and 18 two-way vehicular movements in the evening peak hour.

Between Cranleigh Road and the application site, the existing access track measures approximately 2.75 to 3.0 metres in width. Given that the proposed development would result in an increase in vehicular movements using the track, the applicant proposes to widen and upgrade the surface of the track to ensure the movement of all vehicles associated with the proposed development can be safely accommodated. The first 20 metres of the track from Cranleigh Road would be widened to 4.1 metres and the remaining length widened to 4.8 metres. Two pedestrian refuges of 1.5 metres width would be provided

on the access road to reduce the crossing distance for pedestrians, thus decreasing the width of the access road at these two locations to 3.3 metres. The existing dropped kerb where the access road meets Cranleigh Road would be modified by installing a formal kerb radius on the west side, which would increase the width of the dropped kerb by approximately 2.4 metres.

The proposed works to the access road would enable two cars to pass on the first 20 metres where the width is 4.1m and for a large service/refuse vehicle to pass a car on the length of the road where a 4.8 metre width is proposed. The access road would operate one-way only at the locations of the pedestrian refuges where the carriageway width narrows to 3.3 metres. The Highway Authority is satisfied that these improvements would ensure that the peak hour vehicular movements associated with the development would not prejudice the safety of pedestrians or the safe and free flow of traffic on Cranleigh Road. Widening the access track would ensure that vehicles have sufficient space to safely pass pedestrians and it is understood that the County Council's Countryside Access Officer has no objection to the proposed development, subject to conditions to mitigate any impact on the Public Footpath.

The Highway Authority is also satisfied that the required level of visibility for the actual speed of vehicles travelling on this stretch of

Cranleigh Road can be achieved. Whilst the road is subject to a 30mph speed limit adjacent to the access, speed survey data shows that the 85th percentile speeds are 39mph in both directions. The required visibility for this speed is 70 metres, which the Highway Authority has measured on site and is satisfied can be achieved in both directions from the access onto Cranleigh Road. The Highway Authority is also satisfied that the level of forward visibility of the access for drivers travelling on Cranleigh Road exceeds 70 metres.

The Highway Authority has noted that there may be rare occasions when a large service/refuse vehicle and car meet on the 4.1 metre width section of the access road. This could result in a large vehicle having to wait in Cranleigh Road for a car to leave the access. The Highway Authority has assessed the highway safety implications of this situation. Given the level of forward visibility for drivers approaching the access exceeds the minimum requirement of 70 metres, the Highway Authority is satisfied that drivers have sufficient safe stopping distance to negotiate and pass a large service vehicle waiting to enter the access road. It is however much more likely that a service vehicle and a car would meet where the access road is 4.8 metres wide, where there would be sufficient width for these two vehicles to pass.

With regard to road safety, the applicant has assessed the Personal Injury Accident data for the latest five-

	<p>year period at the time of the outline application. This assessment showed that there is no accident problem on Cranleigh Road in the immediate vicinity of the site access. Two accidents resulting in personal injury have occurred at The Street priority junction with The Green. Both accidents resulted in slight injuries and were caused by driver error, with no vulnerable road users (pedestrians/cyclists) involved. The Highway Authority is therefore satisfied that the road safety data demonstrates that there is no existing accident problem in the vicinity of the site access road that would be exacerbated as a result of the proposed development.</p> <p>It should be noted that the Highway Authority has recommended conditions to provide parking and turning space within the development site.</p> <p>The Highway Authority advises the Local Planning Authority that the works to widen the access road will require significant vegetation clearance on the access road. Whilst this may have an impact on amenity/environmental grounds, the Highway Authority's advice is based solely on the technical highway safety issues associated with the proposed access road improvements.</p>
County Archaeologist	The report sets out the results of a trial trench evaluation carried out by Archaeology South East that consisted of the excavation of ten trial

	<p>trenches across the site.</p> <p>Apart from a few modern features it is clear from the report that no archaeologically significant finds, features or deposits were identified in any of the evaluation trenches. Advises that the work has been satisfactorily completed in accordance with the Witten Scheme of Investigation and as no significant archaeological remains requiring further investigation were present, then the archaeological condition has been satisfied and can be discharged.</p>
<p>Natural England</p>	<p>With regard to the discharge of conditions, Natural England currently has no comment to make on the discharge of conditions 9, 14, and 19 of WA/20151903.</p> <p>Statutory nature conservation sites – no objection</p> <p>Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.</p> <p>Protected landscapes</p> <p>The proposed development is for a site close to a nationally designated landscape, namely Surrey Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.</p>

The Council's decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy the Council should also apply landscape policies set out in your development plan, or appropriate saved policies.

Also advise that the Council consults the relevant AONB Partnership or Conservation Board. It is knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The Council should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of

	Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. Natural England has published Standing Advice on protected species.
Lead Local Flood Authority	Recommends that condition 18 cannot be discharged due to insufficient information.
Surrey Wildlife Trust	No comments received
Thames Water	No comments received
County Council Rights of Way Officer	No comments received
Southern Water	No comments received
Police Architectural Liaison Officer	No comments received
South East Water	No comments received
Cyclists Touring Club	No comments received
Ramblers Association	No comments received
Open Spaces Society	No comments received
British Driving Society	No comments received
Byways and Bridleways Trust	No comments received
British Horse Society	No comments received
Auto-Cycle Union	No comments received
Scottish and Sothern Energy	No comments received
Scotia Gas Networks	No comments received
Health Watch Surrey	No comments received
Ewhurst Parish Council	No comments received

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” the application was advertised in the newspaper on 22/09/2017, the site notice was displayed around the site and neighbour notification letters were sent on 07/09/2017.

10 letters have been received raising objection on the following grounds:

- Layout is different to the outline permission;
- Red line plan is incorrect;

- What protection from diesel and carbon monoxide fumes from traffic will be provided;
- Noise pollution from vehicle movement;
- Access concerns;
- Is any street lighting proposed;
- Strain on asbestos pipes in the village;
- Drainage concerns;
- What fencing is proposed for the southern boundary;
- Small gardens will likely lead to pruning of trees and hedges on boundaries;
- Overlooking;
- Tree protection fencing should be replaced with permanent fencing;
- Loss of wildlife that use the pond;
- Should have low level street lighting;
- Recreation ground has drainage problems;
- Unsuitable access and loss of the hedgerow;
- Suggest a bridge from recreation ground to the pond to allow for access;

Determining Issues

Principle of development

Layout

- Design/Impact on visual amenity
- Impact on residential amenity
- Parking Provision

Scale

- Design/Impact on visual amenity
- Impact on residential amenity

Landscaping/appearance

- Design/Impact on visual amenity
- Impact on residential amenity

Provision of amenity space and play space

Impact on heritage assets

Flooding and drainage

Highway safety

Conditions 9, 14 and 19 of WA/2015/1903

Climate change and sustainability

Health and wellbeing

Crime and disorder

Financial considerations

Biodiversity and compliance with Habitat Regulations

Parish Council and third party comments

Accessibility and Equalities Act 2010

Human Rights Implications
Environmental Impact Regulations 2017
Third Party and Parish Council Comments
Development Management Procedure order 2015

Planning Considerations

Principle of development

This application is for reserved matters following an outline planning permission reference WA/2015/1903. Therefore, the principle of development has already been established and only the reserved matters are to be considered in the assessment of this application. The matters which have been reserved for consideration are the layout, scale, appearance and landscaping. The report will consider the reserved matters in turn, in addition to any other relevant considerations.

As indicated the principle of development has already been established through the outline permission, however it is considered that the approach is nevertheless consistent with the emerging Local Plan. Policy SP1 of the Draft Local Plan Part 1 sets out that in considering development proposals, the Council will take a positive approach in favour of sustainable development contained within the NPPF. Planning applications which accord with Local Plan Policies will be approved without delay unless material considerations indicate otherwise. The Council will work proactively with applicants to find solutions so proposals can be approved where possible, and to secure development which improves the economic, social and environmental conditions of the area.

Policy SP2 of the Draft Local Plan Part 1 refers to the Council's Spatial Strategy to 2032 and the need to maintain Waverley's character whilst ensuring development needs are met in a sustainable manner. Policy SP2 sets out that the Spatial Strategy is to allow moderate levels of development in larger villages, which include Bramley, also recognising that the Green Belt Review recommended that Bramley remains washed over and therefore has more limited scope for development.

Policy ALH1 The Amount and Location of Housing outlines that Ewhurst is allocated a minimum of 100 new homes to be accommodated, including permissions since April 2013. The application site subject of the current application has Outline permission for 31 dwellings, granted 29/03/2017. The proposal would therefore not add additional homes to the number above, but form part of the existing 31 dwelling contribution toward the allocated 100.

The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies D1 and D4 of the Local Plan 2002 accord with the NPPF in requiring development to have a high quality design and to be well related in size, scale and character to its surroundings.

Policy TD1 of the Draft Local Plan, Part 1, echoes that of Policies D1 and D4. New development is required to be of a high quality and inclusive in design to respond to the distinctive local character of the area. Development should be designed so it creates safe and attractive environments, whilst maximising opportunities to improve the quality of life, health and well-being of current and future residents.

The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing future occupants of land and buildings.

The principles are supported by Policies D1 and D4 of the Local Plan and guidance contained within the Council's SPD for Residential Extensions. Policy D4 of the Local Plan outlines the Council's overarching guidance regarding the design and layout of development, and states under criterion c) that development should not significantly harm the amenities of occupiers of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts. Similarly, Local Plan Policy D1, which outlines the considerations the Council will have to the environmental implications of development, states that development will not be permitted where it would result in material loss of general amenity, including material loss of natural light and privacy enjoyed by neighbours and disturbance resulting from the emission of noise, light or vibration.

Paragraphs 56 to 68 of the NPPF refer to requiring good design. These principles are taken forward from guidance previously contained in PPS1 on 'Delivering Sustainable Development'.

Paragraph 58 sets out that planning policies and decisions should aim to ensure that development:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes to create attractive and comfortable places to live, work and visit;

- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments;
- Are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Reserved matters

Layout

a) Design/Impact on visual amenity

The outline permission did not fix the layout, but an indicative layout was provided. The current proposal largely follows this indicative layout with an access road following the natural gradient of the site west and round toward the back of the site behind the existing dwelling known as Backward Point.

The overall layout of the proposed development would provide for good private amenity space and future relationships between the proposed plots. Appropriate spacing would be retained between dwellings and the break in two storey frontages would be achieved through side single storey garages. The layout would provide for active streetscenes which add character to the overall development. The proposed layout would be similar to that of the indicative layout shown for the outline permission. The layout allows for the front of plots to face the recreation ground, where there would be the wider public views of the proposal. The existing pond on the site would remain and would be utilised as part of the site drainage. This pond provides a natural landscape buffer between the new residential dwellings and the recreation ground to the north and west.

Overall, it is considered that the propose layout would provide for a high quality residential development.

In view of the above, officers consider that the layout would be appropriate having regard to the character of the area and would represent an appropriate

layout of new residential development. Additionally, landscaping and changes in road surface would add to the character, which are considered in further detail in this report.

The proposed layout of the development is therefore considered to comply with Policies D1 and D4 of the Local Plan 2002, Policy TD1 of Part 1 Local Plan Draft 2017 and the NPPF 2012.

b) Impact on residential amenity

The site is bordered by neighbouring residential plots to its southern and eastern boundaries. Beyond the west and north boundaries lies the Ewhurst recreation ground.

All the proposed dwellings on site would be positioned such that they would comply with the Council's recommended guidelines of 21 m between new windows and existing neighbouring windows. The outlook of some neighbouring residential properties, and in particular the properties that front Cranleigh Road, would be altered. However, the position of the proposed dwellings to these neighbouring dwellings is such that there would be no material harm caused by way of overlooking to existing neighbouring residential dwellings.

Plot 1 would be sited at its closest point of 7.5 m from the south boundary. The layout of this plot is such that no windows are proposed in the closest southern elevation to the boundary and one rooflight at first floor in the other south facing elevation. This would ensure that there would be no overlooking to the rear gardens of Squirrel's Leap and Melrose.

Plot 2 would have 3 sets of rear facing first floor windows. These would be sited circa 11.0 m from the south boundary. Only one of these three windows would serve a habitable room. Alloways to the south has a large rear garden and officers are satisfied that there would be no materially harmful overlooking to the outdoor amenity area of Alloways.

Plots 3 and 4 are semi-detached two storey dwellings. The rear outlook from these two dwellings would look toward the rear gardens of Alloways and Applegate. Applegate has a large rear garden similar in size to Alloways. There would be a total of 4 habitable first floor rear facing windows on Plots 3 and 4. Officers consider that although there would be some visual interaction between these windows and the rear gardens of these two neighbouring properties, it would be to the very rear of these gardens only and is not considered to cause material harm.

Plot 5 would be a two storey dwelling with two first floor rear facing windows, positioned at circa 10 and 12 m to the southern boundary. The southern boundary treatment of the site comprises a hedgerow and little tree cover. Officers consider that the first floor rear windows of Plot 5 would be readily visible from the rear garden space of Applegate. The garden space to Applegate is large and the main primary outdoor space for this neighbouring property is nearer to the dwelling itself than the north boundary. Officers conclude that the position of the dwelling for Plot 5 is acceptable and would not cause material harm.

Plot 6 is a 2.5 storey dwelling with accommodation within the roof space. There would be three rear facing rooflights in the roof and three sets of first floor windows. The orientation of this proposed dwelling would be south-west. Tanglewood has a north-west facing rear garden of a large depth (circa 40 m). Owing to the height and position to the south boundary of Plot 6, officers acknowledge that the rear part of Tanglewood would be overlooked by the first and rooflight windows from Plot 6. However, this would be to the rear part of the garden of Tanglewood and would not be materially harmful overall.

Plot 7 would be orientated such that it would have a rear outlook south-west. Taking into account the position of this dwelling to the boundary and its orientation, officers are satisfied that it would not cause any material harm to the amenities of Orchard Lodge.

The proposed dwellings would be sited north and north-west of the neighbouring properties that front Cranleigh Road and therefore no overshadowing would occur or material loss of daylight or sunlight to any habitable rooms of these neighbouring dwellings.

The outlook for the property known as Backward Point would clearly change with the proposal. The position and orientation of the dwellings is such that there would be no direct overlooking to this property. Plots 16 and the flatted building would have some effect on overshadowing to parts of the rear outdoor amenity space for Backward Point. Backward Point occupies a large plot where large parts of the outdoor garden space would not be overshadowed. Overall, officers are satisfied that the proposal would not cause material harm to the amenities of the occupiers of Backward Point. It should be noted that the applicants have outlined that this property is within their ownership.

The position of plots 17 – 20 would result in separation distances circa 11 and 13 m to the east boundary. Beyond the east boundary lies the public footpath, and beyond that is neighbouring properties known as Glenisla and Cumbers. Owing to the distances and orientation of the neighbouring properties, officers

are satisfied that the proposed plots 17 – 20 would not cause material harm by way of overlooking to these neighbouring properties. Mature trees are present adjacent to the public footpath and these would have some existing effect on overshadowing property to the east. Taking into account the height and position of plots 17 – 20, officers are satisfied that these plots would not cause any overshadowing to properties to the east.

Officers are therefore satisfied that the layout of the proposed dwellings is acceptable and that no material harm to neighbouring amenity would arise from the position of the dwellings on the site. Whilst it is acknowledged that the existing rear outlook from neighbouring properties would be affected, the loss of a view is not a material planning consideration.

Officers note the concerns with regards to noise emanating from the new access road. The surface of the new access road is to be tarmac and officers consider this to be acceptable and a condition is to be imposed seeking further and final details of this.

The layout would therefore comply with Policies D1 and D4 of the Local Plan 2002, Policy TD1 of Part 1 Local Plan Draft 2017 and the NPPF 2012 with respect to residential amenity.

c) Parking Provisions

The NPPF supports the adoption of local parking standards for both residential and non-residential development. The Council has adopted a Parking Guidelines Document which was prepared after the Surrey County Council Vehicular and Cycle Parking Guidance in January 2013. Development proposals should comply with the appropriate guidance as set out within these documents.

The Council's adopted Parking Guidelines (2013) identify 67 spaces for this development.

Parking provision is indicated across the site, comprising a mix of on plot parking, parking bays, garages and parking courts, and on-road visitor spaces. The total number of on-site parking spaces proposed is 75. This includes 6 visitor parking spaces.

The total number of parking spaces on site would accord with the Council's Guidelines.

Details submitted with the application demonstrate that a refuse vehicle could enter and exit the site, having serviced the dwellings, in a forward gear. The

County Highway Authority has assessed the submission and raises no objection. The internal layout of the road network and access points are therefore considered acceptable in this regard.

No highway safety concerns have been raised by the County Highway Authority, subject to conditions and informatives.

With regard to cycle parking provision, this would be provided within garages or within covered lockable storage within residential curtilages. Dedicated communal cycle stores are provided for the flats within the proposed development.

In view of the above, the proposal would provide an acceptable parking and internal road layout to serve the residential dwellings, in compliance with Policies M1 and M14 of the Waverley Borough Local Plan 2002 and the Council's Parking Guidelines 2013.

Scale

a) Design/Impact on visual amenity

The scale of the proposed residential development takes the form of a predominantly two storey development with a mixture of flats, detached, semi-detached and terraced dwellings. The surrounding area largely comprises two storey residential dwellings, with exception to bungalows to the east on Gransden Close and the bungalow known as Backward Point.

The site is set in a backland position where the main wider public views of the proposed dwellings would be from the recreation ground to the north and west. The site has a distinct fall in gradient from the east down to the west and north-west.

The dwellings along the first section of road running from east to west would have two storey appearance, with the greatest height of building being the flatted building. This building would be set in a central position on the site and would have a traditional roof form. This building is broken up with the adjoining subordinate plots 23 and 24. The streetscene drawings provided show that the dwellings would follow the natural drop in gradient on both sides of the internal access road. Further, the internal road would follow the natural curve of the site from east to west and then round to the north. Two and a half storey dwellings are proposed at Plots 6 and 8. These plots would have dormer windows within the roof void, creating a third floor. These plots are, however, on a low part of the site when compared to the remainder of the site layout.

The remainder of the residential development is to be two storey in form and scale. The layout is such that a continuous frontage of the residential dwellings would face the recreation ground. The streetscene drawing shows that the dwellings that would face the recreation ground would have a varied roof height and design that creates a street of visual interest. The scale of these dwellings would be traditional two storey in appearance which would create an active frontage.

The scale of the proposed development is considered by officers to be in line with that indicated at the outline permission stage. Overall, the proposal would result in a predominantly traditional two storey appearance of residential dwellings, which would not be out of character with the local surrounding area. The scale of the dwellings would result in a higher density than the existing surrounding development, and in particular, to the south of the site. The issue of density is addressed by the Inspector at paragraph 16 of the appeal decision for the outline permission, where the Inspector states 'efficient use of land is an important aspect of sustainable development and I saw that the village successfully accommodates areas of higher density as well as lower density housing.'

With respect to the specific size of the buildings, the Government's policy on the setting of technical standards for new dwellings is set out in the Ministerial Statement of 25th March 2015. This statement should be taken into account in applying the NPPF and in particular, the policies on local standards or requirements at paragraphs 95, 174 and 177. New homes need to be high quality, accessible and sustainable. The Building Regulations cover new additional optional standards on water and access. A new national space standard has been introduced to be assessed through the planning system, these take effect from 1st October 2015. The Council does not have a current Local Plan Policy that allows it to require compliance with these standards. Nevertheless, the standards provide useful guidance which assists in the assessment of new development. All the proposed dwellings meet the National Space Standards, which is welcome.

The scale of the proposed residential development demonstrates that sufficient space would be maintained between the proposed new dwellings and the existing properties and between properties within the development itself. The proposed development would be commensurate with the local surrounding area and would not result in visual harm.

b) Impact on residential amenity

The scale of the proposed residential development demonstrates that sufficient spacing would be achieved between new dwellings and existing neighbouring properties. The proposed building heights would be predominantly two storey throughout, with a varying ridge height. The two, 2.5 storey dwellings would be positioned at suitable positions that would not cause material harm to neighbouring amenity. Officers acknowledge that new dwellings would be visible from existing neighbouring residential plots, however, the scale of the proposed buildings is such that officers do not consider would cause material harm to surrounding residents.

Therefore, officers are satisfied that the proposed scale of the development can be accommodated on site without causing material harm to surrounding residential occupiers amenities, in accordance with Policies D1 and D4 of the Local Plan 2002.

Landscaping and appearance

a) design/impact on visual amenity

The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies D1 and D4 of the Local Plan 2002 accord with the NPPF in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

The proposed landscaping would include formal enclosed private gardens, public open space and landscaping at the front of dwellings. Good spacing would be maintained at the front of dwellings to allow for soft landscaping and footpaths leading up to the front door of properties. This allows for good soft frontages to the development. The entrance to the residential development would have larger areas of landscaped open space, which would provide a soft entrance to the start of the residential units. Further, the pond feature on site would be maintained which would act as a natural landscape buffer between the recreation ground and the new housing.

Overall, officers are satisfied that the proposed landscaping is acceptable.

Overall, officers consider that the design and appearance of the proposed residential development would create a high quality residential environment. The design would utilise traditional materials in a combination of varied designs of dwellings. Some repetition of dwelling styles is reflected throughout

the scheme; however, the majority of the designs are bespoke to the individual plots.

Overall, officers are satisfied that the proposed landscaping and appearance details are compliant with Policies D1 and D4 of the Local Plan 2002 and would harmonise with the local surroundings and proposed residential development.

b) Impact on residential amenity

The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. These principles are supported by Policies D1 and D4 of the Local Plan 2002 and guidance contained within the Council's SPD for Residential Extensions.

It is considered that as far as the landscaping is concerned, the proposal would not include landscaping aspects which would cause material harm to neighbouring residential occupiers. Additional tree planting has been provided by the applicants which would help soften the impact of the new residential scheme. The landscaping would therefore comply with Policies D1 and D4 of the Local Plan 2002 with respect to impact upon residential amenity.

Provision of amenity space and play space

On promoting healthy communities, the NPPF sets out that planning policies and decisions should aim to achieve places which promote safe and accessible developments, with high quality public space which encourage the active and continual use of public areas. These should include high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities.

Policy H10 of the Local Plan addresses amenity and play space in housing developments. Although there are no set standards for garden sizes, the policy requires that a usable 'outdoor area' should be provided in association with residential development and that 'appropriate provision for children's play' is required.

The proposed layout shows that all of the proposed houses would have an area of private outdoor amenity space. Plots 25, 27, 28, 29 and 30 would not have a private outdoor amenity space, however, the site is in close proximity to the public recreation ground to the north which provides access to usable

outdoor space and an equipped play area. This is a negative aspect of the proposal, however, officers do not consider that it could be objected to warrant a refusal of the application.

Overall, officers are satisfied the proposal provides good amenity space for future occupiers and is compliant with Policy H10 of the Local Plan 2002 and the NPPF.

Impact on heritage assets

The site lies adjacent to the Bramley Conservation Area and a Grade II Listed Building.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In accordance with this, the NPPF and Policies HE1, HE3 and HE5 of the Local Plan 2002 state that development should preserve or enhance the character and setting of Listed Buildings.

Policy HE3 outlines that where development is proposed that will affect a listed building or its setting, high design standards will be sought to ensure that the new development is appropriate and compatible in terms of siting, style, scale, density, height, massing, colour, materials, archaeological features and detailing.

Policy HA1 of the Part 1 Local Plan 2017 requires the Council to ensure that the significant of the heritage assets within the Borough are conserved and enhanced to ensure the continued protection and enjoyment of the historic environment.

Paragraph 128 of the NPPF states that 'Local Planning Authorities should require and applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

Paragraph 129 of the NPPF states that 'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering

the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

The definition of 'heritage asset' in the NPPF includes Listed Buildings and Conservation Areas.

The NPPF defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage assets physical presence, but also from its setting.

Paragraphs 131 states that, 'in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'.

Paragraph 132 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building... should be exceptional'.

Paragraph 133 states that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

The NPPG 2014 provides guidance under the Section titled 'Conserving and Enhancing the Historic Environment'. Whilst not a policy document, it does provide further general advice to policies in the NPPF.

Pursuant to the decision of the High Court in Barnwell Manor Wind Energy, the Decision Maker should give considerable importance and weight to the setting of the Listed Building. If the harm is found to be less than substantial, it does not follow that the S66 duty can be ignored, although this would lessen the strength of the presumption against the grant of planning permission.

Pursuant to the decision of the Court of Appeal in Forge Field Society, the finding of harm to the setting of a Listed Building or a Conservation Area gives rise to a strong presumption against planning permission being granted. If harm is identified then the decision maker should acknowledge that there is a presumption against permission.

At the time of determining the outline application, the Council considered the impact on the setting of Sayers croft (Grade II Listed Building), which is beyond the recreation ground to the north-west. Both the Council and the appeal Inspector concluded that there would be no harm to the setting of this heritage asset. Having regard to the scale, layout and form of the proposed reserved matters details, officers remain satisfied that the proposal would not cause a harmful impact on the setting of this heritage asset. As such, paragraphs 133 and 134 of the NPPF are not engaged.

Flooding and drainage

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant.

Policy CC4 of the Draft Local Plan Part 1 states that in order to reduce the overall and local risk of flooding, development must be located, designed and laid out to ensure that it is safe; that the risk from flooding is minimised whilst not increasing flood risk elsewhere and that residual risks are safely managed.

In a Written Ministerial Statement on the 18th December 2014, the Secretary of State for Communities and Local Government set out the Government's expectation that SuDS will be provided in new developments, wherever this is appropriate. Decisions on planning applications relating to major developments should ensure that SuDS for the management of run-off are put in place, unless demonstrated to be inappropriate.

Under these arrangements, Local Planning Authorities should consult the relevant Lead Local Flood Authority (LLFA) on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate.

The NPPG states that whether SuDS should be considered will depend on the proposed development and its location, for example where there are concerns about flooding. SuDS may not be practicable for some forms of development. New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of SuDS. When considering major development, SuDS should be provided unless demonstrated to be

inappropriate. Whether a SuDS system is appropriate to a particular development proposal is a matter of judgement for the Local Planning Authority and advice should be sought from relevant flood risk management bodies, principally the LLFA.

The proposal would provide for residential development, which is classified as 'More Vulnerable' and as such, the use is consistent with the appropriate uses for Flood Zone 1, as outlined in Table 2 of the NPPF – Technical Guidance Document. It is not therefore necessary to consider the sequential or exception tests in this instance.

The outline planning permission WA/2015/1903 secures details of the drainage design through condition 18, which states:

'No development shall take place on any part of the site, including works of site clearance and ground preparation, until details of a sustainable surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall include:

- i. provide information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for implementation of the scheme; and
- iii. provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime

The applicant is not seeking to discharge this condition and therefore the comments from the Lead Local Flood Authority are not relevant.

Thames Water has not raised any comments on the current proposal. Thames Water raised no objection to the outline application and recommended an informative. It specifically commented on the water infrastructure capacity, to which it raised no objection.

Having regard to the above, it is considered that the proposals would not lead to increased flood risk, either on site or elsewhere, and would accord with Policy CC4 of the Draft Local Plan Part 1 and the NPPF 2012 in this respect. Specific details of the final drainage for the site is to be captured under the submission of details for condition 18 of the outline permission.

Highway safety

The National Planning Policy Framework 2012 outlines that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.

Paragraph 32 of the NPPF 2012 states: “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

Local Plan Policy M4 of the Local Plan 2002 states that the Council will seek to improve conditions for pedestrians by providing or securing safe and attractive pedestrian routes and facilities in both urban and rural areas. Developments should include safe, convenient and attractively designed pedestrian routes linking to existing or proposed pedestrian networks, to public open space, to local facilities and amenities, or to public transport.

Policy ST1 of the Draft Local Plan Part 1 states that development schemes should be located where it is accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and provision of new transport schemes and include measures to encourage non-car use. Development proposals should be consistent with the Surrey Local Transport Plan and objectives and actions within the Air Quality Action Plan. Provision for car parking should be incorporated into proposals and new and improved means of public access should be encouraged.

The outline permission granted single vehicle access off Cranleigh Road for 31 dwellings. The current proposal does not seek to alter this arrangement. The access road is shared with a public footpath (footpath no. 437)

The County Highway Authority has assessed the current submission and has raised no objection, subject to conditions and informatives. Officers note the concerns expressed in the objections raised regarding vehicle movement and traffic, however, the principle of 31 dwellings has been agreed under the outline permission with the access arrangements determined under that application. The proposed access arrangements for the current reserved matters would be the same as those already permitted.

Overall, officers are therefore satisfied that the proposed layout and access arrangements would be suitable for the residential development proposal and the surrounding highway network.

Conditions 9, 14 and 19 of WA/2015/1903

The application includes the request to discharge conditions 9, 14 and 19.

Condition 9 states:

‘ Notwithstanding the detail shown on plan No 3330_DR_003 tree protection drawing high density option, no hedgerow along the access road shall be removed other than in accordance with details that shall previously have been submitted to and agreed in writing by the local planning authority. The details to be submitted shall include arrangements for replacement boundary treatment including timetable for implementation. Development shall be carried out in accordance with the approved details.’

The proposal includes the removal of the hedgerow along the access road northern boundary and replacement with a 1.8 m high willow hurdle fence. The condition above was applied by the Inspector who outlined that the hedgerow should be retained if possible, but if it does have to be removed, then the details of what it would be replaced with would need to be captured. The proposal includes the removal of the hedgerow and replacement with a fence. The fence type proposed would not be a close boarded fence, but a fence which is made up of weaved willow material. This would be of better character than a traditional close boarded fence.

Condition 14 states:

‘ No site clearance, preparatory work or development shall take place until a tree protection scheme in accordance with the Lloyd Bore Limited Arboricultural Impact Assessment (Ref No 3330_RP_004) dated 27 July 2015 and the details shown on plan Nos 3330_DR_001 tree survey drawing and 3330_DR_003 tree protection drawing high density option, including an appropriate method statement for the protection areas highlighted on those plans and a timetable for implementation, has been submitted to and

approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.'

A tree protection plan has been submitted with the current application and has been reviewed by the Council's Tree and Landscape Officer (drawing number 3330-LLB-ZZ-XX-DR-Ab-0002-S4-P01 rev P01. The protection plan would protect the main trees on site which are of good quality value. The majority of visually important trees lie to the boundaries of the site. Further, an updated Arboricultural Impact Assessment has been submitted with the application which should be complied with during the construction phases. A condition would be recommended ensuring that the development complies with this, should the reserved matters be approved. Having regard to the above, officers are satisfied that condition 14 can be discharged.

Condition 19 states:

'No development shall take place on any part of the site, including works of site clearance and ground preparation, unless and until implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.'

The applicants have undertaken evaluations across the site with regards to condition 19. The report sets out the results of a trial trench evaluation carried out by Archaeology South East that consisted of the excavation of ten trial trenches across the site. The County Archaeologist has been consulted on the results of the evaluation and confirm that apart from a few modern features it is clear from the report that no archaeologically significant finds, features or deposits were identified in any of the evaluation trenches and so advises that the work has been satisfactorily completed in accordance with the Witten Scheme of Investigation and as no significant archaeological remains requiring further investigation were present, then the archaeological condition has been satisfied and can be discharged.

Financial Considerations

Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus (NHB) is capable of being a material consideration where relevant.

The NPPG sets out that whether or not a local financial consideration is material to a decision will depend on whether it could help to make the development acceptable in planning terms. It is not appropriate for a decision to be made on the basis that the development could have the potential to raise money for a local authority or other government body.

In the current case, the Council does not rely on local financial considerations to mitigate against the effects of the development to make it acceptable in planning terms. As such, it does not form a material planning consideration.

Health and wellbeing

Local Planning Authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

The NPPG sets out that the range of issues that could be considered through the plan-making and decision-making processes, in respect of health and healthcare infrastructure, include how:

- development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital;
- the local plan promotes health, social and cultural wellbeing and supports the reduction of health inequalities;
- the local plan considers the local health and wellbeing strategy and other relevant health improvement strategies in the area;
- the healthcare infrastructure implications of any relevant proposed local development have been considered;
- opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes

access to healthier food, high quality open spaces and opportunities for play, sport and recreation);

- potential pollution and other environmental hazards, which might lead to an adverse impact on human health, are accounted for in the consideration of new development proposals; and
- access to the whole community by all sections of the community, whether able-bodied or disabled, has been promoted.

The provision of open space in the scheme and provision of private outdoor amenity space for the dwellings are considered to be positive in terms of the health and well being of future residents. Officers note that some of the flats do not have a private outdoor amenity space, however, the position of the site is such that there would be good access to the public recreation ground to the north which can be used by any future residents. Officers acknowledge that the construction process would lead to noise and disturbance to the surrounding existing occupiers. However, conditions on the outline permission seek measures to help reduce the impact, such as a Construction Transport Management Plan (condition 12).

Officers conclude that the proposed development would ensure that health and wellbeing have been suitably addressed in the application.

Biodiversity and compliance with Habitat Regulations 2010

The NPPF requires that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

In addition, Circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

The application property does not fall within a designated SPA, SAC, SNCI or SSSI. An ecology report was undertaken for the outline permission and was conditioned (condition 13) to ensure that the mitigation/recommendation measures are implemented. The proposed layout is similar to the indicative layout provided for the outline permission, which provides a buffer to the

existing pond on site and respects surrounding trees to boundaries of the site. Condition 13 on the outline permission requires the applicant to undertake the required ecological mitigation measures and therefore no additional conditions or requirements are considered necessary under the current reserved matters application.

However, an informative should be added to remind the applicant that protected species may be present at the site and that works should stop should they be found during the course of the works.

Third party representations and Parish Council comments

The third party representations and the parish Council comments have been carefully considered throughout the assessment of the application.

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

There are no implications for this application.

Environmental Impact Regulations 2017

The proposal is considered not to be EIA development under either Schedule 1 or 2 of the EIA Impact Regulations 2017 or a variation/amendment of a previous EIA development nor taken in conjunction with other development that is likely to have a significant environmental effect.

Pre Commencement Conditions

“Pre commencement condition” means a condition imposed on the grant of permission which must be complied with: before any building/ other operation/ or use of the land comprised in the development is begun.

Article 35 of the DMPO 2015 requires that for any application for planning permission, the Notice must state clearly and precisely the full reasons, in the case of each pre-commencement condition, for the condition being a pre-commencement condition.

Where pre commencement conditions are justified, these are provided with an appropriate reason for the condition.

Development Management Procedure Order 2015 - Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:-

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- Have suggested amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Conclusion/planning balance

The principle for 31 dwellings with vehicle access off Cranleigh Road has already been established with the outline permission WA/2015/1903. The current application now seeks the layout, scale, appearance and landscaping for approval.

The proposed scale and layout of the development is considered to be suitable for the site and surrounding area. The use of predominantly two storey buildings throughout would ensure that it would be in keeping with the scale of existing residential development. The position of the buildings would not result in material harm to existing surrounding residential occupiers.

The design of the proposal would comprise a variety of traditional residential dwellings, with use of traditional external materials. A good variety of dwelling types are proposed throughout the development, with use of a mixture of both clay tiles, facing brick and black featheredge timber boarding adds character to the scheme and the overall appearance of the scheme is considered to be high quality with good design features.

The level of vehicle parking on site would accord with the Council's Parking Guidelines 2013 and the County Highway Authority has assessed the proposal and raise no objection, subject to conditions.

Overall, the proposal would provide a good residential development which is Suitable to the site and surrounding area.

Officers consider that there are no adverse impact that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Officers therefore recommend the reserved matters and conditions discharge are agreed.

Recommendation

That, subject to conditions, the Reserved Matters of Layout, Scale, Appearance and Landscaping be APPROVED and that the discharge of conditions 9, 14 and 19 of WA/2015/1903 be AGREED

1. Condition

The plan numbers to which this permission relates are 01421_S_05 Rev P1, 01421_SK_01 Rev P1, 01421_HT4A Rev P1, 01421_HT3A Rev P1, 01421_HT3A_HT3B Rev P1, 01421_HT2A Rev P1, 01421_HTFOG Rev P1, 01421_HT3B Rev P1, 01421_SS Rev P1, 01421_HT4B Rev P1, 01421_HT5A Rev P1, 01421_HT4B Rev P1, 01421_HT4C Rev P3, 01421_HT4A Rev P1, 01421_HT3A_HT4D Rev P3, 01421_HT2A Rev P1, 01421_BA_02 Rev P2, 01421_BA01 Rev P2, 3330-LLB-ZZ-XX-DR-Ab-0002-S4-P01 Rev P01, D2521 L.300 rev 02. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a

pre-commencement condition as the matter goes to the heart of the permission.

3. Condition

No development shall take place until details of the materials to be used in the construction of the external hard surfaces of the internal road and parking areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of the visual amenities of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition as the matter goes to the heart of the permission.

4. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification), no extension or alteration to the roof of any dwelling house as defined within Part 1 of Schedule 2, Class B inclusive of that order, shall be implemented on the site without the written permission of the Local Planning Authority.

Reason

In the interests of the visual and neighbouring amenities of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

5. Condition

The garaging for each residential dwelling hereby approved shall be retained in a form capable for the parking of vehicles incidental to the residential occupation and enjoyment of the dwelling as such and not for any trade or business or habitable accommodation.

Reason

In the interests of the amenities of the area and to ensure appropriate levels of parking are maintained on the site, in accordance with Policies D1, D4 and M14 of the Waverley Borough Local Plan 2002.

6. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking

and re-enacting that Order with or without modification) no fences, boundary walls or other means of enclosure, other than as may be approved as part of this permission, shall be provided forward of any wall of that dwelling or adjoining dwelling which fronts onto any highway.

Reason

In the interest of the amenities of the area and highway safety, in accordance with Policies M2, D1 and D4 of the Waverley Borough Local Plan 2002.

7. Condition

The landscaping scheme hereby permitted on plan number D2521 L.300 Rev 02 shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

In the interest of the character and amenity of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and the NPPF.

8. Condition

In addition to the Construction Management Plan required under condition 12 of planning permission WA/2015/1903, no development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) programme of works (including measures for traffic management);
- b) vehicle routing for HGVs.

The development shall be carried out in strict accordance with the agreed details.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Council Local Plan 2002 and the NPPF

2012. This is a pre-commencement condition as the matter relates to the construction process.

9. Condition

No operations involving the bulk movement of materials to or from the development site shall commence unless and until facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to so far as is reasonably practicable prevent the creation of dangerous conditions for road users on the public highway. The approved scheme shall thereafter be retained and used whenever the said operations are undertaken.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Council Local Plan 2002 and the NPPF 2012. This is a pre-commencement condition as the matter relates to the construction process.

10. Condition

The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- a) The secure parking of bicycles within the development site;
- b) Information to be provided to residents regarding the availability of and whereabouts of local public transport, walking/cycling routes, and car sharing clubs / car clubs;
and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Council Local Plan 2002 and the NPPF 2012.

Informatives

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these

must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £97.00 or a reduced rate of £28.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site. Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.
3. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail waverley.snn@waverley.gov.uk For further information please see the Guide to Street and Property Naming on Waverley's website.
4. The granting of any permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Service on 01483 523393.
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 Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

7. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
8. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
9. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
10. 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.
11. 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).
12. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the

development is complete, provided all reasonable care is taken to protect public safety.

13. The developer is advised that Public Footpath Number 437 crosses the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
14. The Highway Authority advise that the proposed estate road(s) are of insufficient public utility to warrant adoption as highway maintainable at public expense.
15. 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.
16. The applicant is advised that the Council expects the external dark boarding cladding to be of wood material



Appeal Decisions

Hearing held on 23 February 2017

Site visit carried out on the same day

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 March 2017

Appeal A: APP/R3650/W/16/3150906

Land at Backward Point, Cranleigh Road, Ewhurst, Cranleigh GU6 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Viret of Millwood Designer Homes Limited against the decision of Waverley Borough Council.
 - The application No WA/2015/1902, dated 7 September 2015, was refused by a notice dated 26 February 2016.
 - The development proposed comprises the erection of 13 dwellings with associated highway works.
-

Appeal B: APP/R3650/W/16/3150910

Land at Backward Point, Cranleigh Road, Ewhurst, Cranleigh GU6 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Viret of Millwood Designer Homes Limited against the decision of Waverley Borough Council.
 - The application No WA/2015/1903, dated 7 September 2015, was refused by a notice dated 24 March 2016.
 - As set out on the planning application form, the development proposed comprises the erection of up to 31 dwellings and associated highways.
-

Decisions

Appeal A

1. For the reasons that follow, the appeal is dismissed.

Appeal B

2. For the reasons that follow, the appeal is allowed and planning permission is granted for development of up to 31 dwellings and associated highways on land at Backward Point, Cranleigh Road, Ewhurst, Cranleigh in accordance with the terms of the application, No WA/2015/1903, dated 7 September 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

3. Both appeals relate to outline applications. In relation to Appeal A, matters of access, scale, layout and appearance are for consideration now, with only landscaping reserved for future consideration. In relation to Appeal B, all matters other than access are reserved for future consideration. Whilst sketch layout plans were submitted with Appeal B, these are indicative only.
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4. Two of the reasons for refusal on each scheme relate to the absence of a legal agreement securing the provision of affordable housing and infrastructure contributions. However, both appeals were accompanied by unilateral undertakings. The obligations secured are a material consideration and are dealt with in more detail later on. Suffice it to say here, that the Council was satisfied that they overcame the related reasons for refusal.
5. In relation to Appeal A, one of the reasons for refusal refers to the impact of the scheme on buried heritage assets. However, in the light of a desk-based archaeological assessment submitted in relation the larger Appeal B scheme, the Council did not pursue that reason for refusal either.
6. Although there was some discussion as to the ownership of the hedge along the western side of the existing access track (alongside an existing dwelling, Oakhanger) that is a private matter between the parties. Whilst it may have implications for implementation were the appeals to succeed, I can only consider the planning merits of the respective cases.
7. The development plan for the area includes the saved policies of the Waverley Borough Local Plan 2002. I was also referred to policies in the emerging Local Plan. The emerging Plan was submitted for Examination in December 2016¹ and, whilst an Inspector has been appointed, the Examination has not yet taken place. Recently, however, the Inspector issued his initial questions and comments,² which include queries relating to how the emerging Plan accommodates unmet housing need within the Housing Market Area as a whole, the absence of any very special circumstances relating to the proposed release of land from the Green Belt, and the lack of evidence to demonstrate that a proposed new settlement at Dunsfold Aerodrome meets the requirements of the Authority's Sustainable Transport policy (policy ST1). The Statement of Common Ground suggests that significant weight can be afforded to the emerging Plan. I do not agree. Its policies have not yet been tested at Examination and may be subject to change. On that basis, and given the nature of some of the concerns already raised by the Local Plan Inspector, I consider that whilst the policies may indicate a 'direction of travel', they can attract only limited weight at the current time.
8. My attention was also drawn to two Neighbourhood Plans. Whilst the appeal site lies within the Ewhurst Neighbourhood Plan area, that Plan is at a very early stage with no version issued yet for public consultation. In the absence of even draft policies to assess the scheme against, it carries no weight in my consideration of this appeal. That said, the Draft Vision and Objectives (March 2016) sets out, among other things, that the emerging Plan will make provision for the development of sufficient new housing to meet primarily the locally generated need for additional houses and fulfil the requirements of the development plan. It was confirmed at the Hearing that neither of the proposals would conflict with the housing objectives of the emerging Plan.
9. The Farnham Neighbourhood Plan has been the subject of an Examination and the Inspector's Report had just been made available at the time of the Hearing. Some of the sites in the Council's housing land supply are sites allocated in the Neighbourhood Plan, although the appeal site itself lies outwith the Plan area. Whilst the Inspector's Report suggests some amendments, it was confirmed

¹ Submission post-dates determination of the planning applications the subject of these appeals.

² Listed below as Inquiry Document 2

that the housing allocations therein came through unscathed. Whilst the Plan is not currently part of the development plan, given its advanced stage, the policies attract some weight, although that is tempered to some extent, given that it has not been to referendum yet.

Main Issues

10. These relate to:

- the effect of the developments proposed on the character and appearance of the area;
- the proposed housing mix (Appeal A only);
- vehicular and pedestrian safety (Appeal B only);
- and the Council's housing land supply position.

Reasons

Character and Appearance

11. In countryside beyond the Green Belt and outside identified rural settlements, saved policy C2 of the 2002 Local Plan seeks to protect the countryside for its own sake. Building in the open countryside, away from existing settlements, will be strictly controlled, with the explanatory text to the policy setting out the types of development that may be acceptable in such locations.
12. The appeal site lies outwith, but adjacent to, the settlement boundary for Ewhurst as currently defined by the Local Plan and thus, in the terms of policy C2, is in the countryside. Both appeals relate to proposals for market housing (albeit with an affordable housing element) which is not identified as one of the exceptions to policy C2 in the explanatory text. As confirmed in the officers' reports to the planning committee, the appeal site occupies a reasonably sustainable location in terms of access to facilities and services. Moreover, at the Hearing, the Council confirmed that since the site is located immediately adjacent to the settlement boundary, that there was no conflict with the second part of policy C2 on the basis that the site was not 'away' from the existing settlement. Rather, it was the protection of the countryside in terms of its character and appearance that was at issue. I am mindful, in this regard, that among other things saved policies D1(b) and D4(a)(d)and(e) seek to ensure that new development integrates well with a site and its surroundings and that it protects the visual character and distinctiveness of a locality, particularly in relation to the design and scale of development.
13. The site, which extends to some 1.26 hectares, comprises a grassed paddock area. Its 'backland' location means that the site is not seen from the adjacent road network. Although a public footpath runs along the proposed access from Cranleigh Road, it does not run through that part of the site on which the houses are proposed. Rather it passes behind Backward Point before entering the extensive village recreation ground to the north. Having walked the route, I am satisfied that the dwellings proposed would not impinge unduly on the experience of users of the footpath.
14. Whilst not prominent from other vantage points, the developments proposed would be seen from the adjacent recreation ground. When viewed from there, the appeal site is seen against the backdrop of the existing settlement.

Moreover, the presence of existing residential development along two of the three site boundaries, and the well vegetated boundary along the watercourse on the boundary with the adjacent recreation ground, mean that the site is visually well contained, even in winter. As such, its undeveloped state makes no integral contribution to the character of the village. Indeed, the Inspector who dealt with an appeal in relation to extensions to Backward Point, considered that the property, including the paddock area the subject of the current appeals, was not in a rural area and did not lie outside the settlement of Ewhurst.³

15. In relation to the Appeal A scheme, the submitted details show dwellings of a scale and vernacular design commensurate with the residential character of the village, with the layout providing an appropriate sense of place and character.
16. The Appeal B scheme (where all matters other than access are reserved for future consideration) is at a higher density than the development that adjoins the site. However, efficient use of land is an important aspect of sustainable development and I saw that the village successfully accommodates areas of higher density as well as lower density housing. I am satisfied that the provision of up to 31 dwellings on the site could not be achieved in a way that would also provide a sense of place and character, utilising buildings that would reflect the local vernacular.
17. Implementation of either of the appeal schemes would result in a significant degree of change in terms of the current open character and appearance of the appeal site, when compared to its existing condition. However, any residential development on an open greenfield site would be likely to have a similar impact. I am mindful, in this regard, that the emerging Local Plan indicates some planned growth in Ewhurst, with policy ALH1 allocating some 65 dwellings to the parish.⁴ Moreover, the Council acknowledged at the Hearing that some development of greenfield sites would be required to meet its housing requirement.
18. Although the built edge to the village would be pushed outwards, the housing proposed in both schemes would be well related to the existing development pattern, maintaining the compactness of the built-up area. Both schemes would retain (and utilise) the existing large pond adjacent to the watercourse and would retain and strengthen the vegetated site boundaries that would act as a buffer between the development and the adjacent recreation ground. The loss of the open paddock area would not materially affect the character or quality of the recreation ground or the grounds to Sayers Croft beyond, and I am satisfied that either of the developments would be no more intrusive in the countryside, including in views from the recreation ground, than the existing settlement.
19. Part of the Council's concerns in relation to Appeal B, related to the potential loss of the hedgerow along the proposed access road, although there is no suggestion of any similar harm in relation to Appeal A which, despite relating to fewer dwellings, proposes the same access arrangement.
20. Access to the appeal site would be taken from Cranleigh Road (B2127) via a track that currently serves Backward Point. To the east, the access track runs

³ APP/R3650/A/87/71928/P4 Allowed December 1987

⁴ Including homes permitted and built since April 2013.

alongside Grandsen Close, a short residential cul-de sac that serves a handful of properties. The track and Grandsen Close are separated by a grassed verge of varying width and hedging, with the track being at a slightly lower level. To the other side of the access is another residential property, Oakhanger, its boundary with the access also being defined by hedging. Public footpath No 437 runs along the length of the track.

21. Plan No 14/0908/SK03)⁵ indicates that the hedge along the boundary with Oakhanger would not be affected directly by the proposed access arrangement. However, plan No 3330_DR_003 (tree protection drawing high density option) appears to show removal of the hedgerow alongside Grandsen Close. Measurements taken by the main parties during the site visit indicated that it might be possible to retain the hedge albeit that it may need to be trimmed back in places, although the provision of passing points, as requested by the countryside access officer, may have implications for retention of the hedge in places, depending on their final position. The loss of the hedgerow would affect the amenity of footpath users and would harm the character and appearance of the area. It was agreed, in this regard, that the detailed treatment of this boundary is a matter that could be controlled by conditions were the appeal to succeed. On that basis, the creation of the access as proposed would not, necessarily, result in material harm to the character and appearance of the area.
22. To conclude on this issue, I find that any harm to character and appearance consequential upon either of the developments proposed would be very minor, relating only to the loss of openness of a visually well-contained site that I have found does not have an integral role as part of the defining character or appearance of the settlement. There would, nevertheless, be some conflict with Local Plan policies D1(b) and D4(a)(d) and (e) in this regard. However, I find no material conflict with policy C2, given the Council's stated position that that the site is not 'away' from the existing settlement. In any event, policy C2 is to be considered out-of-date, not only because in seeking to protect the countryside for its own sake, irrespective of the characteristics of the particular area under consideration, it is inconsistent with the Framework, but also in light of my findings below on housing land supply.

Housing Mix (Appeal A only)

23. Policy H4 of the 2002 Local Plan requires that, on schemes of more than three dwellings, at least 50% of the homes will be 2 bedroom or less, that not less than 80% will be 3 bedroom or less, and that no more than 20% exceed 165 square metres gross floor area.
24. Of the thirteen dwellings proposed in the smaller Appeal A scheme, the nine market dwellings would all be of 4 or more bedrooms, equating to some 69%. The other four dwellings would be affordable homes, comprising two x 2 bed and two x 3 bed properties. The proposed provision would clearly conflict with the numerical targets of the development plan policy.
25. However, the targets in the policy are of considerable age, reflecting a housing need that was identified in the late 1990s. Moreover, as identified by a

⁵ Inquiry Document 3

colleague Inspector,⁶ the policy embraces a rigid, prescriptive approach. Such an approach does not chime with the more flexible evidence based approach of the Framework. Paragraph 50 of the Framework sets out that, in order to deliver a wide choice of high quality homes, to widen opportunities for home ownership and to create sustainable, inclusive and mixed communities, local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Authorities are also required to identify the size, type, tenure and range of housing required in particular locations, reflecting local demand. Given the age of the policy and its numerical approach, I consider that it is not up to date and that only limited weight should be afforded to it.

26. Policy AHN3 of the emerging Local Plan does not set out a numerical approach to housing mix. Rather, it requires that housing developments should make provision for a range of different types of housing to meet the needs of the community, reflecting the most up-to-date evidence in the Council's Strategic Housing Market Assessment (SHMA). My attention was directed, in this regard, to the West Surrey SHMA - Waverley Sub Area Addendum (November 2015).
27. Neither the emerging policy, the SHMA nor the Addendum have yet been tested as part of the Local Plan process. Neither does, nor will the SHMA and its Addendum comprise policy. However, emerging policy AHN3 does accord with the Framework and it can therefore be afforded some, albeit limited weight at this stage. As noted by my colleague in the Frensham Vale decision, the SHMA (and now the Addendum) provides recent and robust evidence on local housing need. The table below sets out the requirements for the 'rest of the Borough' category, as set out in the SHMA Addendum.⁷ It is clear that the housing mix proposed would not meet the current suggested mix which is based on the identified needs for the area.

	1 bed	2 bed	3 bed	4+ bed
Market	5.9%	29.5%	39.2%	25.4%
Affordable	50.3%	26.9%	21.4%	1.5%

28. I recognise that the table above relates to the need spread across the 'rest of the Borough' as a whole and that, at just 13 dwellings, this is a relatively small development in the scheme of things. As such, there will be limitations on its ability to provide a mix that fully corresponds with the spread suggested by the SHMA Addendum.
29. In support of the appeal, the appellant also maintained that the provision of smaller homes at a higher density would be contrary to the prevailing character of the village. I would agree that a scheme comprising wholly small homes might well be incongruous here. However, having regard to the Appeal B scheme, I have no reason to suppose that a development comprising a greater number of more modestly sized properties that would be better meet the identified housing needs of the local population could not be achieved on the site, in a layout that would still respond appropriately to the character and appearance of the area.

⁶ APP/R3650/W/15/3008821 – outline application for up to 46 dwellings on land at Frensham Vale, Waverley. Appeal dismissed 18 April 2016

⁷ Figures taken from Tables 15 and 18 of the SHMA Addendum (submitted with the Questionnaires)

30. I acknowledge that the table above evidences a need for some larger market homes in the Borough. However, since almost 70% of the homes proposed would comprise 4+ bedrooms, the appeal scheme would not help address the most acute local need, namely the need for smaller homes. Whilst 30% of the homes proposed would be affordable, at a time when there is no policy requirement for such on greenfield sites like this, I am firmly of the view that it would not comprise a sufficiently inclusive and varied development to the extent that it would provide an appropriately mixed community as required by paragraph 50 of the Framework. There would be conflict therefore, with both the emerging policy and national planning policy in this regard.

Vehicular and Pedestrian Safety (Appeal B only)

31. As noted above, access to the appeal site would be taken from Cranleigh Road via a track that currently serves Backward Point. The access would comprise a shared surface arrangement, the first 20 metres being constrained to a width of 4.1 metres. A width of some 4.8 metres is achievable along the remainder which, as confirmed in the Transport Statement, is sufficient for a refuse/delivery vehicle and a car to pass without the need for either vehicle to reverse onto the highway or back into the development site.
32. The visibility splays that would be provided at the junction of the access with the main road would meet the required standards. Forward visibility splays are also shown within the site, at the point where the access would turn into the development site at the northern end of the track. Those splays are based on a 20mph vehicle speed, the speed within the site being moderated due to the nature of the access road and the bend.
33. Whilst oncoming vehicles may, on occasion, be unable to pass within the narrower section, there would be sufficient forward visibility for vehicles approaching along the access towards the main road to wait for a vehicle turning in. Similarly, I have no reason to suppose that a vehicle having to wait to turn into the access road would present a material hazard to other road users, there being good visibility in both directions at this point.
34. Whilst there was some concern that larger vehicles turning in to the site would need to use the full width of the access, that is not unusual on smaller roads such as this. This would apply especially to refuse collection vehicles, for which swept path details have been provided, but these would be likely to call no more than once a week. Drivers would need to exercise proper care, but it is not unreasonable to expect that they would do so. All in all, I consider the overall risk of collisions between vehicles using the access would be low.
35. In terms of potential conflict between vehicular traffic and footpath users, I note that the countryside access officer raised no objection subject, among other things, to a condition requiring the construction of two pedestrian refuges. I am satisfied that such an arrangement could be accommodated and that it provide for the safety of pedestrians, particularly since that, as noted in the Transport Statement, even at peak times only some 15-18 two way trips are anticipated, most of which would be cars.
36. Having regard to the overall length of the access track, the low vehicle speeds already noted, the limited number of traffic movements anticipated at peak times and given the absence of any substantiated evidence to the contrary, I am satisfied that, subject to conditions, the development proposed would not

result in any demonstrable harm to highway safety, including the safety of pedestrians using the public footpath. There would be no conflict therefore, with saved policies D4(h) and M4 which together and among other things seek to protect such interests.

Housing Land Supply

37. At the time the planning applications the subject of these appeals were determined, the Council accepted that it could not demonstrate a five year supply of housing land. However, by the time of the Hearing, that position had changed. The Council's latest evidence on housing land supply is set out in its Five Year Housing Land Supply Document dated 1 January 2017 (2017 HLS). The conclusions in that document are predicated on an average annual housing requirement of 753 dwellings per annum, delivery over the next five years of the accrued undersupply since 2013 and the application of a 5% buffer, giving a total requirement of 3,767 dwellings over the five year period. It sets out a supply of some 4,359 dwellings equating to 5.79 years.⁸

5% or 20% buffer

38. Paragraph 47 of the Framework requires that authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years housing land supply against their housing requirements with an additional buffer of either 5% or, where there has been a record of persistent under delivery, 20% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. The planning guidance confirms that the approach to identifying a record of persistent under delivery of housing embraces a range of issues, advising that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.
39. Looking at delivery over the 14 year period set out in the 2017 HLS document, whilst housing completions for the first seven years exceeded the requirement, the Council has not met the relevant requirement in each year since. I am mindful, in this regard, that the annual requirement was very low up to 2012/2013, in comparison with the annual requirement figure of 519 dwellings per annum (dpa) for 2013/2014 onwards. I am also fully aware of the recession in around 2008-2010. However, undersupply at that time was against a lower requirement figure than is currently the case and, in any event, we are some years on from that now. Moreover, delivery over the whole of the fourteen year period shows a shortfall of more than 900 dwellings.⁹
40. At the Hearing, the Council referred to what it described as step changes in the requirement: for the first four years, the annual requirement, as set out in the South East Plan, was 187 dpa, for the next seven years, the requirement was 250 dpa as set out in the 2002 Local Plan and for the last almost four years, the requirement has been 519 dpa. It was the Council's case that the delivery of housing takes time to 'catch up' with the increased requirements and that there will be a consequent lag in supply. However, that is not wholly borne out by the figures. The 2017 HLS document shows that in the three years following the increase from 187 dpa to 250 dpa, completions exceeded the requirement.

⁸ These figures are all taken from the 2017 HLS document. I understand that the minor anomalies in the figures in the various documents are the result of rounding figures up or down at various stages.

⁹ Kember Loudon Williams Statement dated 20 October 2016 (paragraph 6)

41. The Council drew attention to Table 3 of the 2017 HLS document which indicates a substantial increase in planning permissions granted over recent years. Even so, completions since 2013/2014, following the introduction of the 519 dpa requirement, have not been meeting even the lower South East Plan requirement that was in place earlier in the 14 year period. In essence, there continues to be a significant shortfall in delivery against current requirements.
42. Based on the evidence to this Inquiry I conclude, for the purposes of this appeal, that even when looked at over a fourteen year period, this is an authority where a 20% buffer is warranted. In coming to this view I note, following examination of evidence through the Inquiry process, that other Inspectors have recently concluded that there is at least a borderline case for a 20% buffer being warranted, with the housing figures before me being even more up-to-date than in the most recent of those decisions (Hewitt's Industrial Estate). On the Council's own evidence, the application of a 20% as opposed to 5% buffer would give a five year requirement of some 4,306 dwellings. As a consequence, the supply would fall to around 5.06 five years - a surplus of just 53 dwellings.

Housing Supply Sites

43. The housing land supply as set out in the 2017 HLS document, is made up of sites with planning permission, allocated sites in the emerging Local Plan and sites identified in the Land Availability Assessment August 2016 (updated December 2016)(LAA).
44. The Hewitt's Industrial Estate Inspector had significant reservations regarding the full deliverability of some of the sites identified in the Council's LAA that are included in the five year supply: they are not currently part of a development plan allocation; they have not been tested at Examination yet as part of the emerging Local Plan and thus may be subject to change; and they do not benefit from an extant planning permission. I share those reservations.
45. For the purpose of determining this appeal, I shall focus on just three of the strategic sites identified in the emerging Local Plan by the appellant, since a failure to deliver/slippage in delivery of just one, could have significant consequences for the Council's five year supply. These allocations are all greenfield sites which, as noted by the Hewitt's Industrial Estate Inspector, are likely to be the subject of objections, casting further doubt on deliverability.
46. *Coxbridge Farm, Farnham* is identified as providing 180 homes over the five year period based on a developer estimate provided some nine months ago. No planning application for the site has yet been submitted. I was advised that an outline application would, in all likelihood be submitted first, which would take some time to determine, together with completion of any relevant planning obligation. The Council did not disagree. Following that, reserved matters would need to be discharged. I recognise that the principle of development on this site might be acceptable to the Council, given its inclusion in the emerging Farnham Neighbourhood Plan. However, it is clear that commencement of development on the site and subsequent delivery of completed housing is some way off yet. In the absence of any substantiated evidence to persuade me otherwise, I consider that whilst some homes may be delivered within the five year period, delivery of all 180 dwellings is not realistic.

47. *Land at Horsham Road, Cranleigh* is identified as providing 101 dwellings over the next five years as part of a larger scheme for the site. Again, though, the developer estimate on which that figure is based was provided some nine months ago now, with no planning application having been submitted. As a consequence, the prospect of securing even outline planning permission is some way off yet. More importantly though, unlike the site above, there is no suggestion that the site is included in an emerging Neighbourhood Plan, never mind one as advanced as that at Farnham. All in all, I am not persuaded that the developer estimate equates to site-specific evidence as to the realistic deliverability of the site within the five year period. As such, it would not, in my view, be appropriate to include this site in the five year supply at the present time. A reduction of 101 dwellings is therefore justified.
48. *Land opposite Milford Golf Course* is identified as providing 180 dwellings, again based on a developer estimate of some nine months ago. However, the site lies within the green belt and there is no planning application for residential development. In addition, there will be a need to relocate the three holes that I understand to be located on the affected part of the course, which could also impact on any start date. There was no substantiated evidence either, to indicate what very special circumstances would be relied on to allow for permission for the dwellings to be granted. I note, in this regard, that the Local Plan Inspector's recently issued initial questions and comments confirm that simply identifying Green Belt sites such as this does not amount to very special circumstances. On balance, I am not persuaded that this site should be included in the supply at the present time - a reduction of 180 dwellings.

Lapse Rate

49. The appellant suggests that the Council should apply a 10% lapse rate to those supply sites with outstanding planning permission, sites identified in the LAA and allocated sites in the emerging Local Plan. However, I find no reference to the need to include a blanket lapse rate to such sites in the advice for calculating supply set out in the Government's Planning Practice Guidance (planning guidance). Whilst expected delivery may sometimes slip, other sites may deliver more housing than was anticipated. Moreover, other unanticipated sites may come forward and contribute to the supply, for instance the recent Hewitt's Industrial Estate decision.
50. I recognise that other Inspectors and indeed the Secretary of State have applied a lapse rate on occasion,¹⁰ as did the Inspector who dealt with the Hewitt's appeal. However, the Secretary of State decision referred to dates from February 2013, with the 'Cotswold' judgment also referred to, dating from November 2013, both of which pre-date the Government's current planning guidance.
51. As set out in footnote 11 to the Framework, the test required is that of clear evidence that a scheme will not be implemented within five years. In my view, a past record of general slippage does not overcome what is, essentially, a presumption that sites with planning permission will come forward. I note, in this regard, that the Council appears to be updating its housing land supply figures more often than once a year (at least lately) so any slippage should, in theory at least, be quickly picked up. On balance, therefore, and notwithstanding the Hewitt's decision, I am not persuaded on the basis of the

¹⁰ Montagu Evans Briefing Note dated January 2017

evidence before me that it is appropriate to apply a standardised lapse rate to all of the housing sites referred to in the Council's five year supply. Rather, each site should be considered having regard to its own particular circumstances. That said, given my findings above that a 20% buffer is required here, and the implications of that for the supply, it would serve no useful purpose insofar as this appeal is concerned to look here at slippage on the individual sites identified.

Conclusion on Housing Land Supply

52. I recognise that the emerging Local Plan is proceeding to Examination on the basis of a 5% buffer and delivery of the identified sites. It will be for the Local Plan Inspector to examine the Council's evidence on the sites in its supply in more detail at the Examination, with the benefit of input from numerous other parties, including developers. He will no doubt also come to a view as to whether it is appropriate to apply a lapse rate. However, for the reasons set out above, and based on the evidence before me, I consider that whilst a generalised lapse rate is not appropriate, this is an Authority where a 20% buffer is warranted. Moreover, I have identified problems in terms of the deliverability of at least some of the strategic sites allocated in the emerging Local Plan to the extent that at least 281 dwellings need to be removed from the identified supply at the present time. As a consequence, and solely for the purposes of this appeal, I am of the view that the Council cannot demonstrate a five year supply of housing land supply.

Other Matters

53. Among other things, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the setting of listed buildings. The setting of a heritage asset embraces all of the surroundings from which it can be experienced. In essence, if the development proposed could be seen from, or in conjunction with any heritage asset, then there would be an impact on the setting of that asset. An assessment is then required as to whether that impact would harm its heritage significance.
54. Sayers Croft is located within extensive vegetated grounds on the far side of the recreation ground, to the west of the appeal site. Now a rural activities centre, it was one of the first national evacuee camps to be occupied in 1940 and was one of 33 camps established at a similar time. Due to the external appearance of the buildings remaining largely similar to their original form, and the numbers in which they survive, Sayers Croft is considered to be the best preserved camp remaining in the country.¹¹ It contains a Grade II listed building in the form of the Combined Kitchen and Dining Hall, the special interest of which is largely historic and architectural, relating to its prefabricated design and special function, with the main dining hall containing two fine examples of war art, which are on the national inventory of War Memorials.
55. Neither of the appeal schemes would have a direct impact on the listed building. In terms of its setting, that seems to me to be confined largely to the extensive grounds to the Centre. Whilst my colleague considered that the

¹¹ The information about Sayers Croft is taken from the list description and from an appeal decision for residential development elsewhere in Ewhurst drawn to my attention (APP/R3650/W/14/3000887).

setting extended to the site the subject of the appeal she was considering, that was on the basis that the main entrance to the Combined Kitchen and Dining Hall faced towards the site, which shared a boundary with the Sayers Croft grounds. Accordingly, there was intervisibility between the site and the listed building and she found that the appeal site in that case did make a contribution to the heritage significance of the listed building.

56. That is not the case with the developments before me. The appeal site is separated from Sayers Croft by playing fields within the recreation ground and there is no suggestion of any designed views from the listed building that might include the site. Indeed, at the time of the site visit, the listed building could not be seen from the playing fields. I am satisfied, therefore, that the appeal site does not contribute to the heritage significance of the listed building and there is no harm in this regard.
57. The owner of Oakhanger was concerned in relation to noise and disturbance from increased use of the adjacent access. Any noise and disturbance from construction would be short-lived and could be dealt with by suitably-worded conditions to control hours of working. Post-construction, whilst use of the access by vehicular traffic would undoubtedly increase in comparison to existing use (the access currently serves a single dwelling) there is no substantiated evidence to demonstrate that those traffic movements would be likely to result in material harm to the living conditions of occupiers.
58. Concerns regarding any damage to property during construction are matters for the relevant landowners to resolve.

Planning Obligations

59. In relation to Appeal A, other than the provision of an element of affordable housing secured, I do not need to consider the provisions of the related obligation any further here, because they are conditional on the appeal succeeding. As set out below, I conclude that Appeal A does not succeed.
60. However, in light of my conclusion below in relation to Appeal B, I do need to consider the provisions of the related undertaking. Planning obligations should only be accepted where they are necessary to make the development acceptable in planning terms; are directly related to the development; are fairly and reasonably related in scale and kind to it; and, since April 2015, must not comprise a pooled contribution where it relates to the provision of infrastructure and five or more contributions have already been collected for that specific purpose.
61. In relation to the Appeal B scheme, the undertaking secures:
- the provision of 9 units of affordable housing;
 - an environmental contribution;
 - a leisure contribution;
 - a refuse and recycling contribution; and,
 - early years and primary contributions.
62. Affordable housing: the 2002 Local Plan is silent in relation to affordable housing provision on sites such as this outside a settlement boundary, although

policy AHN1 of the emerging Local Plan requires a minimum 30% provision on housing sites. The planning obligation secures a 30% affordable housing provision and sets out a tenure mix. As confirmed in the SHMA and its Addendum, affordable housing continues to comprise an important and pressing element of the overall housing need in the area. I am satisfied therefore that the arrangement secured meets the relevant tests. Affordable housing is excluded from the pooling regulations.

63. Environmental contribution: £7000 is secured towards enhancements to the lighting at the recreation ground car park. I recognise that such a scheme may make use of Ewhurst recreation ground more attractive. However, the Council was unable to demonstrate how the amount had been calculated, how it related to harm caused directly by the development proposed, what any lighting scheme might entail and any implications such as potential impact on the living conditions of adjoining residents. I am not persuaded, in this regard, that it has been demonstrated that this contribution is necessary and I cannot, therefore, take it into account.
64. Leisure contribution: £17,437.50 is secured towards play area improvements and £18,987.50 towards playing pitch improvements, both at Ewhurst recreation ground. However, I was advised that the Council is no longer seeking a play area contribution as it has already secured the money for those works. It is not demonstrated, therefore, that that contribution is necessary. I was advised that the playing pitch contribution was calculated on the basis of an old Supplementary Planning Document, which was not before me, and that the improvements were required due to likely increased use of the pitches as a consequence of the development proposed. Whilst no detailed information was before me on this, I have no reason to suppose that the contribution secured does not meet all the relevant tests.
65. Refuse and recycling contribution: £720 is secured towards the provision of blue recycling bins and food waste caddy sets for each property. Provision of the bins will encourage recycling and composting to help deliver sustainable development by driving waste management up the waste hierarchy in accordance with the Waste Management Plan for England. I am satisfied, on the basis of the information that is before me, that the contribution meets all the relevant tests.
66. Early years and primary contributions: Based on housing trajectories, increased early years capacity is required in the catchment of the appeal site. To that end, £20,865 is secured towards adapting new build pre-school accommodation at Ewhurst Church of England Infant School to allow for an additional four pre-school places, working with Rainbow's End Pre-School. The housing trajectories also show that additional primary school capacity is required. Thus, £93,488 is secured towards the provision of new reception classrooms at Cranleigh Church of England School. It is confirmed that no developer contributions have been secured for these infrastructure projects. The basis for the calculations is clearly shown in the material before me and I am satisfied that they meet the relevant tests.

Overall Planning Balance and Conclusions

67. I have found that the Council cannot demonstrate a five year supply of housing land. In these circumstances, policies for the supply of housing cannot be considered as up-to-date, with paragraph 14 of the Framework advising that

permission should be granted unless any adverse impact of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole, or where specific policies in the Framework indicate that development should be restricted.

68. Guidance set out at paragraph 19 of the Framework advises that significant weight should be placed on the need to support economic growth through the planning system. There would be economic benefits associated with the building of new homes, together with additional local spend by future occupiers and the provision of the New Homes Bonus to the Authority.
69. The provision of market dwellings in what the Council accepts is a reasonably sustainable location in terms of access to services and facilities, at a time when I have found that it cannot demonstrate a five year supply of housing land, is also a benefit. An added social benefit is the provision of some 30% of the dwellings as affordable homes, particularly when there is no requirement for such on greenfield sites at the present time.
70. With regard to environmental considerations, the site is of relatively low biodiversity interest. Were the recommendations of the appellant's ecological assessment adhered to (a matter that could be secured by condition) there would be a net gain to biodiversity which would be a benefit of the schemes.
71. All the identified benefits carry positive weight proportionate to the respective scale of the developments proposed.

Appeal A

72. The scheme proposed would result in the loss of 1.26 hectares of currently open land, although any adverse impact in this regard would be limited. However, I have found that the housing mix proposed would not meet identified local housing needs and would not create a sufficiently inclusive and mixed community as required by paragraph 50 of the Framework. I am mindful, in this regard that one of the core planning principles embraced by the Framework is to objectively identify and then meet the housing needs of an area. This is a significant concern that attracts substantial adverse weight.
73. In the final balance, due to the very modest scale of the development proposed, which limits the extent of the benefits that may accrue, the adverse impact of granting permission for a development that would not meet pressing, locally identified housing needs for smaller homes, and which would not create a sufficiently mixed community as required by the Framework, would significantly and demonstrably outweigh the benefits described, even acknowledging the absence of a five year supply of housing land. The proposal fails against policies in the Framework and the development plan as a whole and would not amount to sustainable development. I conclude, therefore, that Appeal A should not succeed.

Appeal B

74. I have found no harm in terms of highway safety, including the safety of pedestrians using the public footpath. However, as with Appeal A, the development proposed would result in the loss of 1.26 hectares of currently open land. That said, any adverse impact in this regard would be localised, given that the site is visually well-contained and does not have an integral role as part of the defining character or appearance of the settlement or its setting.

75. I have set out above the benefits that would accrue from the proposal, which benefits resonate with the economic, social and environmental dimensions of sustainable development. The combination of those benefits accords with the principal thrusts of the Framework of securing economic growth and boosting significantly the supply of housing, and are sound arguments carrying considerable weight in favour of the proposal.
76. In the overall balance, I consider that the limited harm I have identified does not significantly and demonstrably outweigh the benefits when assessed against the Framework and development plan as a whole. As such, the appeal scheme benefits from the presumption in favour of sustainable development as set out in the Framework. Therefore, for the reasons set out above, the evidence in this case leads me to conclude that Appeal B should succeed.

Conditions (Appeal B only)

77. Possible conditions were discussed at the Hearing in the light of the related advice in the Framework and the Government's planning guidance. The conditions and wording used set out in the attached schedule reflect that discussion.
78. A condition was suggested to secure the provision of information relating to the whereabouts of local public transport and walking/cycle routes. However, that is something that would normally form part of a Travel Plan. There was no suggestion in this regard that a Travel Plan is required in connection with the development proposed. I am not persuaded therefore, that the suggested condition meets the test of necessity and I have not imposed it. Other conditions were deleted on the basis that there was replication or, in the case of sustainable drainage, that they could be combined.
79. In addition to the standard conditions relating to the submission of reserved matters (1, 2, 3) it is necessary to identify the plans to which the decision relates, but only insofar as they relate to access, the only reserved matter for consideration at this stage, as this provides certainty. Given the reason for the condition, there is no need to list the location plan. (4)
80. In the interest of vehicular and pedestrian safety, it is necessary to secure provision of the access and associated visibility splays, the provision of pedestrian refuges along the access track, and signage given that it is a shared surface with a public footpath running its length. (5, 6, 7) In the interest of highway safety and visual amenity, details of the surfacing for the access are required. (8) In the interest of visual amenity, it is necessary to ensure that the hedgerow along the access track from Cranleigh Road is retained if at all possible but, if it does have to be removed, details of what would replace it are required. (9) Off-road car parking is required for each dwelling in the interest of highway safety, together with cycle parking/storage in order to encourage sustainable travel. (10)
81. In order to protect the living conditions of existing residents, it is necessary to control the hours during which construction works can take place. (11) For the same reason, but also in the interests of highway safety, protection of the environment, visual amenity and sustainable development, a Construction Management Plan is required for the duration of works. (12)

82. In the interests of biodiversity, the protection of wildlife and visual amenity, conditions are necessary to ensure that the works are carried out in accordance with the recommendations in the appellant's Ecological Appraisal Report and Arboricultural Impact Assessment. (13, 14)
83. Conditions relating to external lighting and finished ground and floor levels are necessary in the interest of visual amenity. (15, 16) In the interest of visual amenity and in order to ensure acceptable living conditions for future occupiers, it is necessary to ensure that the properties are provided with adequate bin storage facilities. (17)
84. In order to avoid pollution and to prevent increased risk from flooding, details of a sustainable surface water drainage scheme are required, together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended. (18)
85. The appellant's desk-based archaeological assessment suggests that as the appeal site is on largely undeveloped land used for agricultural purposes throughout the post-Medieval period, it is possible that archaeological remains of prehistoric and/or later occupation might be present below ground. On that basis, a condition securing a programme of archaeological works in accordance with a written scheme of investigation is warranted. (19)

Jennifer A Vyse
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Martin Hull	Partner at Kember Loudon Williams
David McMurtary	Gateway TSP
Chris Pitchford	Millwood Designer Homes Limited (Appellant)

FOR THE LOCAL PLANNING AUTHORITY:

Tim Bryson	Area Team Leader with Waverley Borough Council
Matthew Ellis	Principal Planner (Policy) with Waverley Borough Council
Peter Cleveland MRTPI	Development Control Manager with Waverley Borough Council

INTERESTED PERSONS:

Councillor Val Henry	Borough Councillor for Ewhurst
Ian Davis RIBA	Parish Councillor
John Beckwith-Smith	Local resident
Richard Katz	Local resident
John Dyball	Local resident

DOCUMENTS HANDED UP DURING THE HEARING

- 1 Listed building descriptions
- 2 Local Plan Inspector's Initial Questions and Comments
- 3 Proposed access arrangement (Plan No 14/0908/SK03)
- 4 Suggested conditions for Appeal A scheme
- 5 Unilateral Undertaking in relation to the Appeal B scheme

Schedule of Conditions
APP/R3650/W/16/3150910
Land at Backward Point, Cranleigh Road,
Ewhurst, Cranleigh

Reserved Matters

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Plans

- 4) Unless required otherwise by the conditions set out below, development shall be carried out in accordance with the following approved plans, but only insofar as they relate to access: 2374-SK-1006-E sketch site layout on aerial photo base, 2374-SK-1006-F sketch site layout on plan base, 14/0908/SK03 proposed access arrangement and 14/0908/SK04 site access with visibility splays.

Access

- 5) The development hereby permitted shall not commence unless and until access onto the B2127 Cranleigh Road has been provided in accordance with the details shown on drawing Nos 14/0908/SK03 and 14/0908/SK04 (both of which are within the Gateway TSP Transport Statement Ref: MF/14-0908 TS 2 v1.0) including provision of the visibility splays shown. Thereafter the visibility splays shall be kept permanently clear of any obstruction exceeding 0.6 metres in height above ground level.
- 6) Prior to commencement of development, details of a scheme for the provision of two pedestrian refuges on the access road, between Cranleigh Road and the development site, shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include a timetable for implementation. Development shall be carried out in accordance with the approved details.
- 7) Prior to commencement of development, a scheme of signage to alert users of the access road that it is a shared surface that includes a public footpath route shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include a timetable for implementation. Development shall be carried out in accordance with the approved details.
- 8) Prior to commencement of development details of the surfacing materials for the proposed access road shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) Notwithstanding the detail shown on plan No 3330_DR_003 tree protection drawing high density option, no hedgerow along the access road shall be removed other than in accordance with details that shall previously have been submitted to and agreed in writing by the local planning authority. The details to be submitted shall include arrangements for replacement boundary treatment including a timetable for implementation. Development shall be carried out in accordance with the approved details.

Parking

- 10) No dwelling shall be occupied unless and until related provision for off-road car parking plus cycle parking/storage has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, such facilities shall be retained thereafter for their intended use.

Construction Process

- 11) With the exclusion of HGV movements (which are covered by condition 12) construction works, including works of site clearance and ground preparation, and including deliveries to and from the site, shall not take place other than between 08.00-18.00 hours Monday-Friday, 08.00-13.00 hours on Saturdays and at no time on Sundays or on Bank or Public holidays.
- 12) No development shall commence, including works of site clearance and ground preparation, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period. The Construction Management Plan shall include, but is not limited to, the following matters:
 - notwithstanding the provisions of condition 11, the hours during which HGV deliveries to/from the site can take place;
 - site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities, including ; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
 - wheel washing facilities to ensure that any vehicle, plant or equipment leaving the site does not carry mud or deposit other materials onto the public highway;
 - measures to minimise the emission of dust during the construction period;
 - the siting of any boundary hoarding behind visibility splays;
 - prevention of the burning of any materials on the site during the construction process;
 - details of any security or floodlighting to be employed during the construction process; and,
 - a construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, together with measures for dealing with such materials so as to minimise waste and to maximise re-use, recycling and recovery.

Ecology/Trees

- 13) The development hereby permitted shall be carried out in accordance with the recommendations set out at Section 4 of the Ecological Appraisal Report by Bioscan dated July 2015.
- 14) No site clearance, preparatory work or development shall take place until a tree protection scheme in accordance with the Lloyd Bore Limited Arboricultural Impact Assessment (Ref No 3330_RP_004) dated 27 July 2015 and the details shown on plan Nos 3330_DR_001 tree survey drawing and 3330_DR_003 tree protection drawing high density option, including an appropriate method statement for the protection areas highlighted on those plans and a timetable for

implementation, has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

Lighting

- 15) No lighting for streets, footways or public areas shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Levels

- 16) No development shall take place, including works of ground clearance, unless and until details of existing and proposed ground levels on the site and the relationship of the proposed ground levels to the finished floor levels of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall take place only in accordance with the approved details.

Refuse

- 17) No dwelling hereby permitted shall be occupied until associated facilities for the storage of refuse and waste, including recyclables, have been provided in accordance with details that shall previously have been submitted to and approved in the writing by the local planning authority.

Drainage/Flooding

- 18) No development shall take place on any part of the site, including works of site clearance and ground preparation, until details of a sustainable surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for implementation of the scheme; and
 - iii. provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Archaeology

- 19) No development shall take place on any part of the site, including works of site clearance and ground preparation, unless and until implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

-----END OF SCHEDULE-----