

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: 19 February 2018

**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 Forszyski	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

**Members who are unable to attend this meeting must submit apologies by the end of Tuesday, 20 February 2018 to enable a substitute to be arranged.**

Dear Councillor

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

DATE: TUESDAY, 27 FEBRUARY 2018

TIME: 7.00 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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## **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 21 February 2018 (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.

Members are advised that in order for a substitute to be arranged, a Member must give four clear working days notice of their apologies. For this meeting, the latest date apologies can be given for a substitute to be arranged is 20 February 2018.

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 on planning decision making will now be a standard item on the Joint Planning Committee agenda. This was an agreed recommendation at Executive on 28 November 2017 and is part of the Development Management Service Improvement Plan.

The latest available statistics will be reported at the meeting.

6. APPLICATION FOR PLANNING PERMISSION - WA/2017/2362 - LAND AT FIRETHORN FARM & 44 AND 45 LARKFIELD, THE GREEN, EWHURST GU6 7SG (Pages 5 - 84)

Outline planning application for 49 new dwellings, including 15 affordable dwellings, public open space and landscaping with vehicular access via The Green, Horsham Lane; following the demolition of No's 44 & 45 Larkfield. Access only to be determined at outline stage. (Revision of WA/2017/0369) (as amended by plan received 22/01/2018)

Recommendations

- RECOMMENDATION A** That, subject to the completion of a Section 106 Agreement to secure appropriate contributions towards off-site highway works, early years and primary education, recycling containers, environmental enhancements, leisure facilities, provision of 30% affordable housing; off-site highways works; the setting up of a Management Company for open space, play space, landscaping and SuDS; conditions and informatives, permission be
- RECOMMENDATION B** GRANTED.

That, in the instance that a Section 106 Agreement is not completed within 6 months of the date of the resolution to grant outline permission, permission be REFUSED.

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](mailto:ema.dearsley@waverley.gov.uk)**

# Agenda Item 6.

A1 WA/2017/2362  
J Ball  
14/12/2017

Outline planning application for 49 new dwellings, including 15 affordable dwellings, public open space and landscaping with vehicular access via The Green, Horsham Lane; following the demolition of No's 44 & 45 Larkfield. Access only to be determined at outline stage. (Revision of WA/2017/0369) (as amended by plan received 22/01/2018) at Land at Firethorn Farm & 44 and 45 Larkfield, The Green, Ewhurst GU6 7SG

Committee:  
Meeting Date:

Joint Planning Committee  
27/02/2018

Public Notice:  
Grid Reference:

Was Public Notice required and posted: Yes  
E: 509394 N: 140083

Parish:  
Ward:  
Case Officer:  
Expiry Date:  
Neighbour Notification Expiry Date:

Ewhurst  
Ewhurst  
Rebecca Clarke  
14/03/2018  
16/02/2018

## RECOMMENDATION A

That, subject to the completion of a Section 106 Agreement to secure appropriate contributions towards off-site highway works, early years and primary education, recycling containers, environmental enhancements, leisure facilities, provision of 30% affordable housing; off-site highways works; the setting up of a Management Company for open space, play space, landscaping and SuDS; conditions and informatives, permission be GRANTED.

## RECOMMENDATION B

That, in the instance that a Section 106 Agreement is not completed within 6 months of the date of the resolution to grant outline permission, permission be REFUSED.

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## Introduction

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

The planning application seeks outline permission of the development proposal with all matters reserved except for access.

The planning application follows the refusal of WA/2017/0369, which sought outline permission for the erection of 58 dwellings at the site.

All matters are to be reserved for future consideration except for access. An application for outline permission is used to establish whether, in principle, the development would be acceptable. This type of planning application seeks a determination from the Council as to the acceptability of the principle of the proposed development. If outline planning permission is granted, details reserved for future consideration would be the subject of a future reserved matters application. The reserved matters would include:

Appearance - aspects of a building or place which affect the way it looks, including the exterior of the development.

Layout - includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development.

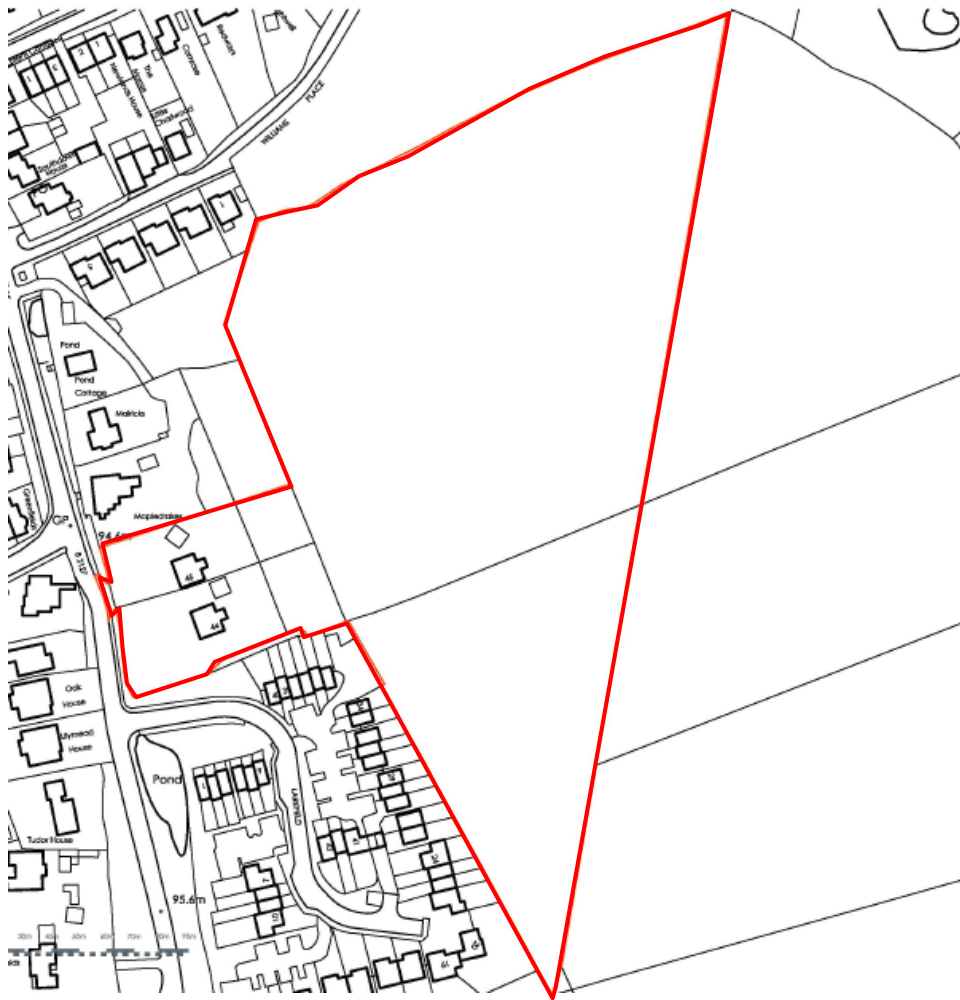
Scale - includes information on the size of the development, including the height, width and length of each proposed building.

Landscaping - aspects of a building or place which affect the way it looks, including the exterior of the development.

If outline permission is granted, a reserved matters application must be made within three years of the grant of permission (or a lesser period, if specified by a condition on the original outline approval). The details of the reserved matters application must accord with the outline planning permission, including any planning condition attached to the permission.



## Location Plan



## Site Description

The application site measures 3.8 hectares and is located on the eastern side of The Green, to the rear of properties within the Larkfield residential development and properties fronting The Green and The Street.

The site is largely triangular in shape to the east, with an additional rectangular parcel of land to the west. The eastern, triangular, area of the site comprises an open field. The western, rectangular, area of the site comprises two residential sites each containing a detached two storey dwelling with associated amenity space.

Residential properties adjoin the western site boundary. There are further residential properties located to the north of the site, separated from the site by a wooded area and Public Footpath (No. 432a). A residential site lies adjacent to the north east corner of the site, which comprises a detached

dwelling and a number of detached outbuildings. This site appears to be vacant and the existing buildings are in a poor state of repair.

The land adjacent to the eastern side boundary is associated with Marwood Farm; the main buildings of which are located to the south east of the site over 400m away. Access to the site is currently achieved via Marwood Farm. The surrounding landscape is generally rural in character, with areas of residential development.

### Proposal

The proposal is for outline planning permission with all matters reserved except for access. The applicant proposes vehicular access via The Green.

The proposal is for the development of the existing agricultural land and two residential plots to provide for 49 residential dwellings, following demolition of two existing residential dwellings.

The proposal is in outline form with all matters reserved except for access. However; an illustrative layout plan has been submitted with the application, which shows that the residential dwellings would largely be sited in the northern section of the site, with an area of open space to the south and a small number of dwellings to the west, adjacent to the site access.

Excluding the proposed area of open space, the density of the proposed development would be 16.9 dwellings per hectare.

Of the 49 proposed units, 34 would be market housing and 15 would be affordable housing units (30% affordable housing). The applicant has set out that the tenure of the affordable housing would be split between rented and shared ownership properties.

Although a reserved matter, the applicant sets out that the height of the proposed residential dwellings would be maximum two storeys.

The proposed indicative housing mix is as follows:

Unit Type	Number of units	% of overall total
1 bedroom	0	0%
2 bedroom	15	30.6%
3 bedroom	19	38.8%
4+ bedroom	15	30.6%
Total	49	100%

An area of open space is indicated within the southern section of the site. Pedestrian access is shown to be provided from the proposed residential development into the public open space. New tree planting is illustrated along the eastern site boundary as well as within the site.

Illustrative layout plan





Indicative SD site view – looking north (top) and south (bottom)



Heads of Terms

The following matters are offered to be subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended):

- Early years educational infrastructure

- Primary educational infrastructure
- Leisure contributions
- Recycling contributions
- Environmental enhancements
- Highway and transport improvements
- Cycle/public transport vouchers
- 30% affordable housing

#### Relevant Planning History

WA/2017/0369	Outline planning application for 58 new dwellings, including 23 affordable dwellings, public open space and landscaping with vehicular access via The Green, Horsham Lane; following the demolition of No's 44 & 45 Larkfield. Access only to be determined at outline (as amended by Landscape and Visual Impact Assessment (LVIA) received 18/04/2017 and plans and documents received 26/06/2017)	Refused 26/10/2017 Appeal Pending
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In addition, the planning history for the two existing dwellings is as follows:

TM/2013/0166 44 Larkfield	Application for works to a tree subject of Tree Preservation Order WA36. Oak marked as T1 within Group G2. Reduce crown by 4-5m to suitable side branches with aim to prune back to healthy growth and remove deadwood	TPO Consent 24/12/2013
TM/2012/0105 44 Larkfield	Application for works to trees subject of Tree Preservation Order WA36. Ash in area A1 and Oak in group G2. Ash (A1) fell to ground/remove Oak (G2), crown lift to 5m overhanging junction of Larkfield/Ewhurst Road. Reduce 3-4 long lateral branches overhanging junction at 6-10m by 3-4m. The removal of deadwood is exempt	TPO Consent 01/08/2012

TM/2004/0121 44 Larkfield	Application for consent to fell a cedar the subject of Tree Preservation Order WA36.	TPO Consent 12/11/2004
WA/1994/1415 44 & 45 Larkfield	Erection of two detached dwellings (as amended by letter and plan received 06/12/94).	Full Permission 16/12/1994

#### Details of community involvement

The applicant has provided a Statement of Community Involvement which sets out details of the Parish Council and public consultation which was undertaken prior to the submission of the application. The information is as follows:

#### Parish Council consultation

The applicant had informal and formal meetings with the Parish Council in 2016. An initial site plan was presented to the Parish Council at this time. The Parish Council were informed that the site was available, considered to be eminently developable and deliverable. The Parish Council were aware of the site and were considering it as part of their Neighbourhood Plan.

Comments received by the representations of the Parish Council were generally positive in terms of the acceptability of accommodating residential development on the site. It was understood that there is a housing need in the village which is unlikely to be met by other potential sites. Revised plans were prepared by the applicant following the meetings and sent to the Parish Council.

Following refusal of WA/2017/0369, the applicant attended a Parish Council meeting in November 2017 and presented a revised proposal. The Parish Council advised that comments would be provided once a formal application was submitted to the Council.

#### Public consultation

350 leaflets were posted to dwellings surrounding the site on 31 October 2016. These leaflets set out a brief description and plan of the proposed development and an email was provided for comments. The email responses to the public consultation contained a mixture of positive and negative responses, as follows:

#### Positive

- Need for affordable housing
- Pleased with provision of public areas
- The site lends itself to development
- Housing need in Ewhurst
  
- Best site out of other potential sites
- Visual impact would be limited
  
- Potential traffic calming measures for the village

#### Negative

- It would not complement the area
- It would be detrimental to local residents due to a loss of privacy
- It would devalue existing properties
- Increased traffic during construction – noise, dust, privacy
- Highway safety concerns
  
- Insufficient highway capacity to accommodate more dwellings
- Lack of services in the area and increased pressure on existing local infrastructure
- Elimination of greenspace
- Loss of wildlife habitat
- The development is driven by profit

The applicant has set out that the consultation exercise provided a number of constructive comments which have been taken on board and influenced the final design of the illustrative layout.

Following the refusal of WA/2017/0369, the applicant attended a Parish Council meeting on 20<sup>th</sup> November 2017. The advice received was to submit a planning application, following which time the Parish Council would make comments.

#### Planning Policy Constraints

Countryside beyond Green Belt – eastern section falls outside the Rural Settlement of Ewhurst, western section (Nos. 44 & 45 Larkfield) falls within the Rural Settlement of Ewhurst

TPO – Order No. WA36 (LC Ref: 2627)

Adjacent to the Ewhurst Green Conservation Area – southern site corner

Ancient Woodland 500m Buffer Zone

Neighbourhood Plan Designation

## Development Plan Policies and Proposals

### Saved Policies of the Waverley Borough Local Plan 2002:

Policy C2	Development in the Countryside
Policy D1	Environmental Implications of Development
Policy D2	Compatibility of Uses
Policy D4	Design and Layout
Policy D5	Nature Conservation
Policy D6	Tree Controls
Policy D7	Trees, Hedgerows and Development
Policy D8	Crime Prevention
Policy D9	Accessibility
Policy D13	Essential Infrastructure
Policy D14	Planning Benefits
Policy H4	Density and Size of Dwellings
Policy H10	Amenity and Play Space
Policy HE8	Conservation Areas
Policy HE14	Sites and Areas of High Archaeological Potential
Policy M1	The Location of Development
Policy M2	The Movement Implications of Development
Policy M4	Provision for Pedestrians
Policy M5	Provision for Cyclists
Policy M14	Car Parking Standards
Policy RD1	Rural Settlements
Policy RD9	Agricultural Land

### Draft Local Plan Part 1 Policies:

Policy RE1	Countryside beyond the Green Belt
Policy TD1	Townscape and Design
Policy NE1	Biodiversity and Geological Conservation
Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Strategy
Policy ICS1	Infrastructure and Community Facilities
Policy AHN1	Affordable Housing on Development Sites
Policy AHN2	Rural Exception Sites
Policy AHN3	Housing Types and Size
Policy LRC1	Leisure, Recreation and Cultural Facilities
Policy ALH1	The Amount and Location of Housing
Policy ST1	Sustainable Transport
Policy CC1	Climate Change
Policy CC2	Sustainable Construction
Policy CC3	Renewable Energy Development
Policy CC4	Flood Risk Management



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 remains 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 adopted 2002 Local Plan with a new two part document. The Report on the Examination of the Waverley Borough Local Plan Part 1 was received from the Planning Inspectorate on 1st February 2018 and this concludes that, subject to a number of Main Modifications, the Plan is sound and capable of adoption. It is considered that substantial weight can now be given to the policies in Local Plan Part 1 (with the recommended main modifications).

Other guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Land Availability Assessment (2016)
- West Surrey Strategic Housing Market Assessment (2015 and Addendum 2015)
- Five Year Housing Supply (July 2017)
- Infrastructure Delivery Plan (2012)
- Settlement Hierarchy (Draft 2010 and factual update 2012)
- Statement of Community Involvement (2014 Revision)
- Strategic Flood Risk Assessment (2015/2016)
- Affordable Housing Viability Assessment (Addendum 2010 and update 2012)
- Planning Infrastructure Contributions SPD (2008)
- Cycling Plan SPD (April 2005)
- Council's Parking Guidelines (2013)
- Density and Size of Dwellings SPG (2003)
- Residential Extensions SPD (2010)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
- Surrey Design Guide (2002)
- Fields in Trust 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (2016)

Consultations and Parish Council Comments

<p>Ewhurst Parish Council</p>	<p>Raises an objection.</p> <p>The land area occupied by the proposed development is identical to the previously refused application for 58 dwellings. As a result, the Parish Council considers that the negative impacts upon the character of the countryside and long-distance views from the Surrey Hills AONB would be of similar magnitude. There would be a marked and significant urbanisation of what are currently open fields.</p> <p>In addition, the creation of the new access to the development will impact upon the character of the village in the proposed location along the Green. This involves the removal of mature trees, demolition of 2 established dwellings and the creation of extensive sight lines. The proposed point of access is barely 20m from the junction with the B2127, to the north, which is known locally as an accident blackspot. The Parish Council's Vehicle Activated Sign has recorded excessive traffic speeds in this location, sometimes in excess of 70mph. Residents cannot reconcile claims made within the applicant's transport plan and SCC Highways consultation response that access in this location can be safely designed.</p> <p>Further concerns are raised by the Parish Council over the impact of the proposed public open space upon the amenity of existing residents within Larkfield and the future management and maintenance of that area. In addition, the drainage strategy will fail to attenuate the surface water run-off.</p> <p>The Ewhurst and Ellen's Green Neighbourhood Plan is well advanced. This</p>
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	<p>application is premature to the adoption of the NP and granting permission at this time would have a severe impact upon the community who have given their time and dedication to the production of the plan. The Parish Council firmly supports the aims of the Localism Act 2011 and engaging with the local community in evolving a widely supported strategy for the long-term sustainability of the area. This application is unwelcome in this context.</p> <p>It is acknowledged that 58 units (the parish contends that the figure is 59) have been accounted for by consents granted since April 2013. The village has been allocated 100 units within the local plan, to be provided in the period 2013-2032 and evidence (the sustainability appraisal, 2016 to The Local Plan Part 1) shows that there is 'little in the way of a strategic argument for higher growth.' Given that 58 units have been granted within the first 5 years of the plan period, there is a reasonable expectation that the remaining 42, or so, units can be built in the next 14 years. Supply, here, is not the issue. Given this backdrop, the Parish Council considers that Ewhurst village cannot sustain such high rates of growth, so early within the plan period and that the remainder of the allocation should be spread more evenly over the subsequent 14 year period. The granting of permission for an additional 49 units at this stage would be locally unsustainable, imposing in excess of the full allocation for the entire parish within the first quarter of the plan period.</p>
County Highway Authority	No objection, subject to the securing of highway works, financial contributions, conditions and informatives.
County Rights of Way Officer	No comments received.
County Archaeologist	No objection, subject to recommended condition.

Lead Local Flood Authority (LLFA)	<p><u>Initial comments dated 25<sup>th</sup> January 2018</u></p> <p>The LLFA cannot recommend outline permission be granted because there is not significant information provided to support the proposed drainage strategy. It is recommended that additional information be supplied.</p> <p><u>Subsequent comments dated 09/02/2018 following the submission of additional information</u></p> <p>The LLFA is satisfied that the proposed outline drainage scheme meets the requirements set out and can recommend that planning permission is granted subject to conditions to ensure that the SuDS scheme is properly implemented and maintained throughout the lifetime of the development.</p>
Forestry Commission	No objection – refers to Standing Advice
Thames Water	No objection, subject to recommended conditions and informatives.
Natural England	<p>No objection, subject to appropriate mitigation being secured.</p> <p>Natural England consider that without appropriate mitigation, the application would have a significant impact on the purposes of designation of the Surrey Hills AONB. In order to mitigate these adverse effects and make the development acceptable, Natural England considers that the following mitigation measures should be secured should permission be granted:</p> <ul style="list-style-type: none"> <li>• The public open space on the site should be secured and available for the lifetime of the development.</li> <li>• Green infrastructure should be a prominent aspect of the development site. Semi-mature trees should be used to</li> </ul>

	<p>enhance the screening of the development at the boundary and within the site to break up the visual intrusion of the site from the key views of the Surrey Hills Area of Outstanding Natural Beauty (AONB).</p> <ul style="list-style-type: none"> <li>• The green infrastructure proposed should be used to enhance the biodiversity value of the site, using native species in-keeping with the existing landscape. Where possible this should result in a net biodiversity gain for the development.</li> </ul>
Surrey Hills AONB Advisor	<p>No objection</p> <p>The Surrey Hills AONB Advisor comments that the site is neither within the AONB nor the AGLV. The AONB issue is whether the development would spoil the setting of the AONB by impacting upon views from the AONB generally to the north.</p> <p>The Surrey Hills AONB Advisor previously commented on the application for 58 dwellings (Ref: WA/2017/0369), that the revised layout pulling the proposed dwellings back from the eastern boundary and tree belt went a long way to meeting previously expressed AONB concern about the setting of the AONB. The main planning reason for refusing permission under WA/2017/0369 made no mention of any impact upon the AONB, which follows the advice given on the revised application.</p> <p>Consequently, the Surrey Hills AONB Advisor does not consider that the current application for 49 dwellings could justifiably be refused on the grounds of spoiling views from the Surrey Hills AONB.</p>
Surrey Wildlife Trust	No objection, subject to conditions to ensure the recommended actions set out within the submitted reports are carried out.
Environment Agency	The Environment Agency sets out the

	<p>following guidance:</p> <ul style="list-style-type: none"> <li>• New development should be connected to the public mains (with the prior written approval of the statutory undertaker) where possible.</li> <li>• The development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission.</li> </ul>
Council's Environmental Health Officer – noise	No objection, subject to recommended conditions and informatives.
Council's Environmental Pollution Control Officer	No objection – There are no apparent significant contamination issues identified. Contaminated land conditions are therefore not required for the proposed development.
Council's Waste & Recycling co-ordinator	<p>The access roads into and within the development would need to be capable of accommodating a collection vehicle 2530mm wide and 9840mm overall length, with a maximum gross weight of 26 Tonnes. Suitable turning provision to be included.</p> <p>For the 43 houses, the following containers are specified. These should be presented for collection on the appropriate day:</p> <ul style="list-style-type: none"> <li>1 x 140 litre black refuse bin</li> <li>1 x 240 litre blue recycling bin</li> <li>1 x 240 litre brown garden waste bin (Optional subscription service)</li> <li>1 x 23 litre food waste green kerbside caddy.</li> </ul> <p>Flats 4-9 (6 x 2bed)</p>

	Communal refuse and recycling Refuse: 1 x 1100 litre black 4 wheeled, flat lidded refuse bin Dry Recycling: 4 x 240 litre blue recycling bins Food waste: 6 Individual 23 litre green food waste kerbside caddies
Police Liaison Officer	No objection – it is encouraged that the scheme achieves a Secure By Design accreditation.

### 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 19/01/2018, a site notice was displayed at the site on 18/01/2018 and neighbour notification letters were sent on 04/01/2018.

68 letters have been received raising objection to the proposal on the following grounds:

#### Sustainability

- It is outside the settlement boundary
- There is only one Primary School in Ewhurst and limited facilities.

#### Highways

- The junction of Cranleigh Road with The Street is dangerous. The proposed access would add to the danger.
- Additional traffic generation.
- Increased risk to pedestrians, cyclists and horse riders.
- Accidents have taken place at the junction which have not lead to personal injury – these may not feature in Surrey’s statistics.
- Inadequate parking provision.

#### Landscape impacts

- The number of dwellings remains far too great for a small rural village to absorb without prejudicing the rural atmosphere.
- This is a greenfield site which should not be developed on at all.
- It would be detrimental to the AONB.
- It would impact on the intrinsic character and beauty of the countryside, which forms an important part of the rural village of Ewhurst.
- Urbanising impact

#### Visual impact/design

- Out of character with the existing houses in the village.
- Disproportionate development for the size of the plot and size of Ewhurst.
- The density is too high for the area.

#### Flooding/drainage

- The major development would likely cause flooding in the vicinity.
- The site adjoins a flood zone and could adversely impact on water quality.

#### Heritage

- Impact on the Conservation Area.

#### Ecology

- Unacceptable impact on the local wildlife – habitats would be destroyed and animals would be scared away.

#### Trees/vegetation

- There would be an unacceptable loss of protected trees.
- There would be a loss of green space, trees and hedgerows.
- The dwellings would be too close to the woods.

#### Amenity

- Increase in light and noise pollution.
- People using the proposed open space would be able to see into neighbouring houses in Larkfield.
- Impact on security of neighbouring houses in Larkfield.

#### Infrastructure

- The major development would over-stretch local infrastructure.
- The roads and sewage is not capable of sustaining the increase in houses.
- There is already low water pressure and frequent power cuts – the development will no doubt increase this problem.
- There is very scarce public transport and very scarce employment.

#### Other matters

- It has already been turned down – a reduction of 9 dwellings is not substantially different to the previous application.
- The timing and sequencing of the current application and appeal against the refusal of WA/2017/0369 is a disappointing act by the developer.



- Premature – it should be deferred until the Neighbourhood Plan is approved. The Neighbourhood Plan appears to have been ignored.
- It would exceed the average annual allocation of dwellings to be built in Ewhurst and Ellens Green over the next 15 year period.
- The land is subject to a restrictive covenant.
- Potential increase in crime.
- It would require the demolition of 2 fairly new large family homes, which is an unreasonable waste of resources.
- There are errors in the submitted documents – e.g. relating to the building of Larkfield. The planning statement is unbalanced and misrepresentative.
- Longer term development opportunities of the public open space and adjacent fields.
- Nothing is said about longer term maintenance of public open space.
- Too few affordable houses are proposed.

2 letters have been received expressing support for the proposal for the following reasons

- The application site was requested to be put forward as a potential site by the Neighbourhood Plan Steering Committee.
- The site would have very little visual impact from the road or on the local houses as the proposed properties would be screened.
- The field is of very low grade and full of ragwort, which is fatal if eaten by cattle, horses and sheep.
- The density would not be out of keeping – the adjoining development in Larkfield is considerably more dense.
- There is a need within Ewhurst for affordable homes.
- There is viable infrastructure in Ewhurst.

#### Submissions in support

In support of the application the applicant has made the following points:

- The proposal would contribute towards the provision of a five year housing land supply.
- The proposal would provide for an area of open space.
- Significant planting would take place. The ratio of new trees to those set to be removed equates to ~ 1:20.
- The proposed development would result in the creation of construction jobs and the additional population would help generate spending in the local community, provision of infrastructure and services (economic role).

- The proposal would provide for a policy compliant provision of affordable housing (30%) and the housing will help to meet an identified need (social role).
- The development of the site would be well related to the existing settlement and buildings and would not represent an isolated form of development. It would provide a density in keeping with neighbouring existing form and an efficient use of the site. There would be very limited visual impact when viewed from public vantage points (environmental role).
- The proposal would represent a sustainable form of development in accordance with paragraph 14 of the NPPF.
- The revised proposal has increased spaciousness with associated greenspace and landscape buffers.
- The reduction in 1-bed units is in response to comments made by the Committee members in relation to the previous application WA/2017/0369. However, the final mix would be determined at a Reserved Matters stage.

### Determining Issues

Principle of development

Planning history and differences with previous proposal

Rural Settlement

Impact on the Countryside beyond the Green Belt

Prematurity

Lawful use of the site

Loss of agricultural land

Location of development

Housing land supply

Housing Mix

Affordable Housing

Highways and parking considerations

Public Rights of Way

Design and visual amenity

Impact on residential amenity

Heritage considerations

Impact on trees

Standard of accommodation for future occupants

Provision of amenity and play space

Air Quality

Land contamination

Noise impacts

Archaeological considerations

Flooding and drainage  
Infrastructure contribution  
Biodiversity and compliance with Habitat Regulations 2017  
Health and Wellbeing  
Crime and Disorder  
Accessibility and Equalities Act 2010 and Human Rights Implications  
Environmental Impact Regulations 2017  
Working in a positive/proactive manner  
Response to Parish Council and Third Party comments

### Planning Considerations

#### Principle of development

The planning application seeks outline permission for the development proposal with all matters reserved for future consideration except for access. As such, the applicant is seeking a determination from the Council on the principle of the residential development and associated access.

The NPPF at paragraph 197 provides the framework within which the local planning authority should determine planning applications, it states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 of the NPPF defines the presumption in favour of sustainable development as approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: *inter alia* any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this framework indicate development should be restricted.

The majority of the application site, with the exception of the western section comprising two existing dwellings (Nos. 44 & 45 Larkfield), is located within the Countryside beyond the Green Belt outside any defined settlement area.

The NPPF states that, as a core planning principle the intrinsic character and beauty of the countryside shall be recognised. Policy C2 of the Local Plan states that building in the countryside, away from existing settlements will be strictly controlled.

Policy SP1 of the Draft Local Plan Part 1 states that the Council will apply a presumption in favour of sustainable development.

Policy SP2 of the Draft Local Plan Part 1 sets out the Council's Spatial Strategy to 2032 and refers to the allocation of strategic sites under Policies SS1-SS9 to meet the majority of the housing needs for the Borough.

The site does not comprise an allocated site for housing development within the Council's Draft Local Plan Part 1, nor has the site been put forward for consideration under the Council's Land Availability Assessment (2016).

Whilst it is noted that the majority of the site is located in the Countryside beyond the Green Belt, Policy C2 does not carry full weight as it is not considered to be entirely consistent with the NPPF as Policy C2 refers to protection for 'its own sake', whereas the NPPF places emphasis on protecting the intrinsic character and beauty of the Countryside. Accordingly, as the policy is considered to be out of date, the tilted balance in favour of sustainable development, as set out in paragraph 14 of the NPPF applies.

The western section of the application site, comprising two existing dwellings (Nos. 44 & 45 Larkfield), falls within the Rural Settlement area of Ewhurst. Development in this area will only be permitted if it is well related in scale and location to the existing development and takes account of form, setting, local building style and heritage of the settlement.

#### Planning history and differences with previous proposal

The planning history is a material consideration.

Planning permission has been previously refused on 26/10/2017 for application WA/2017/0369, following the resolution of Members at the Joint Planning Committee on 18/10/2017. This previous application sought outline permission for the erection of 58 dwellings at the site, and was refused for the following reasons;

1. The proposal, by virtue of the number of dwellings, scale, density, urbanising impact, loss of trees and harm to the character and appearance of the open field, would fail to preserve the intrinsic character and beauty of the Countryside, contrary to Policies C2, D1, D4, D6 and D7 of the Waverley Borough Local Plan 2002 and paragraph 17 of the National Planning Policy Framework 2012. Within these areas the Countryside is to be protected in the interests of protecting its intrinsic character and beauty. The proposed development does not comply with the requirements of these policies. The adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2. The applicant has failed to enter into an appropriate legal agreement to secure a programme of highway improvement works to mitigate the impact of the traffic generated by the development. as such, the proposal would fail to limit the significant impacts of the development on the surrounding highway network. The application therefore fails to meet the transport requirements of the National Planning Policy Framework 2012, Policies M2 and M14 of the Waverley Borough Local Plan 2002 and Policy ST1 of the Pre-Submission Local Plan Part 1: Strategic Policies and Sites 2016.
3. The applicant has failed to enter into an appropriate legal agreement to secure contributions towards education infrastructure; recycling containers; off-site leisure facilities; play space provision and maintenance; environmental enhancements and SuDS. The proposal therefore conflicts with Policies D13 and D14 of the Waverley Borough Local Plan 2002, Policy ICS1 of the Pre-Submission Local Plan Part 1: Strategic Policies and Sites 2016 and paragraph 17 of the NPPF.
4. The applicant has failed to enter into an appropriate legal agreement to secure the provision of affordable housing within the meaning of the NPPF, appropriate to meet Waverley Borough Council's housing need. The proposal would therefore fail to create a sustainable, inclusive and mixed community, contrary to the requirements of paragraph 50 of the NPPF and Policy AHN1 of the Pre-submission Local Plan Part 1: Strategic Policies and Sites.

The differences between the current proposal and that application are:

- Reduction from 58 to 49 dwellings proposed – allowing for a more informal layout and greater landscaping.
- Reduction in density from 26.7 dwellings per hectare to 16.9 (figures exclude area of open space).
- Alteration to housing mix
- Reduction in provision of affordable housing from 40% to 30%.
- Increased tree planting to take place within the site and to the eastern boundary.

The similarities between the current proposal and that application are:

- A new access would be created off The Green to serve the dwellings.
- Illustrative plans show built form to be provided to the north of the site, with an area of Public Open Space to the south of the site.

- Whilst a reserved matter, the height of dwellings would be two storeys in height.

The test for Members is whether having regard to the changes; the current proposal has overcome the objections to the previously refused scheme and is acceptable in its own right.

### Rural Settlement

The western section of the site, comprising two dwellings (No's 44 and 45 Larkfield) and an area of their associated garden space, falls within the Rural Settlement of Ewhurst

Policy RD1 of the Local Plan states that development within the Rural Settlement will only be permitted if it is well-related in scale and location to the existing development and:-

- a) Comprises infilling of a small gap in an otherwise continuous built up frontage or the development of land or buildings that are substantially surrounded by existing buildings; and
- b) Does not result in the development of land which, by reason of its openness, physical characteristics or ecological value, makes a significant contribution to the character and amenities of the village; and
- c) Does not adversely affect the urban/rural transition by using open land within the curtilage of buildings at the edge of the settlement; and
- d) Takes account of the form, setting, local building style and heritage of the settlement; and
- e) Generates a level of traffic which is compatible with the environment of the village and which can be satisfactorily accommodated on the surrounding network.

The layout of the site would be a matter to be considered at the Reserved Matters stage should permission be granted. However, having regard to the submitted indicative plan, it would appear that dwellings would be provided in the site area falling within the Rural Settlement boundary.

Officers consider that the provision of residential dwellings within the Rural Settlement boundary would, in this instance, amount to infilling of land which is surrounded by existing buildings. Such development would not result in the development of land which, by reason of its openness, physical characteristics or ecological value, makes a significant contribution to the character and amenities of the village. Further, the proposal would not adversely affect the

urban/rural transition. Officers are therefore satisfied that the proposal would accord with criteria a) to c) inclusive.

In relation to criterion d), the design of the proposed residential development would be a matter to be considered at the Reserved Matters stage should outline permission be granted.

With regard to criterion e), an assessment of the highway impacts is set out in the section of this report entitled 'Highways considerations'. Officers consider that the traffic generated by residential development of the site could be satisfactorily accommodated on the surrounding network.

In this context, within the Countryside beyond the Green Belt, Policy RD1 is considered to not be fully consistent with the objectives of the NPPF and, therefore, it cannot carry full weight. Any conflict must be considered to be of limited harm.

Notwithstanding the above, the majority of the proposed development would be provided within the northern section of the application site falling outside of the Rural Settlement boundary. An appropriate assessment, in this regard, will be undertaken in the following section of this report.

#### Impact on Countryside beyond the Green Belt

The site is located in the Countryside beyond the Green Belt. Policy C2 states that the Countryside should be protected for its own sake and new housing is unacceptable in principle. However, Policy C2 does not carry full weight as it is not considered to be entirely consistent with the NPPF as Policy C2 refers to protection for 'its own sake', whereas the NPPF places emphasis on protecting the intrinsic character and beauty of the Countryside. Accordingly, as the policy is considered to be out of date, the tilted balance in favour of sustainable development, as set out in paragraph 14 of the NPPF applies.

Policy RE1 of the Draft Local Plan Part 1 echoes the safeguarding of the intrinsic character and beauty of the countryside in accordance with the NPPF.

Whilst the site does not fall within an Area of Outstanding Natural Beauty (AONB), it is important to consider the wider visual impacts of the proposed development. The southern edge of the Surrey Hills AONB is approximately 0.5km to the north of the application site. The site also lies approximately 350m from the Area of Great Landscape Beauty (AGLV).

National guidance, 'The Character of England: Landscape, Wildlife and Natural Features', prepared by Natural England (2014) identifies the site as primarily falling within the Low Weald National Character Area Profile.

The site is identified within county guidance 'Surrey Landscape Character Assessment Waverley Borough' (2015). The eastern section of the application site, which excludes the area falling within the Rural Settlement boundary, falls within landscape character area 'WW8: Cranleigh to Charlwood Wooded Low Weald', which has the following characteristics:

- Underlain by Wealden Group Mudstone, Siltstone and Sandstone solid geology.
- Relatively low lying, undulating landform, rising to meet slightly more elevated weald to the north.
- The character area consists of small scale pastoral and arable fields, largely enclosed by intact hedgerows and tree belts.
- Woodland and tree cover encloses the character area and limits long distance views, although views of higher wooded weald and greensand hills to the north is possible between gaps in tree cover, from elevated positions mostly within the northern part of the character area.
- A rural, tranquil landscape, with a sense of remoteness and intimacy due to woodland/tree cover.

The landscape strategy for the Wooded Low Weald is to conserve its areas of intimate, peaceful landscape, primarily through protection of its woodland, hedgerows and trees, along with limiting the spread of settlements and other development.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Hyland Edgar Driver, dated November 2017 (Revision), which defines the existing landscape and visual baseline environment and assesses their sensitivity to change. As two existing residential properties would be demolished as part of the proposal, these are not included in the baseline.

The submitted LVIA sets out that the application site is considered to be a landscape of good quality, which has a medium landscape sensitivity based on its character and quality. As such, it contains moderately valued characteristics which are reasonable tolerant of changes. Having regard to the physical landscape baseline, the report concludes the site has a medium capacity for change.



In terms of the visual receptors for the site, the LVIA sets out that there would be some very long distance views down to the site from upper parts of higher terrain to the north and north east within the AONB. These would include Leith Hill, Holmbury Hill and Pitch Hill. However, the vegetation on the slopes and intervening vegetation is said to obscure the majority of public views from the remainder of this area.

Short distance visibility of the site would be possible from properties within Larkfield to the immediate west of the site. However, existing vegetation would curtail visibility to the east and north, and the existing vegetation along the western boundary would limit short distance visibility to the west and south west. There would likely be middle distance visibility of the site from a select few properties along Plough Lane to the south.

In considering the potential impacts of the proposal, the LVIA confirms that the illustrative Masterplan design has been developed through the iterative LVIA process to optimise layout and minimise potential landscape and visual impacts. This has included:

- Orientation, scale, height and form of the units
- Use of materials for the units to blend into the existing and proposed landscape
- A layout which retains the maximum amount of the existing site vegetation and augments it to provide a blend of vegetation in the views.

In terms of the construction phase, landscape effects may be both direct and indirect and could result from temporary effects to topography, vegetation loss and temporary changes to site character. Indirectly, the effects may result from visual intrusion and lighting. The LVIA sets out that there would be minor/moderate adverse effects to vegetation, moderate adverse effects to landscape character and a neutral/minor adverse effect to topography. Residents in close proximity would experience a range of minor adverse to high adverse effects depending on proximity to the site and openness of the view. Those residents in middle distance views would experience minor to moderate adverse visual effects, and effects to longer distance views would be minor adverse.

During the operational phase, there would be an overall moderate adverse effect. However, at year 15 when the landscape of the site would be maturing, the impact would be reduced to minor adverse. The introduction of new vegetation as part of the proposal would result in minor beneficial effects. Residents in close proximity would experience moderate adverse effects,

which would be reduced to minor adverse effects once vegetation has matured. The effects to middle distance and long distance viewpoints would be reduced longer term, to neutral/minor adverse and neutral respectively.

In conclusion, the LVIA confirms that there would be no significant adverse impact on the existing long distance views from the Surrey Hills AONB on account of the proposed mitigation measures. The proposal would have a minor to moderate adverse effect on the landscape character, topography and vegetation at day one. However, over time, and as the mitigation proposals mature, these effects would reduce to neutral to minor adverse.

Natural England considers that the identified impacts on the Surrey Hills AONB could be appropriately mitigated through measures secured by means of planning conditions/obligations and, as such, no objection is raised. Officers are satisfied that there would be no impact arising from the proposal on the AONB.

The Surrey Hills AONB Advisor has commented that, in his opinion, the current application could not be justifiably refused on the grounds of AONB harm.

Officers acknowledge that the proposal would introduce built form into open countryside. However, the residential development would abut the Rural Settlement along its western boundary and would visually relate to existing residential development in this context.

The provision of vegetative screening would soften the development and minimise the visual impact of the site when viewed from surrounding areas. Further, the illustrative plans indicate that the development would be two storeys in height, which would be in keeping with the existing built development of Ewhurst.

On the basis of the above, it is considered that the site would not be viewed in isolation from the village, but rather as a natural extension to the edge of the settlement. In this particular case, officers are of the view that the proposal would not materially prejudice the openness, character and natural beauty of the open countryside.

The impact on the designated countryside is, however, one of many considerations in the assessment of this case. The impact upon the open character and beauty of the countryside should be weighed in the planning balance.

## Prematurity

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However, in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The Draft Objectives of the Ewhurst and Ellen's Green Neighbourhood Plan (March 2016) seek to, inter alia, make provision for the development of sufficient new housing to (i) meet primarily the locally generated need for additional houses, including the needs of those who work in the area, and (ii) fulfil the requirements of the Local Development Plan. The Plan also seeks to allow for a mix of new housing provision which is weighted towards providing for identified local needs in terms of (i) the size, type and affordability of new housing and (ii) housing specifically suitable for the elderly and those with special housing needs.

Such development should maintain the separate identity and physical separation of Ewhurst, maintain and enhance the character, built environment and heritage of Ewhurst and seek to maintain for its own right, the character and quality of the countryside and rural areas outside the built-up areas. It should generally seek to maintain and improve the rich biodiversity and sustainability credentials of all areas of the Parish.

A recent consultation has taken place (Site and housing criteria) by the Neighbourhood Plan team for Ewhurst and Ellen's Green with the local community. This was undertaken in January 2017 and will be used to inform the further progression of the Neighbourhood Plan. No formal consultations have been taken place to date and, as the plan is not yet at the Regulation 15 stage, weight cannot be afforded to the Neighbourhood Plan.

Officers conclude that the emerging Local Plan is at a suitably advanced stage for significant weight to be attached to it, although the Ewhurst Neighbourhood Plan is at a very early stage in its development.

The NPPG states that an emerging Neighbourhood Plan may be a material consideration in decisions on planning applications. It adds, however, that refusal of planning permission on grounds of prematurity will seldom be justified, in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Consequently, in the officers' view, no weight can be given to the Neighbourhood Plan given its stage of preparation.

Having regard to the advice of the NPPG, officers conclude that a reason for refusal based on prematurity could not be reasonably substantiated.

#### Lawful use of the site

The application site comprises two residential dwellings to the west and open fields to the east. Officers therefore consider the lawful use of the land to be mixed agricultural/residential. Having regard to the Council's records, the site is classified as Grade 3 agricultural land, which indicates that it is likely to be of some agricultural value.

#### Loss of agricultural land

Where land within the site is considered to constitute agricultural land, paragraph 112 of the NPPF states that if significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of higher quality.

This sentiment accords with Policy RD9 of the Waverley Borough Local Plan 2002, which states that development will not be permitted which would result in the loss or alienation of the best and most versatile agricultural land, unless it can be demonstrated that there is a strong case for development on a particular site that would override the need to protect such land. Furthermore, on all grades of agricultural land, development will not be permitted which would result in the fragmentation of an agricultural or horticultural holding so as to seriously undermine the economic viability of the remaining holding.

The application is accompanied by an Agricultural Appraisal, undertaken by David Champion, dated June 2017.

Whilst Policy RD9 makes references to subgrades of Grade 3, the submitted agricultural information sets out that the NPPF refers to “poorer quality land”, without referencing subgrades 3a and 3b. These subdivided grades of Grade 3 are no longer shown on ALC maps and, under current ALC grading, the best and most versatile soils are Grade 1 (excellent) and Grade 2 (very good). Grade 3 land ranges from good to moderate, Grade 4 land is poor and Grade 5 land is very poor.

The supporting agricultural report concludes that the application site does not comprise the best and most versatile agricultural land (Grades 1 and 2). The land is classified as Grade 3 and comprises an area of relatively unproductive permanent pasture, used primarily for livestock grazing. It is stated that the loss of the farmland would not be significant in terms of either the local or national agricultural economy.

In accordance with paragraph 112 of the NPPF 2012 and Policy RD9, officers consider that the proposed development would not result in the loss or alienation of the best and most versatile agricultural land. Furthermore, the loss of the grazing land would not fragment or undermine the viability of an agricultural or horticultural business. The proposal is therefore considered to accord with 112 of the NPPF 2012 and the Policy RD9 of the Local Plan 2002.

#### Location of development

Paragraph 55 of the NPPF 2014 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Paragraph 69 of the NPPF 2012 states, inter alia, that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It continues that local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.

Paragraph 70 of the NPPF 2012 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local

services to enhance the sustainability of communities and residential environments;

- sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Policy C2 of the Waverley Borough Local Plan 2002 states that building in the Countryside beyond the Green Belt, away from existing settlements, will be strictly controlled. Policy RE1 of the Draft Local Plan Part 1 state that the intrinsic beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.

The Key Note Policy of the Waverley Borough Local Plan aims, amongst other matters, to make provision for development, infrastructure and services which meet the needs of the local community in a way which minimises impacts on the environment.

The text states that opportunities for development will be focused on the four main settlements (Farnham, Godalming, Haslemere and Cranleigh), mainly through the re-use or redevelopment of existing sites.

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 the following:

- Major development on land of the highest amenity value will be avoided
- Development will be focused at the four main settlement
- Moderate levels of development will be allowed in larger villages
- Limited levels of development will be allowed in and around other specified villages
- Modest levels of development will be allowed in all other villages.
- Opportunities for the redevelopment of suitable brownfield sites will be maximised
- Strategic and Non-Strategic sites will be identified and allocated through Local Plan Part 2 and Neighbourhood Plans

- Infrastructure, where needed, will be provided alongside new development including funding through the Community Infrastructure Levy (CIL)

Whilst it is acknowledged that the majority of the application site falls outside of the settlement boundary, within the Countryside beyond the Green Belt, the western section of the site falls within the Rural Settlement of Ewhurst.

The site was not put forward as a potential housing site for assessment in the Council's Land Availability Assessment 2016 (LAA).

The Waverley Settlement Hierarchy Factual Update (2012) refers to the level of difference services available in Ewhurst. It has a small convenience shop, public house, recreation ground, school and church.

The application is supported by a Planning Statement, which sets out that the site is accessible by a range of transport modes, including bus services, and good access to public rail transport in neighbouring settlements. In addition, the supporting document states that the majority of retail, employment, education and leisure facilities are within the recommended Institution of Highways & Transportation (IHT) 5km cycling distance of the site, many being within a 2km easy walking distance of the site.

Officers accept that Ewhurst has some limited employment and community facilities, however, Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The site lies adjacent to the defined settlement and is readily accessible on foot to the local services in the village. Further, there are bus services which run on the surrounding roads through the village. Furthermore, draft Local Plan Policy ALH1 identifies the need for 100 homes to be delivered in Ewhurst, therefore supporting the principle of additional housing in the village. Officers are therefore satisfied that the site is in a reasonably sustainable location for the village.

Officers therefore consider that the proposal would not result in isolated new homes, for the purposes of Paragraph 55 of the NPPF.

#### Housing land supply

In July 2017, the Council published an update to their five year housing supply position based on the Local Plan Examination Inspector's provisional findings in July 2017. The statement sets out the housing requirement for the next five years based on West Surrey SHMA figures and various components of

housing supply that the Council expects to come forward in that period. As it stands, the supply of housing is 6.28 years worth of the housing requirement. Therefore, the Council can demonstrate in excess of the requirements of paragraph 47 of the NPPF.

Notwithstanding this point, the provision of 49 dwellings could assist in contributing to the additional supply of housing for the Borough. Further, this does not mean that what is otherwise sustainable development should nevertheless be refused.

### Housing mix

The NPPF states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends; identify the size, type, tenure and range of housing that are required in particular locations, reflecting local demand; and where it is identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified.

Policy H4 of the Waverley Borough Local Plan 2002, in respect of housing mix, is considered to be broadly consistent with the approach in the NPPF. It outlines the Council's requirements for mix as follows:

- a) at least 50% of all the dwelling units within the proposal shall be 2 bedroomed or less; and,
- b) not less than 80% of all the dwelling units within the proposal shall be 3 bedroomed or less; and,
- c) no more than 20% of all the dwelling units in any proposal shall exceed 165 square metres in total gross floor area measured externally, excluding garaging.

Policy AHN3 of the Draft Local Plan Part 1 states the proposals will be required to make provision for an appropriate range of different types and sizes of housing to meet the needs of the community, reflecting the most up to date evidence in the West Surrey Strategic Housing Market Assessment (SHMA).

The SHMA 2015 provides an updated likely profile of household types within Waverley. The evidence in the SHMA is more up to date than the Local Plan; as such, limited weight should be attached to Policy H4. However, the profile of households requiring market housing demonstrated in the SHMA at



Borough level is broadly in line with the specific requirements of Policy H4 of the Waverley Borough Local Plan 2002.

The West Surrey SHMA provides the following information with regard to the indicative requirements for different dwelling sizes:

Unit Type	1 bed	2 bed	3 bed	4 bed
Market homes	10%	30%	40%	20%
Affordable homes	40%	30%	25%	5%

The applicant has set out that the final housing mix would be proposed as part of a Reserved Matters submission; however, the following indicative housing mix is set out:

Unit Type	Number of units	% of overall total
1 bedroom	0	0%
2 bedroom	15	30.6%
3 bedroom	19	38.8%
4+ bedroom	15	30.6%
Total	49	100%

In comparison with the indicative requirements of the SHMA, this is broken down into the following two tables for market and affordable housing:

#### Market Housing

Unit Type	SHMA	Proposed mix
1 bedroom	10%	0 (0%)
2 bedroom	30%	0 (0%)
3 bedroom	40%	19 (55.9%)
4 bedroom	20%	15 (44.1%)
Total	100%	34 (100%)

#### Affordable Housing

Unit Type	SHMA	Proposed mix
1 bedroom	40%	0 (0%)
2 bedroom	30%	15 (100%)
3 bedroom	25%	0 (0%)
4 bedroom	5%	0 (0%)
Total	100%	15 (100%)

At this stage, the total number of units which would have 2 bedrooms or less would be 15 which would equate to 30.6% of the total number of units. Of the

49 dwellings proposed, 34 would have 3 bedrooms or less which would equate to 69.4%. No indication of floor areas for the dwellings has been given for this outline submission.

Having regard to the indicative housing mix, the proposal would not accord with Policy H4. However, officers are satisfied that the site is capable of providing an appropriate housing mix to meet the Council's housing needs. If outline permission is granted, a future reserved matters application would be required to provide a detailed layout including an appropriate mix of housing.

The density element of Policy H4 of the Waverley Borough Local Plan 2002 is given less weight than guidance in the NPPF 2012 which states that to boost significantly the supply of housing, local planning authorities should set their own approach to housing density to reflect local circumstances. Rather than prescribing a minimum or maximum density, the NPPF sets out, at paragraph 47, that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances. Density is a rather crude numeric indicator.

What is considered more important is the actual visual impact of the layout and extent of development upon the character and amenities of the area.

The density of the proposed residential development (excluding proposed open space) would amount to 16.9 dwellings per hectare. The density of the neighbouring Larkfield development is 30.7 dwellings per hectare. Whilst the proposed layout would be a consideration at the reserved matters stage should outline permission be granted, it is nevertheless considered that the proposed density would be acceptable.

Officers are satisfied that the proposed density would be appropriate, and that an appropriate housing mix could be provided within the site having regard to the evidence in the SHMA, the requirements of Policy H4 of the Local Plan 2002 and Policy AHN3 of the Draft Local Plan Part 1.

#### Affordable housing

Paragraph 50 of the NPPF states that local planning 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, and should identify the size, type, tenure and range of housing that are required in particular locations, reflecting local demand.

The NPPF outlines that to deliver a wide choice of quality homes, local planning authorities should identify where affordable housing is needed and

identify policies for meeting this on site, unless off-site provision or a financial contribution can be robustly justified.

The Local Plan is silent with regard to the delivery of affordable dwellings in locations such as this. Specifically, there is no threshold or percentage requirement in the Local Plan for affordable housing on sites outside of settlements. This is because, within an area of restraint, housing development under the current Local Plan is unacceptable in principle, including affordable housing. If, however, the Council were to accept the principle of housing development on this site, in the interest of creating a balanced and mixed community and meeting the identified need for affordable housing in the Borough, the provision of affordable housing would be required as part of the proposals.

Policy AHN1 of the Draft Local Plan states that the Council will require a minimum provision of 30% affordable housing.

There is a considerable need for affordable housing across the Borough and securing more affordable homes is a key corporate priority within the Waverley Borough Corporate Plan 2016-2019. As a strategic housing authority, the Council has a role in promoting the development of additional affordable homes to meet local housing need, particularly as land supply for development is limited. Planning mechanisms are an essential part of the Council's strategy of meeting local housing needs.

A rural housing needs survey carried out in October 2013 identified a need for 19 affordable homes to meet housing need in Ewhurst and Ellen's Green: 11 for rent and 8 for shared ownership. The Parish Council adopted the survey report in March 2014.

The West Surrey SHMA 2015 indicates a high need for affordable housing in Waverley, with an additional 314 additional affordable homes required per annum. New affordable homes are needed for a broad spectrum of households in Waverley, including people struggling to get on the housing ladder and family homes, as proposed on this site.

The SHMA (2015) provides the following information with regard to the indicative requirements for different dwelling size affordable units:

Unit type	1 bed	2 bed	3 bed	4+ bed
Affordable	40%	30%	25%	5%

In this instance, a total of 15 affordable dwellings would be provided on site which would equate to 30% of the proposed development. Such provision would accord with Policy AHN1 of the Draft Local Plan.

An indicative affordable housing mix has been put forward at the current outline stage, which sets out that all 15 of the units would be 2 bedroomed. The Council's Housing Strategy and Enabling Manager recommends that one and three bedroom affordable homes be provided to align more closely with the SHMA. However, as the housing mix has been put forward on an indicative basis only at this outline stage; officers are satisfied that an acceptable mix could be satisfactorily provided on site at a Reserved Matters stage having regard to the overall number of dwellings proposed.

No information has been provided at this stage as to the tenure mix of the affordable housing. This would be a matter for the reserved matters stage, secured as part of the S106. However, the Council's Housing Strategy and Enabling Manager recommends a 70/30 mix between rent and shared ownership.

Affordable housing is a key corporate priority for the Council and officers considered that weight should be attached to the level of affordable housing provision with the current scheme. Officers conclude that, overall, the proposed affordable housing mix would contribute to meeting local needs in line with guidance contained within the NPPF.

#### Highways and parking considerations

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 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 proposal would involve the creation of a new vehicular access onto The Green to serve the site.

The application is accompanied by a Transport Statement, dated 15<sup>th</sup> November 2017, prepared by SK Transport Planning. This supporting document concludes that, in traffic and transport terms, the proposed development would be sustainably located and the traffic generate by the proposal would have no material impact on the surrounding highway network.

The County Highway Authority is satisfied that the proposed access and movement strategy for the development would enable all highway users to travel to/from the site with safety and convenience. It is considered that the proposed package of transport mitigation measures would improve accessibility to the site by non-car modes of travel. Further, the County Highway Authority is satisfied that the traffic impact assessment undertaken by the applicant provides a robust and realistic assessment of the likely impact of the development on the highway network.

No objection has been raised by the County Highway Authority, subject to conditions, contributions and off-site highway works. These include:

#### Financial contributions

1. Prior to first occupation of each residential unit to provide each dwelling with a combined cycle/public transport voucher at £100 per dwelling. The

payment of such sum to be index linked from the payment date to the date of any resolution to grant planning consent.

2. Prior to first occupation of the development to pay to the County Council £68,818 for the following highway and transport improvements:
  - Traffic management/speed reduction measures within Ewhurst village; and
  - Sustainable transport improvements comprising upgrade to bus stops, improvements to public footpaths and bridleways and improved pedestrian crossing provision at junctions.

Section 278 works (works delivered by the Applicant's under licence from Surrey County Council)

1. Prior to commencement of the development construct the proposed vehicular access onto The Green, to a standard suitable for construction vehicles, subject to the Highway Authority's technical and safety requirements.
2. Prior to first occupation of the development construct the proposed vehicular and pedestrian access onto The Green, in general accordance with Drawing No. SK21610-01A, and subject to the Highway Authority's technical and safety requirements.
3. Prior to first occupation of the development construct the off-site highway safety improvement measures, in general accordance with Drawing No. SK21610-01A, and subject to the Highway Authority's technical and safety requirements.

On the above basis, and subject to the off site highways works and contributions towards transport improvement schemes being secured through a S106 agreement, officers consider that access to the application site could be provided without prejudice to highway safety or capacity, in accordance with the NPPF and Development Plan Policies.

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) set out the following guidelines for new residential development:

Unit type (bedroom numbers)	Recommended WBC parking guidelines
1 bedroom	1 parking space
2 bedroom	2 parking spaces
3+ bedroom	2.5 parking spaces

As the application is in outline form only, the proposed layout is not to be considered at this stage.

Notwithstanding this, having regard to the submitted indicative layout plan, a number of the proposed dwellings are indicated to be served by a mixture of allocated on site parking and garages.

Having regard to the indicative housing mix, the proposal would generate the need for 115 parking spaces to be provided within the site to accord with the Council's Parking Guidelines. Having regard to the illustrative plans, it would appear that the site could provide for 118 parking spaces, a number of which would be grasscrete. Officers are therefore satisfied that the proposal could be provided with parking spaces to fully meet the requirements of the Council's Parking Guidelines 2013.

#### Public right of way

Policy M4 of the Local Plan requires developments to include safe, convenient and attractively designed pedestrian routes linking to existing or proposed pedestrian networks, public open space, local facilities and amenities or, public transport.

Policy LT11 of the Local Plan states that the Council, in consultation with Surrey County Council, will seek to ensure that designated rights of way are safeguarded, protected and enhanced to encourage use by walkers, cyclists and horse riders.

Public Footpath 432a runs adjacent to the north of the application site boundary, separated by an area of woodland. Whilst the footpath would be in fairly close proximity to the proposed residential development to the north of the application site (within 25m at the closest point), the proposal would not result in any encroachment or diversion to the public footpath. Officers are satisfied that there would be no resultant harm in this regard.

### Design and 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.

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.

As the application is in outline form only, no information has been provided as to the design of the proposed residential units or the materials to be used in their construction. This would be a matter to consider at the reserved matters stage should outline permission be granted.

### 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 and guidance contained within the Council's SPD for Residential Extensions.

The application is in outline form only; however an indicative site layout plan has been submitted. The final layout would be agreed at reserved matters stage and officers are satisfied that the quantum of development proposed could be achieved on the site whilst maintaining a good level of amenity for both future occupants of the development and for existing nearby occupiers.

Having regard to the illustrative plans, the proposed residential development would be sited in the northern section of the site. Neighbouring properties in Larkfield to the south west would be sufficiently separated from the built form, such that there would be no resultant material overbearing impact, overlooking or loss of light.



The nearest neighbouring properties to the proposed residential development are those to the east of The Green, whose rear gardens would back onto the site, and those in Williams Place. Officers are satisfied that the proposed residential development could be accommodated on the site without material harm to the amenity of these neighbouring residential properties.

It is acknowledged that the outlook from habitable room windows of neighbouring properties would change as a result of the proposed development. However, the right to a view is not a material planning consideration. Further, the proposal could provide for vegetative screening as part of the reserved matters which would assist in minimising views.

### Heritage considerations

Paragraph 128 of the NPPF states that 'Local Planning Authorities should require an 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 NPPF defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be historic. Significance derives not only from a heritage asset's 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 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area. In

accordance with this, both the NPPF and Policy HE8 of the Local Plan 2002 state that development should preserve or enhance the character of conservation areas.

The southernmost point of the application site falls adjacent to the Ewhurst Green Conservation Area boundary.

Ewhurst Green Conservation Area is considered to be of significance due to the architectural interest which typifies the Surrey vernacular. The Conservation Area is a good example of the development of an isolated Surrey village which is characterised by detached and semi-detached houses set back from the road. This grain of development reinforces a perception of transition between the village core and the countryside.

The Council's Historic Buildings Officer has been consulted on the application and, having regard to the illustrative plans showing that the proposed residential development would be erected in the northern section of the site, considers that there would be no material impact on the Conservation Area.

Officers are satisfied that the proposal would preserve the character of the Conservation Area and would accord with Policy HE8 of the Local Plan and the NPPF. Paragraphs 133 and 134 of the NPPF would not be engaged.

#### Impact on trees

The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development clearly outweigh the loss.

Policies D6 and D7 of the Local Plan broadly support the aims of the NPPF stating that the Council will protect significant trees and groups of trees and hedgerows through planning control.

The site contains a number of trees which are subject of a TPO. These are located within the western section of the site, within the garden areas of Nos. 44 and 45 Larkfield.

The application is accompanied by an Arboricultural & Planning Integration Report, dated November 2017, prepared by Arbotrack Systems Ltd. The report sets out that of the 108 surveyed trees or groups of trees on or near the site, 5 are category A (high quality), 63 are category B (moderate quality), 38 are category C (low quality) and 2 are category U (unsuitable for retention).

The proposal would require the removal of 11 trees to facilitate the development. The report concludes that, given the scale of the proposal, this is a low and acceptable impact and new planting would take place in the order of 10 new trees for each tree lost. The areas of proposed driveway or hardstanding near retained trees would be constructed to a low invasive specification to protect functional roots. The report further sets out that the juxtaposition of retained trees with the proposed development would result in a low likelihood of unacceptable issues of post development pressure.

The Council's Tree Officer does not concur with the submitted information and is of the opinion that the engineering required for the proposed access would be contrary to industry standard. The impacts of the proposed works are considered to remain unaltered by the current proposal compared with the previous submission. As such, the Council's Tree Officer remains of the opinion that the engineering required to achieve the proposed access could result in the longer term decline of mature trees subject of a TPO which make a positive contribution to character and amenities. An adoptable road standard would not enable a specialist construction road (engineered above existing ground level). As such, the Council's Tree Officer considers that the trees shown for retention either side of the proposed route through the TPO tree belt would also suffer root disturbance contrary to the standard if an adoptable road is desired.

Officers consider that the potential impact to trees is a matter which would need to be weighed in the balance.

Landscaping is a reserved matter. However, officers are satisfied that the proposed illustrative site layout would allow for considerable additional planting throughout the development.

#### Standard of accommodation for future occupants

Paragraph 17 of the NPPF seeks a high standard of design for future occupiers.

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. The optional new national standards should only be required through any new Local Plan policies, if they

address a clearly evidenced need and where their impact on viability has been considered.

Policy TD1 of the Draft Local Plan Part 1 refers to maximising opportunities to improve the quality of life and health and well being of current and future residents. Such opportunities include, inter alia, appropriate internal space standards for new dwellings.

As the application is in outline form only, no information has been submitted with the current application as to the floorspace of the proposed dwellings. This would be a matter to consider at the reserved matters stage should outline permission be granted. However, officers are satisfied that a high standard of design could be achieved on the site.

#### Provision of amenity 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.

Paragraph 17 of the NPPF 2012 states that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 70 of the NPPF 2012 supports this by stating that planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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. For developments of flats or maisonettes, Policy H10 sets out that outdoor space may be for communal use rather than as private gardens.

Policy TD1 of the Draft Local Plan Part 1 refers to maximising opportunities to improve the quality of life and health and well being of current and future residents. Such opportunities include, inter alia, the provision of private, communal and public amenity space and on site playspace provision (for all ages).

The Council uses the standard recommended by Fields in Trust (FIT) 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (2016) for assessing the provision of outdoor playing space.

For a development of 10 – 200 dwellings, the Fields in Trust guidance referred to above sets out that a Local Area for Play (LAP), Locally Equipped Area for Play (LEAP) and a contribution towards a Multi-Use Games Area (MUGA) should be provided.

A LAP comprises a play area equipped mainly for children aged between 4-6 years old. LAPs should be located within 100m from every home. The main activity area should be a minimum of 100sqm with a 5m minimum separation between the activity zone and the boundary of the dwellings.

A LEAP comprises a play area equipped mainly for children age between 4-8 years old. LEAPs should be located within 400m from every dwelling. The main activity area should be a minimum of 400sqm with a 20m minimum separation between the activity zone and the boundary of the dwellings.

In this instance, the indicative layout indicates that the dwellings would be provided with private amenity space and the proposed flats would benefit from a communal amenity area. A large area of Public Open Space would be provided in the southern section of the site and a public square would be provided centrally within the proposed residential development.

As the application is in outline form only, the proposed layout of the site would be considered at the reserved matters stage should outline permission be granted. Notwithstanding this, officers are satisfied that sufficient amenity and play space could be accommodated within the site.

### Air Quality

Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 124 states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning

decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Policy D1 of the Waverley Borough Local Plan 2002 states that the Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment. Development will not be permitted where it would result in material detriment to the environment by virtue of noise and disturbance or potential pollution of air, land or water, including that arising from light pollution. In the same vein Policy D2 states that the Council will seek to ensure that proposed and existing land uses are compatible. In particular, development which may have a materially detrimental impact on sensitive uses with regard to environmental disturbance or pollution will not be permitted.

The site is not within a designated AQMA and nor is it adjacent to one. However, the impact on air quality remains an important material consideration. The proposed development would introduce new residents into an area that has an established road network and therefore may expose future occupants to air pollution associated with road traffic. The new development would also potentially increase road usage in the area by potential future occupiers.

Subject to the imposition of suitable mitigation measures, particularly throughout the construction stage, it is concluded that the impact on air quality would be acceptable.

#### Land contamination

Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy D1 of the Local Plan sets out that development will not be permitted where it would result in material detriment to the environment by virtue of potential pollution of air, land or water and from the storage and use of hazardous substances.

The supporting text indicates that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any

contamination. Wherever practical, contamination should be dealt with on the site.

The Council's Environmental Pollution Control Officer has confirmed that there are no significant contamination issues for the site and, as such, contaminated land conditions would not be required for the development should permission be granted. No objection is raised; however an informative should be added to any grant of permission to remind the applicant of their responsibility for delivering safe development and to notify the Council should any unexpected issues arise.

In light of the above, Officers consider that the proposal would accord with Policy D1 of the Local Plan 2002 and the NPPF in this regard.

### Noise impacts

Paragraph 123 of the NPPF states that Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The Council's Environmental Health Officer has recommended that a condition be imposed on any grant of permission to secure the submission and agreement of a Construction Environmental Management Plan. A number of informatives have also been recommended.

Officers consider that, subject to securing appropriate information by means of planning conditions, the proposed development would provide a suitable level of accommodation for future occupants who would not be adversely impacted on by way of noise impacts. The proposal is therefore considered to comply with Policies D1 and D4 of the Local Plan and paragraph 123 of the NPPF in this regard.



## Archaeological considerations

Paragraph 128 of the NPPF sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

Policy HE15 of the Local Plan states that where proposals are made for large developments (over 0.4 hectares), not in an area already defined as of High Archaeological Potential, the Council will require that an archaeological assessment is provided as part of the planning application and the same provisions as in Policy HE14 will apply.

The need to safeguard and manage Waverley's rich and diverse heritage, including all archaeological sites, is set out in Policy HA1 of the Draft Local Plan Part 1.

The application is accompanied by a desk based archaeological assessment, undertaken by Archaeology South East, dated November 2017.

The County Archaeologist has confirmed that the current revised application does not change the previous advice given. The applicant has consulted all currently available sources including the Surrey Historic Environment Record in order to characterise the archaeological potential of the site and concludes that the site itself does not contain any known heritage assets, and that little previous discoveries have been made in the area, but that this may be the result of a lack of previous archaeological investigations. The presence of a Roman Road to the west of the site may suggest a slightly enhanced potential for Roman remains and, as such, the report recommends that further work should be carried out in order to clarify the archaeological potential of the site.

A condition has been recommended by the County Archaeologist should permission be granted, to secure the submission of a Written Scheme of Investigation and subsequent undertaking of archaeological work. Subject to

the inclusion of this recommended condition, Officers are satisfied that there would be no adverse archaeological implications and the proposal would accord with Borough Local Plan 2002 and Policy HA1 of the Draft Local Policy HE14 of the Waverly Plan Part 1.

### 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 those locations identified as being at risk of flooding, planning permission will only be granted where it can be demonstrated that it is located in the lowest appropriate floor risk location, it would not constrain the natural function of the flood plain and where sequential and exception tests have

been undertaken and passed. Sustainable drainage systems (SuDS) will be required on major development proposals.

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.

However, the application relates to a major development and the site area exceeds 1 ha. Therefore, a site specific Flood Risk Assessment (FRA) is required and one has been submitted with the application.

The accompanying FRA has been prepared by Hilson Moran, dated 16th November 2017. The FRA concludes that the proposed development would be acceptable on flood risk grounds and would provide a positive contribution to the sustainable management of surface water runoff.

The FRA stipulates that water butts would be provided for all dwellings where practical. The areas of patios, parking spaces, internal roads and pavements would all utilise permeable paving. An area in the north east corner of the site would be used as an infiltration basin. In terms of foul sewerage, a connection to the existing sewers is proposed at the western site boundary on The Green.

Thames Water has been formally consulted on the proposal and raises no objection to the proposal subject to recommended conditions and informatives. Thames Water advises that a permit would be required for discharging groundwater into a public sewer. This would be a matter which would need to be taken up separately between the developer and Thames Water. It would not restrict a decision being made in respect of the current outline planning permission.

The LLFA has considered the proposal and is satisfied that the proposal meets the requirements laid out under the Technical Standards. As such, no objection is raised by the LLFA subject to the imposition of recommended conditions should outline permission be granted.

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.

#### Infrastructure contributions

The three tests as set out in Regulation 122(2) require s106 agreements to be:

- necessary to make the development acceptable in planning terms;
- necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The NPPF emphasises that to ensure viability, the costs of any requirements likely to be applied to development, such as infrastructure contributions should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

From 6th April 2015, CIL Regulation 123 was amended to mean that the use of pooled contributions under Section 106 of the Town Country Planning Act is restricted.

Policy D13 of the Local Plan states that “development will only be permitted where adequate infrastructure, services and facilities are available, or where the developer has made suitable arrangements for the provision of the infrastructure, services and facilities directly made necessary by the proposed development. The Council will have regard to the cumulative impact of development, and developers may be required to contribute jointly to necessary infrastructure improvements”.

Local Plan Policy D14 goes on to set out the principles behind the negotiation of planning obligations required in connection with particular forms of new development. The current tests for legal agreements are set out in Regulation 122 (2) of the CIL Regulations 2010 and the guidance within the NPPF.

Policy ICS1 of the Draft Local Plan Part 1 states that infrastructure considered necessary to support new development must be provided either on- or off-site or by the payment of contributions through planning obligations and/or the Community Infrastructure Levy. The Council will resist the loss of key services and facilities unless an appropriate alternative is provided or evidence is presented which demonstrate that the facility is no longer required. New services and facilities where required will be supported. Land for infrastructure, as identified through the Infrastructure Delivery Plan, will be safeguarded.

At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6th April 2010 and it is a type of infrastructure that is capable of being funded by CIL.

In the light of the above change, the infrastructure providers have been requested to confirm that the identified contributions contained within the PIC calculator meet the tests of CIL Regulations 122 and 123. The final obligations to be included within the Section 106 agreement will need to satisfy the tests of the Regulations.

Infrastructure providers responsible for the provision of infrastructure within Waverley have been consulted and, as a result, the following contributions are sought and justified:

Provision of recycling containers	£1,412
Early years education infrastructure	To be reported in an update sheet
Primary education infrastructure	To be reported in an update sheet
Leisure facilities	£50,000

Highway and transport improvements	£68,818
Cycle/Public Transport vouchers	£100 per dwelling (£4,900 total)
Provision of on-site affordable housing (30%)	
Environmental enhancements – to the amount of £13,588	
<b>Total</b>	<b>£125,130</b> (to be updated following receipt of education contributions)

The applicant has indicated a willingness to enter into a suitable legal agreement to secure relevant contributions. As of yet, a signed and completed legal agreement has not been received. However, it is anticipated that an agreement would be entered into. Subject to the receipt of a suitable, signed legal agreement to secure infrastructure contributions, it is concluded that the proposal would adequately mitigate for its impact on local infrastructure and the proposal would comply with the requirements of the Local Plan and the NPPF in respect of infrastructure provision.

#### 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.’

Policy NE1 of the Draft Local Plan Part 1 states that the Council will seek to conserve and enhance biodiversity within Waverley. Development should retain, protect and enhance features of biodiversity and geological interest and ensure appropriate management of those features. Adverse impacts should be avoided or, if unavoidable, appropriately mitigated.

The application site does not fall within a designated SPA, SAC, SNCI or SSSI. However, the site is undeveloped and has a grassland surface. The site falls within the 500m buffer of Ancient Woodland.

The application is supported by the following ecological reports:

- Bat Tree Roost Assessment, Bat Activity Survey and Bat Building Emergence Survey Report, undertaken by The Ecology Co-op, dated 9<sup>th</sup> November 2017.
- Great Crested Newt Survey and Population Assessment Report, undertaken by The Ecology Co-op, dated 9<sup>th</sup> November 2017.
- Reptile Survey Report, undertaken by The Ecology Co-op, dated 9<sup>th</sup> October 2016.
- Preliminary Ecological Appraisal Phase 1 Habitat Assessment, undertaken by The Ecology Co-op, dated 9<sup>th</sup> November 2017.
- Badger Survey Report, undertaken by The Ecology Co-op, dated 9<sup>th</sup> November 2017.
- Mitigation statement and Habitat creation and Management Plan, prepared by The Ecology Co-op, dated 10<sup>th</sup> November 2017.

Surrey Wildlife Trust has been consulted on the proposal and considers that the various supporting reports provide useful information to be able to fully assess the potential status of protected species and the likely effect of the proposed development on them. No objection is raised by Surrey Wildlife Trust subject to the imposition of recommended conditions on any grant of outline permission. It is recommended that the applicant be required to undertake the recommended actions set out in the submitted reports.

Subject to the imposition of recommended conditions, officers are satisfied that the proposal would not prejudice the ecological value of the site and would accord with Policy D5 of the Local Plan and Policy NE1 of the Draft Local Plan Part 1.

### 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 2014 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 need to maximise opportunities to improve the quality of life and health and well-being of current and future residents is echoed in Policy TD1 of the Draft Local Plan Part 1.

As the application is in outline form only, the layout of the proposal would form a consideration at the reserved matters stage should outline permission be granted. Nonetheless, having regard to the indicative layout plan, officers consider that the provision of private amenity space, public open space and play space would be a benefit to the scheme in terms of the health and wellbeing of future residents.

### Crime and disorder

S17(1) of the Crime and Disorder Act 1998 places a duty to consider crime and disorder implications on local authorities.

In exercising its various functions, each authority should have due regard to the likely effect of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. This requirement is reflected in the National Planning Policy Framework, which states that planning policies and decisions should promote safe and accessible environments where crime and



disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Paragraph 69 of the National Planning Policy Framework 2012 highlights that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

To this end, planning policies and decisions should aim to achieve places which promote inter alia safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

As the application is in outline form only, and the layout of the site is yet to be submitted, this would be considered as a reserved matter if outline permission is granted. Nonetheless, officers are of the view that the site could be developed in such a way so as to not lead to crime and disorder in the locality which would accord with the requirements of the NPPF 2012 and the Crime and Disorder Act 1998.

#### Accessibility and Equalities Act 2010 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.

#### 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/accepted/negotiated 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.

### Response to Parish Council and third party comments

The objections and representations made by the Parish Council and third parties are noted by officers and have been considered by officers in the assessment of the application.

In response to the comments regarding the timing of the current application and the lodging of an appeal against the refusal of WA/2017/0369; officers would advise that it is open to anyone to submit an application at any time. Whilst officers acknowledge that this has resulted in a large amount of documentation for third parties to read prior to making any comments, the timing is not something which can be controlled by the Local Planning Authority.

Officers would advise that the comments which have been made in respect of sustainability, highways and parking, landscape impacts, visual impacts, flooding, heritage, ecology, prematurity, loss of agricultural land, crime and disorder, and amenity have been considered as part of the assessment carried out under relevant headings of this report.

In providing some clarification on a couple of points relating to the above matters, however, Officers would advise that noise and pollution could be subject to investigation and separate control under Environmental Legislation. The granting of outline planning permission would not indemnify against statutory nuisance action being taken should it be warranted. Notwithstanding this, conditions have been recommended in relation to the construction process, including hours of work. The construction phase would be transient and lighting on site would be subject of control through recommended conditions.

Further, the right to a view is not a material planning consideration in the assessment of applications. Additionally, the layout and design of the dwellings would be matters to be considered at the Reserved Matters stage should outline permission be granted.

With regard to the comments made in relation to security of neighbouring dwellings, it would be for occupiers of such dwellings to ensure that their dwellings are made secure. Landscaping details for the site boundaries would

be a matter to be determined at the Reserved Matters stage should outline permission be granted.

Policy ALH1 of the Draft Local Plan Part 1 sets out a housing requirement for Ewhurst of 100 dwellings. However, this figure is a minimum figure and development which is considered to be acceptable should not be refused on grounds that the housing allocation number is exceeded, subject to general compliance with the emerging Spatial Strategy and other planning considerations such as scale and cumulative impact.

A number of representations have commented on the existence of a covenant on the land which would restrict development of the site. Covenants are private matters which do not comprise a material planning consideration. The existence of private covenants would not preclude planning permission being granted.

#### Conclusion/ planning balance

Paragraph 197 of the NPPF states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 of the NPPF defines the presumption in favour of sustainable development as approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: *inter alia* any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this framework indicate development should be restricted.

In this instance, as Policy C2 of the Local Plan is considered to be out of date, the tilted balance set out in paragraph 14 of the NPPF would be engaged. As such, in forming a conclusion, the benefits of the scheme must be balanced against any negative aspects of the scheme.

In terms of the benefits of the scheme, the proposal would provide dwellings in a sustainable location and would deliver 30% affordable housing to contribute towards housing needs. Delivery of affordable and market homes in the context of the constraints that apply to the Borough would comprise a social benefit to the proposed development, which would be consistent with the NPPF's basic imperative of delivery.

The proposal would deliver economic gains from sources including construction-based employment and increase in local spending.

The application is for outline planning permission with all matters reserved except for access. Therefore, the detail of the reserved matters scheme will be critical to ensuring that the proposed development is acceptable in planning terms. Notwithstanding this, officers consider that sufficient evidence has been submitted to demonstrate that, subject to detailed consideration at a future stage, a scheme could be provided which would function well, be of a high quality design, would provide open space and would integrate well with surrounding development.

Officers are satisfied, having regard to the expert opinion of the County Highway Authority, that access to the application site could be provided without prejudice to highway safety or capacity.

Notwithstanding the above, it does remain that the proposed development would result in the loss of trees and would introduce built form into an undeveloped area of open countryside.

However, whilst the site falls outside of a defined settlement area, within the Countryside beyond the Green Belt, it is considered that the site would not be viewed in isolation from the village. Officers are of the view that the proposed development could be seen in the context of a natural extension to the edge of the village.

Overall, Officers are of the view that the proposed development would result in social and economic benefits. The development of an area of countryside abutting the rural settlement of Ewhurst, with limited harm to the wider landscape, is considered to be outweighed by the social and economic gains identified. As such, in applying the tilted balance, officers consider that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole.

#### **Anticipated change to committee report**

**The current report reflects the position and status of the Council's Development Plan at the time of drafting the officer report and preparation of the committee agenda. However, officers are mindful that a report is due to be taken to the Council's Executive meeting on 20 February 2018 recommending that the Local Plan Part 1: Strategic Policies and Sites is adopted.**

**This action follows the issuing of the Inspector's Report on 1 February 2018, which concluded the Local Plan Part 1: Strategic Policies and Sites (with main modifications) meets all the soundness and legal compliance tests.**

**In the event that the Local Plan Part 1 is adopted, the Development Plan Framework and material considerations in relation to the current planning application will change and a new officer recommendation for refusal is likely to be put forward. This will be owing to the policies of the Local Plan Part 1 being given full weight if the Plan is adopted, and a planning balance as opposed to a tilted planning balance being applied in the assessment of the proposal.**

**An update sheet will be published in relation to this committee item following the outcome of the Executive meeting on 20 February 2018. This update sheet will set out the position to Members ahead of the Joint Planning Committee on 27 February 2018.**

**The officer recommendation at the present time, however, is as follows:**

#### Recommendations

##### Recommendation A

That, subject to the completion of a Section 106 Agreement to secure appropriate contributions towards off-site highway works, early years and primary education, recycling containers, leisure facilities, environmental enhancements, provision of 30% affordable housing; off-site highways works; the setting up of a Management Company for open space, play space, landscaping and SuDS; conditions and informatives, permission be GRANTED.

#### Conditions

1. Condition  
Details of the reserved matters set out below ('the reserved matters') shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  1. layout;
  2. scale;
  4. landscaping; and
  3. appearance.

The reserved matters shall be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Condition

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Condition

The plan numbers to which this permission relates are: FD16-1367-P2-50 (Site Location Plan) and SK21610-01A (Site Access & Off-Site Speed Limit Measures Plan). 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.

4. Condition

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for the loading and unloading of number vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking, loading and unloading and turning areas shall be retained and maintained for their designated purposes.

#### Reason

In order that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Local Plan 2002 and Section 4 of the NPPF 2012.

#### 5. Condition

The development hereby approved shall not be occupied unless and until the layout of internal roads, footways and cycle routes has been constructed in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Such details shall include the provision of visibility splays (including pedestrian inter-visibility splays) for all road users, pram crossing points and any required signage and road markings. Once agreed, the approved details shall be implemented to the satisfaction of the Local Planning Authority. There shall be no obstruction to visibility splays between 0.6m and 2m high above ground level.

#### Reason

In order that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Local Plan 2002 and Section 4 of the NPPF 2012.

#### 6. Condition

No development shall commence until a Construction Transport Management Plan, to include details of:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) HGV deliveries and hours of operation
- g) vehicle routing
- h) measures to prevent the deposit of materials on the highway
- i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- j) measures to prevent deliveries at the beginning and end of the school day
- k) on-site turning for construction vehicles

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

Reason

In order that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Local Plan 2002 and Section 4 of the NPPF 2012. This is a pre commencement condition because it relates to the construction process.

7. Condition

No development shall commence, including any demolition, until a Construction Environmental Management Plan, to include details of:

- a) The arrangements for public consultation and liaison during the construction works
- b) Measures to minimise the noise (including vibration) generated by the demolition and construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- c) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- d) wheel washing facilities
- e) measures to control the emission of dust and dirt during construction
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works

has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be strictly adhered to throughout the construction period.

Reason

Having regard to the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because it relates to the construction process.

8. Condition

No operations involving the bulk movement of earthworks/materials to or from the development site shall commence unless and until facilities have be 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 shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Local Plan 2002 and Section 4 of the NPPF



2012. This is a pre commencement condition because it relates to the construction process.

9. 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 first submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority for:

(a) The secure parking of bicycles within the development site. Such facilities to be integral to each dwelling/building.

(b) Providing safe routes for pedestrians / cyclists to travel within the development site.

(c) Fast Charge Electric Vehicle Charging Points for every dwelling.

Reason

In order that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Local Plan 2002 and Section 4 of the NPPF 2012.

10. Condition

Prior to the first occupation of the development, a Travel Plan Welcome Pack shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". The approved Travel Plan Welcome Pack shall be issued to the first time occupier of each dwelling, prior to first occupation.

Reason

In order that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy M2 of the Waverley Borough Local Plan 2002 and Section 4 of the NPPF 2012.

11. Condition

The development hereby approved shall not be first occupied unless and until the existing access from the site to Larkfield has been permanently closed and any kerbs, verge and footway fully reinstated.

Reason

In order that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy

M2 of the Waverley Borough Local Plan 2002 and Section 4 of the NPPF 2012.

12. Condition

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. The details shall include:

a) A detailed design that satisfies the SuDS Hierarchy and is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS

b) The results of infiltration testing completed in accordance with BRE:365.

c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using Greenfield discharge rates to the downstream watercourse of:

a. 1 in 1 year return period 18.5 l/s

b. 1 in 30 year return period 28.9 l/s

c. 1 in 100 year return period plus 40% climate change 28.9 l/s (as per the SuDS pro-forma or otherwise as agreed by the LPA).

d) Detailed drawings to include: a finalised drainage layout detailing the location of SuDS elements, pipe diameters, levels, details of how SuDS elements will be protected from root damage and long and cross sections of each SuDS element including details of any flow restrictions and how they will be protected from blockage.

e) Details of Management and Maintenance regimes and responsibilities.

f) A plan showing exceedance flows and how property on and off site will be protected.

Reason

To ensure the design meets the National Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy D1 of the Waverley

Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

13. Condition

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason

To ensure the Sustainable Drainage System is built to the approved design and to ensure that there is no increase to flood risk on or off site, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

14. Condition

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason

To ensure that the site is appropriately surveyed and work is carried out as necessary in order to preserve as a record any such information before it is destroyed by the development, in accordance with Policy HE15 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because it goes to the heart of the permission.

15. Condition

Construction works pursuant to this permission, and deliveries to and from the site, shall not take place other than between the hours 08:00 - 18:00 Mondays to Fridays and between 08:00 - 13:00 on Saturdays. No construction works, or deliveries to and from the site, shall take place on Sundays, Bank Holidays and Public Holidays.

Reason

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

16. Condition

No burning of materials shall take place on site during the construction process.

Reason

To protect the air quality for existing receptors in the vicinity, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

17. Condition

The development shall be carried out in strict accordance with the recommended actions in Section 4 of the 'Bat Tree Roost Assessment, Bat Activity Survey and Bat Building Emergence Survey Report' dated 9th November 2017; Section 7 of the 'Great Crested Newt Survey and Population Assessment Report' dated 9th November 2017; Section 5 of the 'Reptile Survey Report' dated 9th October 2016; and the actions detailed within the 'Mitigation Statement and Habitat Creation and Management Plan' dated 10th November 2017.

Reason

To safeguard the ecological interest of the site in accordance with Policy D5 of the Waverley Borough Local Plan 2002.

18. Condition

Prior to first occupation, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall first be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of "superfast broadband" (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason

To ensure suitable provision for all potential occupiers in accordance with paragraph 42 of the NPPF.

19. Condition

Prior to the commencement of development, impact studies of the existing water supply infrastructure shall be carried out and the results of these studies shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point. The development shall be carried out in strict accordance with the approved details.

Reason

To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand, in accordance with Policy D1 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because it goes to the heart of the permission.

20. Condition

No piling shall take place on site until a piling method statement has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The statement shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. Any piling carried out on the site shall be undertaken in strict accordance with the terms of the approved piling method statement.

Reason

Having regard to the proximity of the works to underground water utility infrastructure and to ensure that the piling does not impact on this infrastructure in accordance with Policy D1 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because it goes to the heart of the permission.

21. Condition

If any of the residential properties are to be completed and occupied prior to the development as a whole being finished, a scheme to protect those occupants from noise and vibration shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwellings on site. The development shall be carried out in strict accordance with the approved details.

Reason

Having regard to the amenities of residents in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

## 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 £116.00 or a reduced rate of £34.00 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.

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](mailto:waverley.snn@waverley.gov.uk)  
For further information please see the Guide to Street and Property Naming on Waverley's website.

4. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.

5. 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.

6. 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.

7. All bridges, buildings or apparatus (with the exception of projecting signs) which project over or span the highway may be erected only with the formal approval of the Transportation Development Planning Team of Surrey County Council under Section 177 or 178 of the Highways Act 1980.

8. 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>.

9. 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/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

10. 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).

11. 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.

12. 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.

13. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the

applicant/organisation responsible for the damage

14. The applicant is advised that the S278 highway works will require payment of a commuted sum for future maintenance of highway infrastructure. Please see the following link for further details on the county council's commuted sums policy: <http://www.surreycc.gov.uk/environment-housing-and-planning/planning/transport-development-planning/surrey-county-council-commuted-sums-protocol>

15. The applicant is advised that in providing each dwelling with integral cycle parking, the Highway Authority will expect dedicated integral facilities to be provided within each dwelling for easily accessible secure cycle storage/garaging.

16. The granting of this planning 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.

17. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents during the demolition and/or construction phases of the development. The applicant should follow the guidance provided in the Construction Code of Practice for Small Developments in Waverley.

18. An application may be required under the building regulations to cover issues such as drainage, ventilation to kitchens and bathrooms, provision for means of escape in case of fire and sound insulation between lettings.

19. The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

20. The applicant is advised that a European Protected Species (EPS) licence from Natural England will be required following the receipt of planning permission and prior to the carrying out of any works which may affect protected species. Natural England can be contacted for more information on 01273 476595.

21. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should



ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

22. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

23. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

24. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

25. 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.

26. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning

permission. Further details and guidance are available on the GOV.UK website:<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

27. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.

28. The Developer / Management must inform Waverley Borough Council Environmental Services Department at least four weeks prior to the proposed date of initial occupation, in order that final arrangements for refuse and recycling collections can be made

### Recommendation B

That, if the requirements of Recommendation A are not met, permission be REFUSED for the following reasons:

1. Reason

The applicant has failed to enter into an appropriate legal agreement to secure a programme of highway improvement works to mitigate the impact of traffic generated by the development. As such, the proposal would fail to limit the significant impacts of the development on the surrounding highway network. The application therefore fails to meet the transport requirements of the National Planning Policy Framework 2012, Policies M2 and M14 of the Waverley Borough Local Plan 2002 and Policy ST1 of the Draft Local Plan Part 1: Strategic Policies and Sites 2016.

2. Reason

The applicant has failed to enter into an appropriate legal agreement to secure contributions towards education infrastructure; recycling containers; off-site leisure facilities; play space provision and maintenance, and SuDS. The proposal therefore conflicts with Policies D13 and D14 of the Waverley Borough Local Plan 2002, Policy ICS1 of the Draft Local Plan Part 1: Strategic Policies and Sites 2016 and paragraph 17 of the NPPF.

3. Reason

The applicant has failed to enter into an appropriate legal agreement to secure the provision of affordable housing within the meaning of the NPPF, appropriate to meet Waverley Borough Council's housing need. The proposal would therefore fail to create a sustainable, inclusive and mixed community, contrary to the requirements of paragraph 50 of the

NPPF and Policy AHN1 of the Draft Local Plan Part 1: Strategic Policies and Sites.

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