

To: All Members and Substitute Members of  
the Joint Planning Committee  
(tbc)

When calling please ask for:  
Ema Dearsley, Democratic Services Officer

**Policy and Governance**

E-mail: [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)

Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 8 May 2018

**Membership of the Joint Planning Committee**

Membership to be confirmed following Annual Council on 15<sup>th</sup> May 2018

**Substitutes**

Appropriate Substitutes will be arranged prior to the meeting

Dear Councillor

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

DATE: WEDNESDAY, 16 MAY 2018

TIME: 6.30 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 9 April 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.

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** (Pages 7 - 8)

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 are attached.

6. **ARTICLE 4 DIRECTIONS** (Pages 9 - 30)

## Purpose

The purpose of this report is to consider the recent requests from Town and Parish Councils for Article 4 directions on commercial premises in the Borough. Under existing permitted development rights, certain types of commercial use can be changed to residential use without requiring the submission of a planning application. However, Article 4 directions allow councils to remove permitted development rights for specific changes of use/development on specific sites so that a planning application is required. This report considers the benefits and risks for the Council of pursuing Article 4 directions.

## Recommendations

### **It is recommended to Council that**

- 1) An Article 4 direction to withdraw permitted development rights for a change of use from commercial to residential for just one commercial area that has been requested by a town/parish council to allow Waverley to assess its success in protecting the vitality and viability of the commercial area be prepared;**
- 2) the commercial area that the article 4 direction is to be prepared for is an area located around Beacon Hill Road, Beacon Hill, Haslemere - the specific area to be determined by the Head of Planning Services in conjunction with the gathering of specific evidence on the impact of the loss of commercial premises to residential on the vitality and viability of the commercial area; and**
- 3) the preparation is for a non-immediate article 4 direction.**

7. ITEM A1 - APPLICATION FOR PLANNING PERMISSION - WA/2017/1362 - AMLETS, AMLETS LANE, CRANLEIGH GU6 7DH (Pages 31 - 66)

## Proposal

Erection of 33 new dwellings and associated garaging (including 5 additional affordable dwellings) following the omission/alteration of 22 dwellings on part of the previously consented site giving a net gain of 11 dwellings

## Recommendations

### Recommendation A:

That, subject to completion of a 106 agreement within 6 months of the date of the committee resolution to secure Management and Maintenance of Play space and SuDS, provision of 40% affordable housing and financial contributions towards: Education, Transport and Environmental Improvements and subject to conditions and informatives, permission be GRANTED.

### Recommendation B:

That, if the requirements of Recommendation A are not met permission be REFUSED.

8. ITEM B1 - APPLICATION FOR PLANNING PERMISSION - WA/2017/0920 - 5 - 21 WEY HILL, HASLEMERE (Pages 67 - 126)

Proposal

Erection of 45 apartments in 2 blocks, including associated semi-basement parking, amenity space, landscaping and new access (as amended by plans received 03/11/17 and 25/04/2018 as amplified by additional information received 11/10/17 31/10/17, 03/11/17, 02/02/18, 12/02/18, 14/03/18)

Recommendations

Recommendation A: That, subject to the applicant entering into appropriate legal agreement within 6 months of the date of the committee resolution to grant planning permission to secure contributions towards education, recycling provision, off-site play area and playing pitch improvements, mitigation for the impact on the SPA, off-site highways improvements and on-site SuDS and open space management/maintenance and subject to conditions and informatives, permission be GRANTED

Recommendation B: That, in the event that the requirements of Recommendation A are not met, that permission be REFUSED

9. 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.

10. 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 5.

## Planning Service Performance on Speed (Government Target)

	<b>Majors*</b>	<b>Non Majors**</b>
Targets	60% (or more)	70% (or more)
Performance = % of applications determined in statutory or agreed time period.  Last Assessment Period 1 <sup>st</sup> October 2015 to 30 <sup>th</sup> September 2017	97.79%	97.47%
1st April 17 to 30 <sup>th</sup> April 18	97.10%	98.24%

## Planning Service Performance on Quality (Government Target)

	<b>Majors*</b>	<b>Non Majors**</b>
Targets	10% (or less)	10% (or less)
Performance = Major appeals that were allowed, as a % of all major decisions that were made in the Assessment Period. Last Assessment Period 1 <sup>st</sup> April 2015 to 31 <sup>st</sup> March 2017	9.60% (Interim figure as 1 major appeal decisions still outstanding)	1.56% (Final figure as all appeal results known)
Best Estimate*** 1st April 2017 to 30 <sup>th</sup> April 2018	8.70%	1.65%

\*A Major application is defined as development which involves any one or more of the following;-

The provision of dwellings when the number proposed is 10 dwellings or more or where the number of dwellings is not known but the site area is 0.5 hectares or more; Provision of building(s) creating over 1,000 square metres of floor space; Site areas in excess of 1 hectare;

There are also some Waste and Mineral applications which are County matters not determined by the Council.

Town and Country Planning (Development Management Procedure) (England) Order 2015 Para 2, Interpretation.



## WAVERLEY BOROUGH COUNCIL

### JOINT PLANNING COMMITTEE- 16 MAY 2018

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**TITLE:**

**ARTICLE 4 DIRECTIONS**

**[Portfolio Holder: Cllr Chris Storey]  
[Wards Affected: All]**

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**Summary and purpose:**

The purpose of this report is to consider the recent requests from Town and Parish Councils for Article 4 directions on commercial premises in the Borough. Under existing permitted development rights, certain types of commercial use can be changed to residential use without requiring the submission of a planning application. However, Article 4 directions allow councils to remove permitted development rights for specific changes of use/development on specific sites so that a planning application is required. This report considers the benefits and risks for the Council of pursuing Article 4 directions.

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**How this report relates to the Council's Corporate Priorities:**

The making of an Article 4 direction will allow the Council as the Local Planning Authority (LPA) to be able to consider planning applications where currently an application is not required under permitted development rights. This will allow the Council to consider proposals in accordance with local plan policies. These policies reflect the Council's corporate priorities, in particular relating to the community wellbeing and the environment.

**Equality and Diversity Implications:**

None arising from this report.

**Financial Implications:**

An Article 4 direction will require planning applications for properties which currently do not require applications under the permitted development rights. Therefore additional planning fee income will be earned when a planning application of this nature is submitted. Current expectations are that there will be a relatively small number of applications, creating only a small increase in planning fee income. Furthermore, additional planning permissions will require staffing resource and other costs will be incurred. Therefore the net financial impact is expected to be very small.

The loss of business use properties to residential use also has impacts on Business Rate and Council tax income, affecting the wider Council finances.

**Legal Implications:**

Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") provides that if the local planning authority is satisfied that it is expedient that development described in certain parts of Schedule 2 of the Order should not be carried out unless permission is granted for it, it may make a direction to restrict permitted development rights. Members are advised that permitted development rights

should only be withdrawn if there is reliable evidence to justify the direction's purpose and extent.

If the Council decides that it is expedient to restrict permitted development rights through the introduction of Article 4 directions, the Legal Services team will assist officers with the preparation of and the subsequent procedure for formally making them.

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## **1. Background**

- 1.1 Waverley Economic Development officers have reported that Town and Parish Councils have recently raised concerns that a number of commercial properties have been lost to housing. Separately, the Head of Planning Services has been informed of this issue where it has been perceived that it has resulted in a detrimental impact on commercial areas, both to town and local centres as well as other employment areas such as business parks. The perceived impacts include:
  - A reduction in the vitality/viability of the business/retail centre they are located in.
  - A reduction in the availability of commercial accommodation in the area.
  - A lack of parking for the occupiers of new residences resulting in greater pressure for already limited parking in the location.
- 1.2 This perceived impact has been exacerbated by the permitted development (PD) rights that allow a change of use from business/shop use to residential without the need for a planning application. The PD rights mean that the Council as the LPA cannot consider the impact of the change of use against planning policies. The lack of available alternative commercial premises is perceived as a particular issue for those businesses who have lost their premises as a result of PD rights in the first place.
- 1.3 There is also concern that other impacts from a change of use cannot be mitigated through permitted development rights, even where prior approval needs to be determined. These impacts include the size of the residential unit, lack of amenity and storage space and access.
- 1.4 Both Cranleigh Parish Council and Haslemere Town Council have therefore requested in writing that the Council considers making Article 4 directions so that a full planning application will be required for a change of use from commercial to residential. This will allow the Council as the LPA to fully consider the implications of any such proposal against adopted planning policies.

## **2.0 Changes of use from commercial to residential – the prior approval process**

- 2.1 A material change of use requires planning permission. However, under PD rights some changes of use do not require the submission of a planning application and achieve a “deemed permission” by government order. These include changes from businesses/storage use to residential (Use Classes B1a/B8 to C3) and from shops/financial and professional services to residential (Use Classes A1/A2 to C3).
- 2.2 However, before the change of use can take place, prior approval is formally required from the Council. Matters for prior approval depend on the type of change of use. For business (B1a) to residential, the matters for prior approval are flooding, highways and contamination. For a change of use from storage (B8) to residential,



matters for prior approval also relate to noise, air quality and whether the residential use would affect the sustainability of an area that provides storage or distribution for industrial use. For a change of use from shops (A1) to residential the matters also relates to the importance of the service the retail use provides, the impact on the shopping area if it is a key shopping area and the design/appearance of the building. These matters are the only ones that can be considered and cannot consider other planning matters such as the provision of parking, amenities and habitable floorspace to meet appropriate standards.

### **3.0 The Article 4 directions process**

3.1 The way Article 4 directions can be used and the procedure for making them is set out in legislation and the National Planning Practice Guidance. In summary, an Article 4 direction can:

- be either for operational development or a change of use;
- cover a specific area or a borough wide area;
- be temporary or permanent; and
- be either non-immediate (permitted development rights are only removed after formal confirmation of the Article 4 direction following local consultation) or immediate (where permitted development rights are removed immediately but must be confirmed within 6 months. This only relates to certain types of development such as development within the curtilage of a dwellinghouse, changes of use or temporary buildings).

3.2 However, if a planning application is required because of an Article 4 direction, it does not mean that planning permission should necessarily be refused. If planning permission is refused for a change of use that requires an application under an Article 4 direction, then the Council may be liable to pay compensation. Furthermore appeals could possibly be allowed if the grounds for refusal are unreasonable.

3.3 The Council can only confirm Article 4 directions following public consultation and after formally notifying the Secretary of State (SoS). The role of the SoS is to intervene only if there are very clear reasons to do so. However, this means that the justification for a direction needs to be robust.

3.4 A number of Councils have made Article 4 directions to manage the loss of commercial premises to residential that can currently be carried out under PD rights. Epsom and Ewell Borough Council have made Article 4 directions on specific office buildings to residential in Epsom Town Centre (they have also made them for three primary retail frontages in the Borough for shops to financial and professional services). Mole Valley District Council have Article 4 directions on specific office sites to residential in Dorking and Leatherhead. Winchester City Council has agreed to make an Article 4 direction to remove PD for a change of use from all offices to residential in the Winchester Town settlement boundary which is awaiting confirmation.

### **4.0 The case for making Article 4 directions**

4.1 The Council's placeshaping agenda seeks to ensure that the vitality and viability of all town and local centres are protected and enhanced. Policies in the Council's

newly adopted local plan seek to protect commercial premises, both offices and retail, to other uses. This is on the grounds that they make an important contribution to the economy of the borough and meet the needs of residents and businesses. The protection of these premises and areas has implications for the wellbeing of individuals and the communities that rely on them. Local Plan Part 1 identifies town and local centres as well as employment sites for protection. It also identifies the need for primary and secondary shopping areas.

- 4.2 The following table shows the loss of business/storage and distribution use (B1/B8) to residential and shops/financial and professional services floorspace to residential as a result of PD rights within the Borough since 1<sup>st</sup> April 2013 to the 31<sup>st</sup> March 2018.

Change of use allowed under development	Granted through Prior Approval sq. m	Implemented sq. m (as of 31/03/18)
B1/B8 to residential	33,554	12,612
A1/A2 to residential	1,540	638

- 4.3 The monitoring clearly shows that there could be a significant potential loss of B1 use (business). The Employment Land Review (ELR) 2016 states that the Borough had some 291,400 sq. m of B1 floorspace. Therefore, if all the prior approvals for B1 that were granted in the last four years were implemented, then approximately 12% of that B1 floorspace could potentially be lost. The amount of floorspace that could be lost also needs to be seen in the wider context that the ELR forecasts an overall need for approximately 16,000 sq. m of B1a/b floorspace in the Local Plan period. Therefore, any specific loss of B1a/b floorspace as a result of prior approvals will only increase the requirement for more of this type of commercial floorspace.
- 4.4 The potential loss of shops from PD rights is not such a significant issue in terms of total floorspace but it must be noted that generally these premises are much smaller in size than business units.
- 4.5 The monitoring (attached as Annexe 1) is based on floorspace and there is no particular location that has seen a particular concentration of loss of commercial premises. However, it is claimed that the loss of just one commercial property to housing in an industrial park or a town/local centre, regardless of its size, can have a significant impact on the attractiveness of that location for both new businesses and customers.
- 4.6 Both Cranleigh Parish and Haslemere Town Councils have submitted local evidence to support the making of Article 4 directions in their areas. The evidence from Cranleigh Parish Council has included the loss of Hewitts Industrial Estate, a centrally located employment site and the loss of greenhouses to the south of the village centre as a result of the planning permission for housing on Knowle Park. Following discussions with Cranleigh Chamber of Commerce and in anticipation of further loss of commercial floorspace, they consider that directions should be made on Manfield Park and Littlemead Industrial Estate. There is also a view that a direction should be made on individual commercial properties around the village.

The request from Haslemere comprises both the loss of business and retail premises that are located in the commercial centres of Beacon Hill and Wey Hill.

- 4.7 The requirement for a planning application would allow the Council to consider other planning matters that cannot be considered even through the prior approval process. This would ensure that specific planning standards are considered.

## **5.0 Factors to relevant to considering making Article 4 directions**

- 5.1 The making of an Article 4 direction for specific premises or areas would allow the Council to consider its planning policies through a planning application where currently an application is not required. However, this has to be balanced against whether Article 4 directions will actually meet the objective of resisting the loss of existing commercial premises and maintaining the vitality and viability of an area.
- 5.2 Firstly, it is important that there is robust evidence that justifies making an article 4 direction. Although Cranleigh Parish and Haslemere Town Council have submitted evidence, this relies on information about which premises have been lost rather than what the impact has been on the vitality and viability of the commercial areas the premises lie within.
- 5.3 Although the Local Plan Part 1 names the town and local centres that should be protected, the actual identification of the centres and their primary and secondary frontages have yet to be updated from the 2002 Local Plan. This will be a function of Local Plan Part 2. Neighbourhood centres or shops in the Borough have also not been identified. Without an up to date identification of a town, local or neighbourhood centre there is currently not a robust planning policy framework to support an Article 4 direction which would be required to specify the premises or area it relates to.
- 5.4 As such, there needs to be more empirical evidence regarding the impact of PD rights for changes of use on specific locations to support designations of commercial areas for protection in Local Plan Part 2 or in a neighbourhood plan which would in turn provide the policy framework for justifying an Article 4 direction. For instance, Epsom and Ewell's BC's supporting evidence for their Article 4 directions included that gathered for preparing their local plan and an office demand study. Mole Valley BC commissioned a specific study to assess the impact of office to residential conversions on the commercial markets of Dorking and Leatherhead to support Article 4 directions. Winchester City Council has agreed to make an Article 4 direction to remove PD for a change of use from offices to residential. This relied on the findings of the Property Market Study July 2016 that was commissioned by the Enterprise M3 Local Enterprise Partnership (LEP). This study identified Winchester as having one of the greatest proliferation of residential development in previously commercial areas.
- 5.5 Secondly, a robust planning policy framework is needed because the making of an Article 4 direction still means that a planning application is required. The application still needs to be determined in accordance with planning policy. Although the new Local Plan seeks to protect commercial premises, consistent with local plan and national planning policy an application can still be approved if it can be demonstrated that there is no reasonable prospect that the employment use can continue. This is so even where there is evidence that the change of use of

premises would be detrimental to the vitality and viability of the commercial centre. When Epsom and Ewell made Article 4 directions they justified it on the grounds that the procedure would not affect their flexibility in allowing changes of use in accordance with national planning policy.

- 5.6 Thirdly, the national planning policy context needs to be considered in the light that when the Government first looked to introduce the permitted development rights to allow change of use from office to residential in 2011 the Council's application to be exempt from the PD rights was unsuccessful. The change to PD rights to allow for conversions without planning applications was introduced as part of the Government's push to significantly boost the supply of homes to meet housing needs with the priority of meeting it on brownfield land. Therefore, there is a possibility that the SoS could intervene when notified of an Article 4 direction. This reinforces the need for robust evidence to justify the direction. This could include getting the LEP to support making any Article 4 direction (as Epsom and Ewell has done). However, the Council needs to consider whether controlling the loss of commercial premises will have implications for our attempts to reduce the need to build on greenfield land to accommodate the housing we are required to deliver.
- 5.7 Fourthly, it is not apparent how, in some cases, the making of an article 4 direction for shops and storage will allow the Council as the LPA to consider more fully the impact on a commercial area than the existing prior approval process already allows. The existing prior approval procedure allows councils to consider the loss of an existing retail use and the impact on a key shopping area. For storage premises prior approval includes considering the impact of the loss of that facility.
- 5.8 Furthermore, in some of the examples put forward by Cranleigh Parish and Haslemere Town Council to justify their request, the change of use has been as a result of granting a permission for a planning application. The making of an Article 4 direction therefore would not have affected the procedure. The applications would have been considered against local plan and national planning policy.
- 5.9 Article 4 directions needs to be considered in the light of the time required to make them. Annexe 2 sets out an indicative timeline for making one in accordance with the legal requirements. As shown, it can take around 6 months to make one. Both Cranleigh Parish and Haslemere Town Council appear to request making them for both for individual properties and for specific areas in different locations. To prepare them all will be resource intensive. If an Article 4 direction is made for one property or for location then it will be difficult to resist making other directions in the borough where similar issues are experienced.
- 5.10 Finally, if an Article 4 direction is made and an application is refused then there is a risk that compensation will have to be paid. Furthermore if an application is subsequently appealed then potentially there is a risk that costs could be awarded against the Council for making an unreasonable decision.

## **6.0 Options**

It is considered that there are four options for the Council to decide on:

- 1) Preparing Article 4 directions for all the commercial premises and/or areas that town or parish councils have requested them for.

- 2) Prepare Article 4 direction for a change of use from one specific use class or use classes (e.g. for offices and/or for retail) in areas that have been specifically identified by Waverley (e.g. for the main town centres and/or for neighbourhood centres) following the gathering of evidence.
- 3) Prepare an Article 4 direction for just one commercial area that has been requested by a town/parish council to allow Waverley to assess its success in protecting the vitality and viability of the area.
- 4) Do nothing.

## **7.0 Conclusion**

- 7.1 The Council's objective of placeshaping and the importance of its commercial areas to Waverley's communities' needs to be balanced against the uncertainty that Article 4 directions will protect commercial properties and areas from being lost to housing. Therefore, it is recommended that the Council prepares an Article 4 direction for just one commercial area. The Council would then be able to assess its effectiveness in considering making other directions for the Borough.
- 7.2 It is considered that Haslemere Town Council's request for commercial premises on Beacon Hill Road should be the commercial area considered for a non-immediate Article 4 direction. This is because of its relative vulnerability to changes of use through PD rights and its importance to the wellbeing of the local community who currently rely on its businesses, shops and services. The specific area to be subject to the Article 4 direction will be determined following the gathering of further evidence of the impact of PD rights on commercial properties within the area. Annexe 3 gives a general indication of the area of Beacon Hill that could be considered further for an Article 4 direction.
- 7.3 It is recognised that other retail and businesses premises and centres make a valuable contribution to the economy and the needs of businesses and the communities that they serve. These include Manfield Park and Littlemead Industrial Estate in Cranleigh. However, the threat to the vitality and viability to these areas is not as apparent as the threat to Beacon Hill where there has already been a significant loss of commercial properties to housing. The premises in Manfield Park and Littlemead Industrial Estate are in business/industrial use and therefore some of them do not lend themselves to a straight change of use to housing. Therefore, they would require a planning application for conversion or redevelopment to housing.
- 7.4 The power to make an Article 4 direction under the Council's approved Scheme of Delegation lies with the Head of Planning Services. However, in view of the general local interest and sensitivity surrounding this matter, the steer of the Joint Planning Committee is sought on the way forward.

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## **Recommendation**

It is recommended to Council to agree that

- 1) An article 4 direction to withdraw permitted development rights for a change of use from commercial to residential for just one commercial area that has been

requested by a town/parish council to allow Waverley to assess its success in protecting the vitality and viability of the commercial area be prepared;

- 2) The commercial area that the article 4 direction is to be prepared for is an area located around Beacon Hill Road, Beacon Hill, Haslemere - the specific area to be determined by the Head of Planning Services in conjunction with the gathering of specific evidence on the impact of the loss of commercial premises to residential on the vitality and viability of the commercial area; and
- 3) That the preparation is for a non-immediate article 4 direction.

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### Background Papers

There are no background papers (as defined by Section 100D (5) of the Local Government Act 1972) relating to this report.

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### **CONTACT OFFICER:**

**Name:** Matthew Ellis

**Telephone:** 01483 523297

**E-mail:** [matthew.ellis@waverley.gov.uk](mailto:matthew.ellis@waverley.gov.uk)

All Prior approvals **B1/B8** to **C3** from 1st of April 2013 to 31<sup>st</sup> March  
2018

MAIN_PERMISSIO N	PREVIOUS LAND USE	LOCATION	PERMITTED NET	COMMENC ED	COMPLET ED	FLOORSPACE M/2
CR/2013/0001	Business (B1)	The Oast House, Park Row, Farnham, GU9 7JH	4		Oct-14	-519.14
CR/2013/0002	Business (B1)	Suites A & B, First Floor, 18 Lion And Lamb Yard, Farnham, GU9 7LL	7		Feb-14	-467
CR/2013/0005	Business (B1)	1A Chapel Lane, Milford, GU8 5HU	1		Jun-15	-135.5
CR/2013/0007	Business (B1)	First & Second Floor, 26 & 27 Downing Street, Farnham, GU9 7PD	2		May-14	-158.87
CR/2013/0008	Business (B1)	1D Chapel Lane, Milford, GU8 5HU	1		Oct-14	-115.47
CR/2013/0013	Business (B1)	Honeygreen Barn, Smithbrook, Horsham Road, Cranleigh GU6 8LH	1			-162
CR/2013/0014	Business (B1)	Great Barn, Smithbrook, Horsham Road, Cranleigh GU6 8LH	3			-137.34
CR/2013/0015	Business (B1)	The Bothy, Smithbrook, Horsham Road, Cranleigh GU6 8LH	2			-143
CR/2013/0016	Business (B1)	The Garden Office, 70 High Street, Haslemere, GU27 2LA	1		Jul-14	-65.26
CR/2013/0017	Business (B1)	20 The Borough, Farnham GU9 7NQ			Sep-14	-571.81
CR/2013/0018	Business (B1)	The Studio, 70 High Street, Haslemere, GU27 2LA	1		Jul-14	-48.83
CR/2013/0019	Business (B1)	Panda House, Weyside Park, Catteshall Lane, Godalming, GU7 1XR	36		Sep-15	-2740

CR/2013/0021	Business (B1)	Sandford House, Catteshall Lane, Godalming, GU7 1NQ	8			-928.53
CR/2013/0022	Business (B1)	Block B, Former Clenmay House, Runfold St George, Farnham, GU10 1PL	4		Apr-16	-229.88
CR/2013/0023	Business (B1)	The Yard, Ewhurst Road, Cranleigh GU6 7EF	1			-85
CR/2013/0026	Business (B1)	Suite F1, 9 Lion and Lamb Yard, Farnham, GU9 7LL	2		Jun-14	93.08
CR/2013/0027	Business (B1)	Propsect House GU9 0QB			Apr-15	-58.83
CR/2013/0034	Business (B1)	Firlex House, 18 Firgrove Hill, Farnham, GU9 8LQ	6		Oct-16	-314.86
CR/2013/0035	Business (B1)	1 The Mews, Wharf Street, Godalming, GU7 1NN	4			-171.97
CR/2013/0036	Business (B1)	Units 1 Runfold House, Runfold St George, Badshot Lea, GU10 1PL	2			-134.89
CR/2013/0037	Business (B1)	Network House, Lower South Street, Godalming, GU7 1BZ	9			-720.6
CR/2014/0001	Business (B1)	The White House, Crossways, Churt GU10 2JA	2		Nov-15	-200
CR/2014/0002	Business (B1)	The First Floor Office, 70 High Street Haslemere, GU27 2LA	1		Jul-14	-66.75
CR/2014/0003	Business (B1)	45 The Fairfield, Farnham, GU9 8AG	2		Oct-15	-167.52
CR/2014/0004	Business (B1)	84A Lammas Gate, Meadrow, Godalming, GU7 3HT	2		Feb-17	-87.78
CR/2014/0005	Business (B1)	Ockford Mill, Ockford Road, Godalming, GU7 1RH	10			-839.95



CR/2014/0006	Business (B1)	2, Carlton Yard, Victoria Road, Farnham, GU9 7RD	1		Sep-14	-373.9
CR/2014/0007	Business (B1)	26 27 Downing Street, Farnham GU9 7PD			Jun-15	-208.56
CR/2014/0012	Business (B1)	Thornbrook House, Weyside Park, Godalming GU7 1XE	30		Apr-17	-2413.46
CR/2014/0014	Business (B1)	Craven House, Station Road, Godalming GU7 1EX	23		2017	-1461
CR/2014/0020	Business (B1)	First and Second Floor Offices, 1 St Johns Court, Farncombe Street, Godalming GU7 3BA	2		Aug-16	-181.76
CR/2014/0021	Business (B1)	Sandford House, Catteshall Lane, Godalming GU7 1LG	9	Aug-17		-593.89
CR/2014/0022	Business (B1)	Bullimores House, Church Lane, Cranleigh GU6 8AR	5			-400
CR/2014/0023	Business (B1)	25 Long Garden Walk, Farnham GU9 7HX	1		May-15	-165.55
CR/2014/0024	Business (B1)	First and Second Floors East Lodge House, 116-120 High Street, Cranleigh GU6 8AJ	5			-271.65
CR/2014/0025	Business (B1)	The Old Mission Hall, Hookstile Lane, Farnham GU9 8LG	1		Mar-15	-160
CR/2014/0027	Business (B1)	1st Floor, The Eastern Building, Smithbrook Kilns, Cranleigh GU6 8JJ	2			-130.87
CR/2014/0028	Business (B1)	Mezzanine Floor, The Kiln Building 85 Smithbrook Kilns Cranleigh GU6 8JJ	4			-200
CR/2014/0029	Business (B1)	1st Floor, The Kiln Building, 85 Smithbrook Kilns Cranleigh GU6 8JJ	4			-180

CR/2014/0030	Business (B1)	2nd Floor, The Kiln Building, 85 Smithbrook Kilns, Cranleigh GU6 8JJ	3			-130
CR/2014/0031	Business (B1)	2nd Floor, The Eastern Building, Smithbrook Kilns, Cranleigh GU6 8JJ	2			-130.87
CR/2014/0032	Business (B1)	Millbridge House, Frensham Road, Frensham GU10 3AB	3		Aug-15	-371.25
CR/2014/0033	Business (B1)	2 Ballfield Road, Godalming GU7 2EZ	1			58
CR/2014/0035	Business (B1)	Highfield, Brighton Road, Godalming GU7 1NS	11		Jun-16	1000.7
CR/2014/0036	Business (B1)	Roebuck House and Latimer House, Brighton Road, Godalming GU7 1NS	2			623.3
CR/2014/0037	Business (B1)	Roebuck House & Latimer House, Brighton Road, Godalming GU7 1NS	6		Jul-16	-314.86
CR/2014/0038	Business (B1)	Western House, 250 High Street, Cranleigh GU6 8RL	2	Mar-15		-211
CR/2014/0039	Business (B1)	The White Building, Unit 2 The Reeds Business Units, The Reeds Road, Frensham GU10 3BP	1			-229.67
CR/2014/0041	Business (B1)	VDU House, Old Kiln Lane, Churt, Farnham GU10 2JH	1		Mar-15	-75.75
CR/2014/0042	Business (B1)	1 The Square, Farnham GU10 4AA	2		Mar-16	-177.78
CR/2014/0043	Business (B1)	10 Queen Street, Godalming, GU7 1BD	2		May-16	-123
CR/2014/0044	Business (B1)	Bridge House, South Street, Farnham GU9 7RS	14	Oct-16		-633.7
CR/2014/0045	Business (B1)	4 Ballfield Road, Godalming, GU7 2EZ	1	Jul-15		-150
CR/2014/0046	Business (B1)	78 Meadrow, Godalming GU7 3HT	1			-50
CR/2014/0048	Business (B1)	5 Bank Buildings, 157 High Street, Cranleigh GU6 8BB	1		May-15	-151.74

CR/2014/0049	Business (B1)	Miltons House, Miltons Yard, Petworth Road, Witley GU8 5LH	4			-418.56
CR/2014/0050	Business (B1)	Prospect House, Bethel Lane, Farnham GU9 0QB	9		Jul-15	-580
CR/2014/0051	Business (B1)	West House, 19-21 West Street, Haslemere GU27 2AB	12			-941
PRA/2015/0025	Storage (B8)	Dockenfield Farm Barn C, Pitt Lane, Frensham	1			-235
CR/2015/0002	Business (B1)	Exchange House, Hindhead Road, Hindhead GU26 6AA	7		Sep-16	353
CR/2015/0005	Business (B1)	95 Farnborough Road, Farnham GU9 9AL	2		Apr-16	-264.98
CR/2015/0007	Business (B1)	The Old Hop Kiln, 1 Long Garden Walk, Farnham GU9 7HX	5			-250
CR/2015/0010	Business (B1)	The Old Forge, The Green, Elstead GU8 6DD	1			-87.65
CR/2015/0011	Business (B1)	Bridge House, Flambard Way, Godalming GU7 1JB	8			-241.68
CR/2015/0013	Business (B1)	CAR LEASING HOUSE, HIGH STREET, BRAMLEY GU5 0HS	1		Jul-17	-60.98
CR/2015/0014	Business (B1)	Exchange House, Hindhead Road, Hindhead, GU26 6AA	1			-37.34
CR/2015/0015	Mixed Use (Primarily B1a)	24 Long Garden Walk, Farnham GU9 7HX	1		Apr-16	-99.94
CR/2015/0016	Business (B1)	The Barbican, East Street, Farnham GU9 7TB	13		Apr-17	-820
CR/2015/0017	Business (B1)	The Woolmead East Street Farnham	96			-3620.69
CR/2015/0018	Business (B1)	Craven House, Station Road, Godalming GU7 1EX	21	Mar-16		-869.73

CR/2015/0019	Business (B1)	Southern House, Flambard Way, Godalming, GU7 1HH	10			-572.97
CR/2015/0020	Business (B1)	Ground Floor and First Floor, Jacobson House, Barford Lane, Churt, GU10 2JD	3			-319.71
CR/2015/0021	Business (B1)	Catteshall Manor & Dean Cottage, Catteshall Lane, Godalming, GU7 1UU	16			-1574.82
CR/2015/0023	Business (B1)	The Courtyard, Eastwood Road, Bramley GU5 0DS	6			-506.03
PRA/2016/000cr8	Storage (B8)	Top Yard, Hyde Lane, Churt, Farnham GU10 2LP	1	July-17		-61
PRA/2016/0007	Storage (B8)	Storage building to rear of Pevensey Beacon Hill Road Hindhead GU26 6NT	1			-115
CR/2016/0001	Business (B1)	Longdene House, Hedgehog Lane, Haslemere GU27 2PH	14			-1180.94
CR/2016/0004	Business (B1)	The Old Barn, Ewhurst Road, Cranleigh GU6 7EF	2		Jul-17	-107.21
CR/2016/0007	Business (B1)	The Old Exchange, West Street, Farnham GU9 7AS	1			-231.58
CR/2016/0008	Business (B1)	39 Hamilton House, Kings Road, Haslemere GU27 2QA	1	Aug-16		-173.56
CR/2016/0009	Business (B1)	4 High Street, Bramley GU5 0HB	3			-895
CR/2016/0010	Business (B1)	Southern House, Flambard Way, Godalming GU7 1HH	17			-856
CR/2016/0011	Business (B1)	Pinecroft, Churt Road, Hindhead GU26 6PD	4			-124.98
CR/2016/0013	Business (B1)	Thornbrook House, Weyside Park, Catteshall Lane, Godalming GU7 1XE	35			-2313.29

CR/2016/0019	Business (B1)	Standard House, Weyside Park, Catteshall Lane, Godalming GU7 1XE	33			-1628.08
CR/2016/0022	Business (B1)	51A Lion Lane, Haslemere GU27 1JF	1			-92.89
CR/2016/0023	Business (B1)	Peel House, Upper South View, Farnham GU9 7JN	5			-249.86
CR/2016/0025	Business (B1)	Old Searchlights, Runwick Lane, Farnham GU10 5EF	2			-111.34
CR/2017/0003	Business (B1)	Wagon Barn, Smithbrook Barns, Horsham Road, Cranleigh GU6 8LH	1			-220
CR/2017/0004	Business (B1)	The Old Forge, Smithbrook Barns, Horsham Road, Cranleigh GU6 8LH	1			-220
CR/2017/0008	Business (B1)	Suite C2, 12 Lion and Lamb Yard, Farnham GU9 7LL	1			-127.46
CR/2017/0009	Business (B1)	Muscott House, 6a Meadrow, Godalming	4			180
CR/2017/0013	Business (B1)	WESTBROOK MILLS, BOROUGH ROAD, GODALMING GU7 2AZ	99			-2694.37
CR/2017/0014	Business (B1)	26 ST GEORGES ROAD, FARNHAM GU9 8NB	2			-136
CR/2017/0016	Business (B1)	24 PETWORTH ROAD, HASLEMERE GU27 2HR	1			-127

<b>Total amount of potential floor space to be lost from 1/04/13 (All Permissions) SqM</b>						<b>-33554.31</b>
B1						-33143.31
B8						-411
<b>Total amount of actual floor space lost from 1/04/13 (Completed) SqM</b>						<b>-12612.44</b>
B1						-12612.44
B8						-0
<b>Total sites Completed</b>					<b>38</b>	

Total sites Commenced		7		
Net Dwellings	695			

All Prior approvals **A1/A2** to **C3** from 1st of April 2013 to  
31<sup>st</sup> March 2018

MAIN PERMISSION	PREVIOUS LAND USE	LOCATION	PERMITTED NET	COMMENCED	COMPLETED	FLOORSPACE M/2
PRA/2014/0005	Services (A2)	Richmond House, 124 High Street, Cranleigh GU6 8RF	1		Aug-15	-87.36
PRA/2014/0007	Shops (A1)	97 Farnborough Road, Farnham GU9 9AL	1		Jul-15	-61.35
PRA/2014/0012	Shops (A1)	20A Farncombe Street, Godalming GU7 3LH	1			-139
CR/2014/0048	Shops (A1)	5 Bank Buildings, 157 High Street, Cranleigh GU6 8BB	2		Dec-16	-151.74
PRA/2015/0001	Services (A2)	Beacon Hill Chambers, Churt Road, Hindhead GU26 6NW	2		Sep-15	-127
PRA/2015/0003	Shops (A1)	7 Beacon Hill Road, Hindhead GU26 6NR	1		Dec-17	-60

PRA/2015/0006	Shops (A1)	Pevensey, Beacon Hill Road, Hindhead GU26 6NT	5			-304
PRA/2015/0008	Shops (A1)	22A Weybourne Road, Farnham GU9 9ES	1		Dec-15	-40
PRA/2015/0029	Shops (A1)	Crown House, Lower Street, Haslemere GU27 2PD	2		Nov-16	-110.77
PRA/2016/0006	Shops (A1)	60 - 62 Wey Hill, Haslemere GU27 1HN	1			-39.24
PRA/2016/0010	Shops (A1)	79 Wey Hill, Haslemere GU27 1HN	2			-145.21
PRA/2016/0011	Shops (A1)	77, Wey Hill, Haslemere GU27 1HN	2	Aug-17		-145.21
PRA/2016/0015	Shops (A1)	The Bourne Newsagency, 48 Frensham Road, Lower Bourne	1			-83.99
PRA/2016/0020	Shops (A1)	43 East Street, Farnham GU9 7SW	1			-45.44

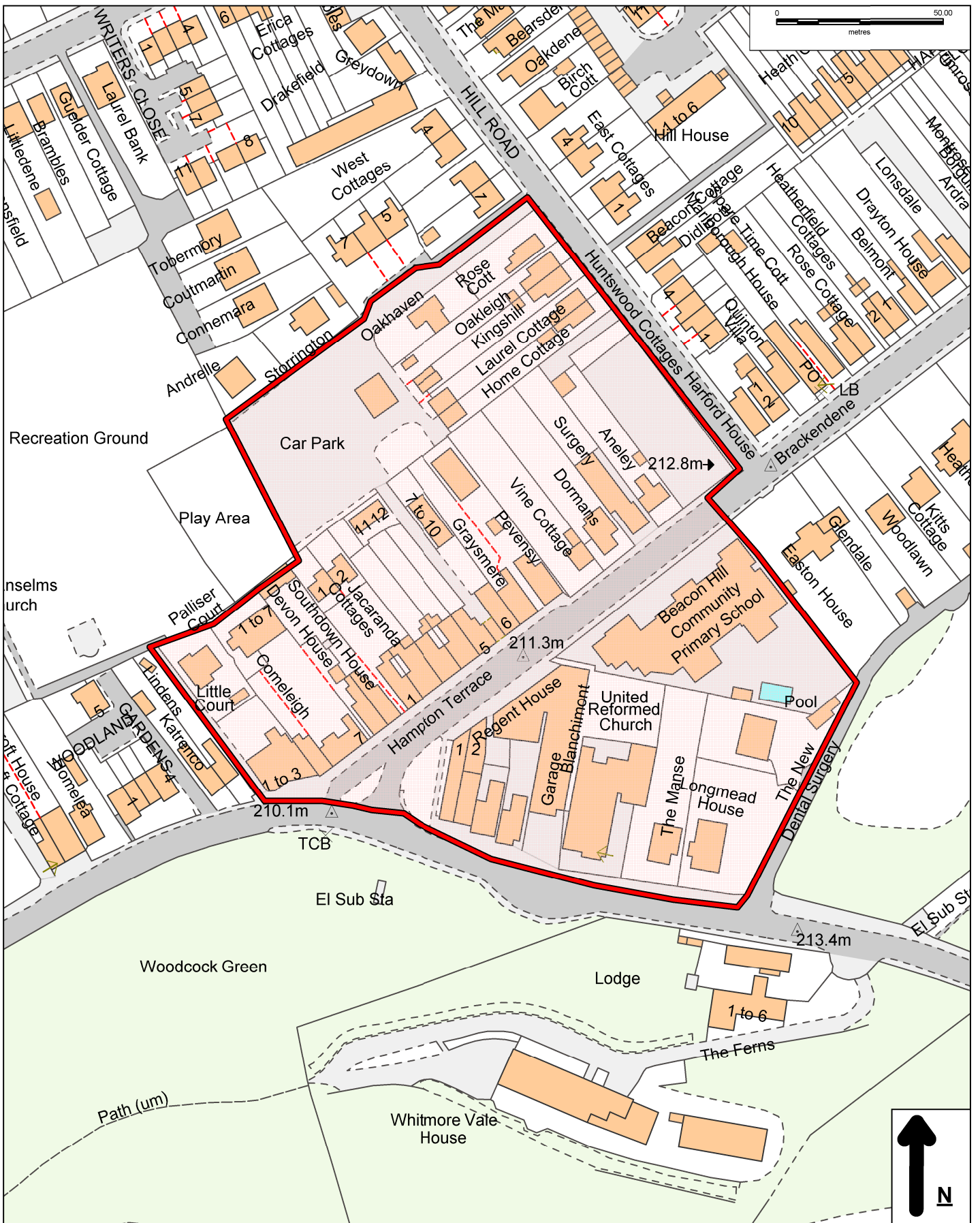
Total amount of potential floor space to be lost from 1/04/13 (All Permissions) SqM						-1540.31
A1						-1325.95
A2						-214.36
Total amount of actual floor space lost from 1/04/13 (Completed) SqM						-638.22
A1						-423.86
A2						-214.36
Total sites Completed					7	
Total sites Commenced				1		
Net Dwellings			23			





Task	Wk1	Wk2	Wk3	Wk4	Wk5	Wk6	Wk7	Wk8	Wk9	Wk10	Wk11	Wk12	Wk13	Wk14	Wk15	Wk16	Wk17	Wk18	Wk19	Wk20	Wk21	Wk22
Collect local evidence from parish councils/ businesses/residents regarding the impact of loss of commercial premises to housing	Green	Green	Green	Green																		
Gather additional evidence on the impact (i.e. survey of shop fronts/concentration of business uses)	Green	Green	Green	Green																		
Consider if a direction is appropriate and whether immediate or non immediate					Green																	
Mapping of proposed area or premises				Green	Green	Green																
Draft recommendation						Green	Green															
Draft Art 4 direction						Green	Green	Green														
Formal confirmation to make art 4 direction									Red													
Agree art 4 direction with legal services									Red													
prepare notice of immediate or non immediate direction						Blue	Blue	Blue	Blue													
advertise in local press										Blue												
display site notice										Blue	Blue	Blue	Blue	Blue	Blue							
serve notice on every individual owner of land to which the art 4 direction relates										Blue												
Notify Secretary of State										Blue												
Period for representations										Blue	Blue	Blue	Blue									
Consider representations and determine whether to confirm the direction														Blue								
Amend art 4 direction if needed														Blue	Blue							
Confirm direction																Red						
advertise in local press																	Green					
display site notice																	Green	Green	Green	Green	Green	Green
serve notice on every individual owner of land to which the art 4 direction relates																	Green					

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### ANNEX 3

Proposed Article 4 Direction For Beacon Hill-

Indicative area for further consideration



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# Agenda Item 7.

A1	WA/2017/1362 S Forrester Cala Homes (South Home Counties) Ltd 17/07/2017	<u>Erection of 33 new dwellings and associated garaging (including 5 additional affordable dwellings) following the omission/alteration of 22 dwellings on part of the previously consented site giving a net gain of 11 dwellings. at Amlets, Amlets Lane, Cranleigh GU6 7DH (as amended on the 16.01.2018)</u>
	Committee: Meeting Date:	Joint Planning Committee 16/05/2018
	Public Notice: Grid Reference:	Was Public Notice required and posted: Y E: 506319 N: 140093
	Parish: Ward: Case Officer: Expiry Date: Time Extended Date: Neighbour Notification Expiry Date:	Cranleigh Cranleigh East Chris French 15/10/2017 28/03/2018 30/01/2018

## RECOMMENDATION A

That, subject to completion of a 106 agreement within 6 months of the date of the committee resolution to secure Management and Maintenance of Play space and SuDS, provision of 40% affordable housing and financial contributions towards: Education, Transport and Environmental Improvements and subject to conditions and informatives permission be GRANTED.

## RECOMMENDATION B

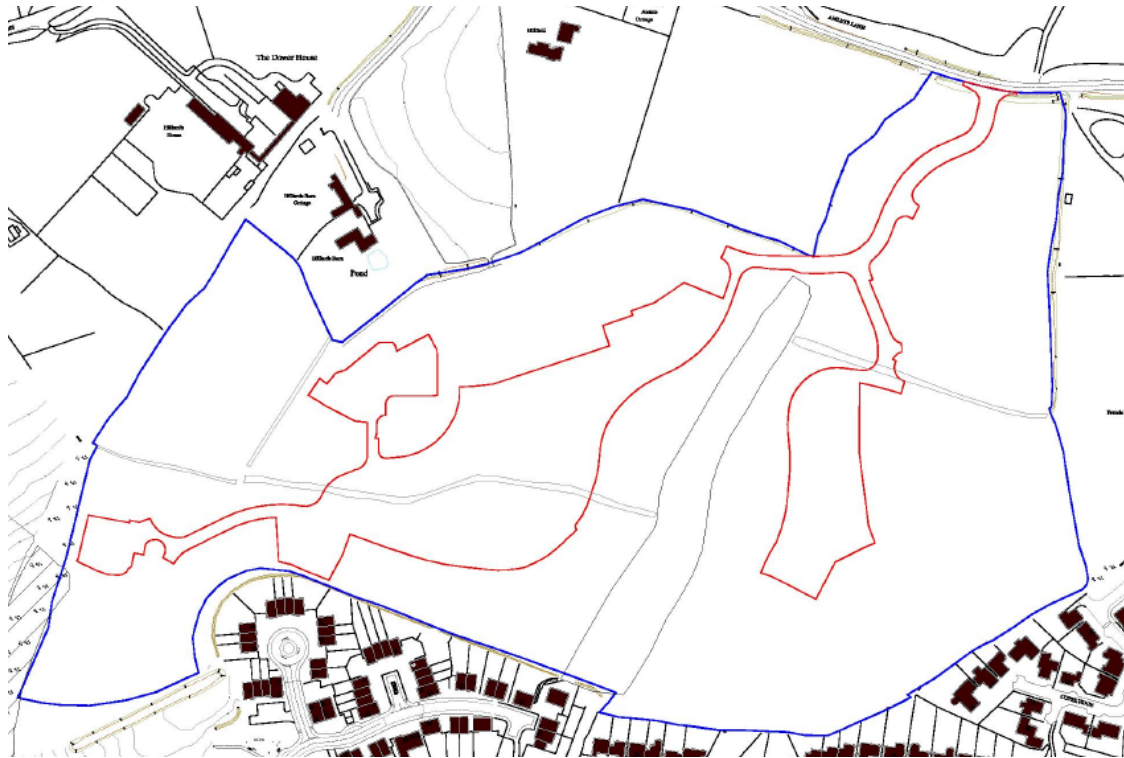
That, if the requirements of Recommendation A are not met, that permission be REFUSED.

## Introduction

This site benefits from planning permission for 125 dwellings, with outline consent granted under WA/2014/1038 and reserved matters initially approved under reference WA/2016/0517 with conditions subsequently varied under references WA/2016/0848.

This application seeks planning permission for part of the site which contained 22 units to provide 33 units, this is proposed to be achieved by changes to the layout and mix of this part of the site. The proposal would therefore result in a net increase of 11 units (total of 136 across the wider site).

### Location Plan



### Layout Plan



### Site Description

The application site comprises of approximately 1.5 hectares of land forming part of the wider development site comprising of 13.2 hectares of land for the development of 125 dwellings. The site is located to the north of Cranleigh, abutting the northern limits of the settlement.

The consented layout is being built out, and parts of the site subject to this revised application are being left until the outcome of this submission. The site is therefore surrounded by land where development is underway.

Amlets Lane runs to the north of the site and the site entrance along with parts of the spine road have been put in place in accordance with the consented scheme.

Overhead power lines supported on wooden poles run across the site. Public Footpath No. 346 enters the site from the north at Amlets Lane, and charts a straight south-west path, until it reaches the residential development to the south at Roberts Way.

### Proposal

This application seeks planning permission for 33 dwellings. The access onto Amlets Lane would be unaltered, the internal spine road would remain as consented, the changes to the layout are primarily changes to the units proposed with a number of the larger detached units being replaced with semi detached dwellings or terraces.

The application proposes 33 dwellings with the following mix:

Total proposed under this application

Number of bedrooms	
1 bedroom	0
2 bedroom	3
3 bedroom	27
4 bedroom plus	3
Total	33

This application would provide five additional units of affordable housing, (2x2 bedroom for affordable rent and 3x3 bedroom dwellings for shared ownership) and would ensure that the total provision across the development site as a whole would remain at 40%.

To put the proposal in context with the wider site, the resultant mix for the development as a whole once adjusted would be as set out below:

Total housing mix across the development site

Number of bedrooms	
1 bedroom	15
2 bedroom	45
3 bedroom	66
4 bedroom plus	10
Total	136

Total affordable housing mix across the development site

Number of bedrooms	
1 bedroom	11
2 bedroom	26
3 bedroom	18
4 bedroom	0
Total	55



The tenure split between affordable rent and shared ownership would remain at the 50:50 split which was agreed at the reserved matters stage.

### Heads of Terms

By way of a deed of variation to the original agreement on the site the following shall be secured:

- Provision of 5 additional units of affordable housing in accordance with the scheme submitted
- Provision and maintenance of SuDS on site
- Education £50,082
- Provide each dwelling with a combined cycle/public transport voucher of £200 per dwelling
- £13,937.44 towards Cranleigh's Future Highways and Transport Requirements
- £5,380 for providing sustainable transport infrastructure improvements to bus stops on Ewhurst Road and Parsonage Road
- £1,760 towards surface and drainage improvements on Public Bridleway No. 350
- £2,139 towards Centenary Garden at Snoxhall Fields
- The submission of a Management Plan and Landscape Management Plan for the Managed Land

### Relevant Planning History

WA/2016/0998	Application under Section 73 to vary condition 40 of WA/2014/1038 (pre commencement condition for sewerage systems)	Refused	10/08/2016
WA/2016/0848	Application under Section 73 to remove Condition 31 of WA/2014/1038 (requirements to meet sustainable homes code) (as amplified by email received 16/06/2016).	Full permission Implemented	20/06/2016
WA/2016/0517	Erection of 125 dwellings together with public parkland with mixed use including orchard, food growing and wildlife habitat (reserved matters)	Full Permission Implemented	10/11/2016

WA/2014/1038	Outline application for the erection of up to 125 dwellings and a mixed use Community Building (Classes D1 and B1a) together with public parkland with mixed use including orchard, food growing and wildlife habitat and associated works with all matters reserved.	Full permission Implemented	20/11/2014
SO/2014/0002	Request for Screening Opinion for proposed residential development of approximately 150 dwellings with associated community infrastructure	EIA Required SoS: EIA not Required	03/03/2014

### Planning Policy Constraints

Footpath No. 346

Countryside beyond Green Belt – outside any settlement

High Archaeological Potential

Site of Archeological Interest

Tree Preservation Order

Potentially contaminated land

### Development Plan Policies and Proposals

The development plan includes:

- Waverley Borough Council Local Plan Part 1 Strategic Policies and Sites 2018 Policies: SP1, SP2, ALH1, ST1, ICS1, AHN1, AHN3, LRC1, RE1, TD1, NE1, NE2, CC1, CC2, CC3, CC4
- Waverley Borough Local Plan 2002 (retained policies February 2018): D1, D2, D4, D6, D7, D8, D9, C7, HE15, CF2, RD9, M5.

In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) due weight has been given to relevant retained policies in the Waverley Borough Local Plan 2002.

Other guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)

- Land Availability Assessment (2016)
- West Surrey Strategic Housing Market Assessment (2015)
- Infrastructure Delivery Plan (2012)
- Settlement Hierarchy (Update 2012)
- Climate Change Background Paper (2011)
- Open Space, Sport and Recreation (PPG17) Study 2012
- Strategic Flood Risk Assessment (2015/2016)
- Planning Infrastructure Contributions SPD (2008)
- Cycling Plan SPD (April 2005)
- Council's Parking Guidelines (2013)
- Density and Size of Dwellings SPG (2003)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
- Waverley Local Plan Strategic Highway Assessment (Surrey County Council, 2016)
- Surrey Design Guide (2002)
- Cranleigh Design Statement 2008
- National Space Standards 2015

Consultations and Town/Parish Council Comments

<p>County Highway Authority</p>	<p>No objection 29.08.2017</p> <p>The Transport Assessment for WA/2014/1038 was based on a technical assessment of 150 dwellings.</p> <p>The additional 11 units should be subject to a proportionate uplift in infrastructure requirements.</p> <p>Further comments 27.04.2018</p> <p>Whilst on going surface water drainage issues need to be rectified, the Highway Authority does not consider this is causing a highway safety or capacity problem on Amlets Lane...</p> <p>The Highway Authority therefore</p>
---------------------------------	--

	advises that the proposed development is acceptable subject to the recommended highway conditions and obligations.
Parish Council	No objection subject to response from Surrey County Highways
Local Lead Flood Authority	No objection subject to condition
Surrey County Archaeologist	No objection and no need for further surveys.
Natural England	No comments
Thames Water	No objection with regards to sewerage infrastructure capacity.
Forestry Commission	Standing advice should be applied to the development
Environmental Health – Waste and Recycling	Bin storage will be required for each property
Environmental Health - Contaminated Land	No objection

### 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 18/08/2017 site notices were displayed around the site 07/09/2017 and neighbour notification letters were sent on 03/08/2017.

36 letters have been received raising objection for the following reasons:

- Infrastructure is not in place to cope with additional homes.
- Lack of bus services will limit opportunities to access public transport.
- Inadequate roads – Amlets Lane is narrow and busy – safety risk to road users. Previous development along this road did not take this into consideration.
- Recent development in the area has vastly increased pressure on the surrounding roads.
- Concerns about the impact of the single access point (as opposed to the two access points submitted in the original 2014 plans) on Amlets Lane.
- Would support the scheme provided the extra 22 dwellings fall into affordable housing category.

- Planning permission has previously been granted for large schemes that have proven difficult to sell.
- Deterioration to local water body, Cranleigh Waters, would be illegal under EU environmental law.
- Concerns regarding the process of amending applications.
- Concerns regarding the extent to which objections are taken into account.
- Dwellings on the highest point of the site would have a negative impact on light pollution.
- The number of dwellings proposed is close to the number that was previously rejected.
- Reducing the number of units from 15 to 11 is insignificant, any increase in numbers would increase traffic onto Amlets Lane.
- Original application of 150 units was rejected on grounds of traffic in Amlets Lane.

## Planning Considerations

### Principle of development

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy SP1 of the Local Plan (Part 1) 2018 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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.

Whilst the site still remains in the countryside as identified on the proposals map of the Local Plan, the principle of development of this site for residential purposes has been established through the grant of planning permission for the comprehensive residential development of the site for 125 dwellings.

It is therefore the specific impact from the revisions to the design of properties, changes in layout and the provision of the additional 11 dwellings that is considered in this report.

#### Planning history and differences with previous proposal

Reserved matters in relation to design and layout were consented under reference WA/2016/0517, this current application seeks permission for an additional 11 units on the site. The two layouts are provided below for reference:

#### Current proposal



## Consented layout



The test for members is whether having regard to the changes, the current proposal is materially more harmful than the approved scheme or is acceptable in its own right.

### Housing Land Supply

On 20th February 2018, the Waverley Borough Local Plan Part 1 2018 was adopted which set out a housing trajectory up to 2032. The examining Local Plan Part 1 Inspector concluded in his report dated 1<sup>st</sup> February 2018 that the Council does have five years' worth of housing supply. Therefore, the Council can demonstrate the requirement of paragraph 47 of the NPPF 2012.

Should permission be granted, the proposed development would be included within the Council's housing land supply assessment and, therefore, would assist in contributing to the additional supply of housing for the Borough. This is a material consideration to be weighed against the other considerations for this application.

### Housing Mix

Policy AHN3 of the Local Plan (Part 1) 2018 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 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 application in combination with the rest of the development on the wider site would result in the following total combined mix of housing:

Unit Type	Number of units	% of overall total
-----------	-----------------	--------------------



1 bedroom	15	11 %
2 bedroom	45	33 %
3 bedroom	66	48.5 %
4 bedroom	10	7.3 %
Total	136	100%

The table below shows the proposed mix of market housing compared against the consented mix against the SHMA and the consented mix:

#### Market Housing

Unit Type	SHMA	Proposed mix	Consented Mix
1 bedroom	10%	4 (4.9 %)	5 (6.6%)
2 bedroom	30%	19 (23.4 %)	21 (28%)
3 bedroom	40%	48 (59.2%)	29 (38.6%)
4 and 5 bedroom	20%	10 (12.3 %)	20 (26%)
Total	100%	81 units	75 units

The table below shows the proposed mix of affordable housing compared against the consented SHMA and the consented mix:

#### Affordable Housing

Unit Type	SHMA	Proposed mix	Consented Mix
1 bedroom	40%	11 (20%)	11 (22%)
2 bedroom	30%	26 (47.2%)	24 (48%)
3 bedroom	25%	18 (32.7%)	15 (30%)
4 bedroom	5%	0 (%)	0 (0%)
Total	100%	55 units	50 units

The proposed affordable mix would follow very close to the consented mix and is considered to be acceptable. The market mix has shifted significantly as the previously consented market mix did closely resemble the SHMA. The revised mix would now deviate, the significant change is that the proposal has removed a number of 5 bedroom units and seeks to provide more 3 bedroom units. As a result the revised mix would under provide for 4 + bedroom units and provide more three bedroom units.

It should be noted that if this scheme was to be refused on mix grounds that the fall back would be that the consented scheme for less, but larger units would be likely to be completed on site. Therefore, the revised mix does have the benefit of achieving an increased housing number.

Policy AHN3 of the Local Plan 2018 (Part 1) also requires the development to meet the requirements of Building Regulations M4 (2). This is to be picked up at the Building Regulation stage.

The deviation from the SHMA mix will be considered as a negative impact to be weighed in the planning balance.

### Affordable Housing

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

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.

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.

Although it is noted that some variations are proposed from the mix in the SHMA, as previously stated, the mix is considered to be acceptable, and the scheme would deliver 5 additional units which would keep the overall onsite provision at 40%.

The SHMA (2015) also recommends 30% of new affordable homes to be intermediate tenures and 70% rent. In this instance, the applicant is proposing 50% shared ownership and 50% of the affordable homes would be

affordable rented. This split has been reviewed by the Council's Housing Enabling Officer who has confirmed that, due to changes in the funding of new affordable housing, that some associations are now proposing a higher proportion of shared ownership in order to cross subsidise the rented accommodation. Therefore, no objection is raised to the tenure split.

It is noted that some of the units which are proposed as affordable units fall below the Technical Housing Space Standards.

The absence of an adopted Local Plan policy setting out the floor space standards required for the affordable housing units it is not considered that the shortfall in floorspace would warrant the refusal of the application.

The proposed affordable housing mix would contribute to meeting local needs in line with guidance contained within the NPPF. The provision of affordable housing on site is a benefit in favour of the scheme that should be weighed in the balance of the decision. The proposal is considered to be acceptable with regards to affordable housing provision.

#### Location of the development and Impact on the Countryside beyond the Green Belt

The site is located in the Countryside Beyond the Green Belt. Policy RE1 of the Local Plan Part 1: Strategic Policies and Sites (2018) states that the intrinsic character and beauty of the Countryside will be recognised and safeguarded.

In addition paragraph 55 of the NPPF seeks to avoid isolated homes in the countryside, except in special circumstances.

In terms of the sustainability of the location, the site is close to Cranleigh Centre which is a higher order settlement. The Local Plan (Part 1) 2018 includes strategic policies for housing seeking to direct development towards larger settlements, the proposal is consistent with this spatial strategy. It is material that the site was considered to represent a sustainable location for 125 dwellings, on this basis officers consider the location is sufficiently sustainable to accommodate 11 additional units.

With regards to the visual impact on the countryside the proposed 37 dwellings would be surrounded by the rest of the consented housing scheme. Although the proposal would increase the density by providing an additional 11 units on this part of the site, the proposed layout would remain spacious

and design of dwellings would be the same as the existing house types. It is noted that two of the bungalows would be replaced by two storey dwellings, however the increase in height of these two buildings when viewed in the context of the surrounding development would not be harmful to the intrinsic character and beauty of the countryside. The proposal would not have a materially greater impact on the intrinsic character and beauty of the countryside than the consented scheme.

#### Layout, Design and Impact on visual amenity

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

The layout of the development would not be significantly altered as a result of the proposal. The internal road network would follow the same form as that previously consented under WA/2016/0517. The proposal would continue to create a residential development with buildings fronting onto areas of open space, which would contribute to the quality of the proposed development, with the dwellings facing into the proposed road network which would encourage natural surveillance.

The scale and design of the proposed dwellings would resemble the appearance of the existing units on the wider site, and materials could match those consented on the existing scheme. All dwellings would be two storey in height and would have a maximum ridge height of 9.41 metres. It is noted that there would be an increase in density of this part of the site due to the changes to accommodate 11 additional units, however spacing has been retained around buildings and the increase in density has largely been achieved by replacing the large detached units with smaller semi detached and terrace properties.

It is also noted that the proposal would replace the bungalows within plots 94 and 95 of the consented scheme with two storey dwellings. This change is however not considered to be harmful in terms of the impact on character.

The application site has been confined largely to the internal spine road and the curtilages of the dwellings to be revised. Plot 65 is the only unit proposed which would be sited on land forming amenity land, However a suitable amount of amenity space would remain to the side of this building. Therefore,

the scheme would not be materially altered in terms of the play space and open space provided under WA/2016/0517.

No affordable housing units were contained within this part of the site, however given the uplift, and in order to maintain a 40% provision five additional units have been proposed. The five additional affordable units are proposed to the south and west of the site and would not adversely impact on the distribution of affordable housing across the site as a whole.

With regards to bin storage and collection, each of the properties would have private rear gardens that are accessible without the need to go through the house. Therefore, bins can be easily stored within the rear gardens.

The proposed development would be acceptable with regards to the impact on character, layout and design.

#### 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.

With regards to the impact on residential amenity, the proposed amendments are generally to plots located centrally within the development, and can be accommodated without any significant impact on the amenities of existing properties. However, to the south of the site the new units at plots 93, 94, 139 and 140 would be located with their rear gardens backing onto the gardens of 9 to 12 Hilliards View. Under the consented scheme two of the properties which backed onto Hilliards View were bungalows, therefore the change to two storey dwellings is material. The new units would however still retain a separation of approximately 13 metres from the rear of the buildings to the rear boundary of the gardens of properties along Hilliards View. Furthermore, a minimum separation rear wall to rear wall of approximately 25 metres would be retained. Taking into consideration the distances of separation the pattern of overlooking would not be so harmful as to warrant the refusal of planning permission, furthermore the proposal would not result in a material overbearing impact or loss of light to occupants of these properties.

Plots 116, 117 and 118 would be amended and are located close to the western site boundary. However neighbouring residential properties are adequately separated away from this part of the site.

Adequate separation would also be retained between plots 64, 65 and 137 to the north of the site and Hilliard's Barn to the north, with the closest dwelling being 22 meters from the boundary with this neighbouring property.

The amenity of future occupants of the new units is also a material consideration. Garden depth would range from 9 metres to 19 metres, and properties would be well sited to avoid overbearing impacts and loss of privacy between properties. The revised layout can be achieved without detriment to the amenities of occupants of the proposed dwellings.

With regards to the nationally described technical space standards 2015 the table below shows the level of compliance:

House Types	Size	Technical Requirement (m2)	Proposed
31	3 bed 6 person	102	96.6
29	3 bed 5 person	93	89.5
28A	3 bed 6 person	102	128.2
28	3 bed 6 person	102	128.2
11A	4 bed 8 person	124	202.2
9	3 bed 6 person	102	145.9
10	3 bed 6 person	102	128.6
14A	3 bed 6 person	102	144.1
9A	3 bed 6 person	102	145.9
28A	3 bed 6 person	102	128.2
32	3 bed 5 person	93	93.1
12A	5 bed 8 person	128	256.8
12	5 bed 8 person	128	256.8
33	2 bed 4 person	79	69.4

It is noted that two of the house types fall below the nationally described space standards. House types 31 and 29 are still of a reasonable size and are not considered to be so cramped that the development would be harmful to the amenities of occupants.

The proposed development would not be harmful to the amenities of occupants of residential properties and would accord with the objectives of Policies D1 and D4 of the Local Plan and guidance contained in the NPPF.

### Impact on Parking Access and Highway Safety

The NPPF outlines that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. In considering developments that generate significant amounts of movements, Local Authorities should seek to ensure they are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Plans and decisions should take account of whether improvements can be taken within the transport network that cost-effectively limits the significant impact of the development.

The NPPF states that development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians.

With regards to the capacity of the highway network to accommodate the additional units, the County Highway Authority has been consulted and confirmed that the initial transport assessments for the site were based on 150 dwellings being constructed on the site, therefore in line with the earlier decisions on the site the proposal would not result in significant impacts on the transport network subject to securing appropriate financial contributions for the additional 11 units to contribute towards off site infrastructure.

The pedestrian footpath links and the main spine of the road network remain unaltered under the current scheme. The proposal would continue to allow for use of open space and safe movement of vehicles. The County Highway Authority has raised no objections to the revised application on internal movements of vehicles.

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 2012. Development proposals should comply with the appropriate guidance as set out within these documents. The application site as a whole would provide for a total of 330 spaces, which would exceed the requirements of the Council's adopted guidance with regards to total number. The 33 units forming the current application have been reviewed individually. Other than five of the three bedroom units which have been afforded 2 rather than 2.5 spaces the

proposal would provide sufficient spaces to meet the adopted guidance. The proposed development would provide sufficient parking to meet the needs of future residents and would not result in conditions prejudicial to highway safety.

The proposal is considered to be acceptable with regards to the impact on parking, access and highway safety.

### 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 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 revised layout would result in plot 136 extending closer to a mature oak tree on the site. However, the method statement supplied shows that the development would still be outside of the root protection area for this tree. Subject to a condition requiring the development to be completed in accordance with the submitted method statement the application is considered to be acceptable.

### Flooding and drainage

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Development should only be considered 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.

In this instance the entirety of this site is located within flood zone 1 (low probability of flooding), and is considered to be of low flood risk. It is however,



important that the development adequately addresses runoff from the development itself.

In a Written Ministerial Statement on the 18<sup>th</sup> December 2014, the Secretary of State for Communities and Local Government set out the Government's expectation that sustainable drainage systems (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. This policy came into effect on the 6<sup>th</sup> April 2015 and the LLFA in respect of surface water drainage and SuDS is Surrey County Council.

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 Department for Environment, Food and Rural Affairs (DEFRA) has published non-technical standards for SuDS (March 2015) which will be taken into account by the LLFA and local planning authorities in assessing the acceptability of SuDS schemes.

The application has been supported by the submission of an updated Flood Risk Assessment and Drainage Strategy. The drainage strategy identifies limited potential for infiltration and proposes a number of attenuation features. The scheme has been reviewed by the Lead Local Flood Authority (LLFA), which has confirmed that subject to conditions relating to construction and maintenance regimes that the development is acceptable in this regard.

## 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 to adverse effects from pollution, should be taken into account. Policy D1 of the Local Plan sets out that development will not be permitted where it would have a materially detrimental impact 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.

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 application is accompanied by a Ground Stability and Phase 1 Ground Condition Assessment (Contamination). This report concludes that, historically, the site has been open agricultural land. During the 1960s the land to the south was developed with residential dwellings. Based on the historical and current land uses and in the absence of sources of significant contamination in the near vicinity of the Site, the site is considered to have a very low risk of ground contamination being present.

The Council's Contaminated Land Officer has scrutinised the submitted information and concludes that there is a very low risk of ground contamination issues at the site and that no conditions are required in this respect.

Officers conclude that the proposal would be in accordance with Policy D1 of the Waverley Local Plan and guidance contained within the NPPF.

### 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.'

Matters of ecological impact were considered in detail when granting outline and reserved matters permissions for 125 dwellings across the site. This application does not result in new development on parts of the site that were not consented for development under the earlier permissions, and would not materially alter the impact on protected species. The Surrey Wildlife Trust has reviewed the proposals and confirmed that so long as any mitigation secured under the previous application is tied to this consent no objections are raised.

The proposal would not result in conditions harmful to protected species.

### Financial Considerations

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

The NPPG sets out that whether or not a local financial consideration is material to a decision will depend on whether it could help to make the development acceptable in planning terms. It is not appropriate for a decision

to be made on the basis that the development could have the potential to raise money for a local authority or other government body.

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

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

There are no implications for this application.

#### Environmental Impact Regulations 2017

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

#### Pre Commencement Conditions

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

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

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

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

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

Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;

Have accepted 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.

### Third Party Comments

Some comments have referred to the number of units being similar to that previously rejected, stating that 150 units were refused due to the impact on Amlets Lane. The only history relating to 150 dwellings was a decision on a screening opinion that a proposal for 150 dwellings would be EIA development, which was later decided by the Secretary of State not to be the case.

### Conclusion

The proposed development would not have a materially different impact on the countryside or the character of the area than the consented scheme on the site, and would be surrounded by the remainder of the consented development which has been implemented. The detail and design of the proposed units is considered to be acceptable, the proposal would not be harmful to highway safety, ecology or residential amenities. Furthermore subject to completion of a section 106 agreement to secure contributions towards environmental improvements, education and highway safety and the provision of affordable housing the proposal would not be harmful to local infrastructure.

Officers consider that the adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Therefore, subject to the completion of the section 106 agreement the application is recommended for approval.

### **Recommendation A**

That, subject to completion of a 106 agreement within 6 months of the date of the committee resolution to secure Management and Maintenance of Play space and SuDS, provision of 40% affordable housing and financial contributions towards: Education, Transport and Environmental Improvements permission be GRANTED subject to the following conditions:

1. Condition

The plan numbers to which this permission relates are 15-935-001 AF, 002 AE, 035, 036, 037, 109E, 110E, 111A, 114B, 132, 146A, 148A, 200A, 201B, 202A, 206, 207A, 209, 211 and 212. 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 Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition

The development hereby approved shall be completed at all times in accordance with the Construction Environmental Management Plan (Revision C) submitted on the 10th of October 2016, and agreed in writing by the Council on the 24th of November 2016.

Reason

Having regard to the amenities of neighbouring properties and to accord with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

3. Condition

No development shall commence until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details, and retained as such at all times.

Reason

Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

4. Condition

No development (excluding demolition) shall take place until a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after commencement of the

development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

5. Condition

All hard and soft landscape works shall be carried out in accordance with the approved details set out in condition 4 above. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

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

6. Condition

The development hereby approved shall be completed at all times in accordance with the Arboricultural Method Statement by Barrell Tree Consultancy dated 12th of May 2017 and additional information received on the 24th of November 2017.

Reason

To ensure the adequate protection of trees, in the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018, and retained Policies D1, D4 and D7 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition because the matter goes to the heart of the permission.

7. Condition

No development (excluding demolition) shall take place until details of earthworks and existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the

relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

8. Condition

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development. The landscape management plan shall be carried out as approved.

Reason

In the interest of the character and amenity of the area, in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

9. Condition

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

10. Condition

The development hereby approved shall not be commenced unless and until the proposed vehicular access to Amlets Lane (D191) has been constructed and provided with visibility zones general accordance



with Mayer Brown's Drawing No. MBSK140725-1 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018).

11. Condition

The development shall be carried out in strict accordance with the details agreed pursuant to Condition 21 of WA/2014/1038 on 17/06/2016, and shall be permanently retained to the satisfaction of the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018).

12. Condition

The development shall be carried out in strict accordance with the details agreed pursuant to Condition 22 of WA/2014/1038 on 20/05/2016 with regard to the improvements to the surface of Public Footpath 346.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018), and guidance contained in the NPPF.

13. Condition

The development hereby approved shall not be first occupied 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 vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purpose.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018).

14. Condition

The development hereby approved shall be completed at all times in accordance with the Construction Traffic Management Plan (CTMP) Ref: CALA Homes SHC CT 001 Rev B, Traffic Management Plan from CALA Homes and Document showing proposed Access Route from Guildford to Amlets Lane - Return Route from Amlets Lane to Guildford Road, as agreed on the 2nd of February 2017.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018).

15. Condition

The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, 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) Electric Vehicle Charging Points for every dwelling, in accordance with Surrey County Council's 'Vehicular and Cycle Parking Guidance' dated January 2012.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018).

16. Condition

The approved Travel Plan (Travel Plan by Motion Final Rev 3 – Approved 01/02/2017) shall be implemented prior to first occupation of the development, and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018). This is a pre-commencement condition because the matter goes to the heart of the permission.

17. Condition

Destruction by burning of materials obtained by site clearance, if at all necessary, shall not take place within 10 metres of the furthest extent of the canopy of any tree or tree group to be retained on the site or on land adjoining.

Reason

In the interest of the character and amenity of the area in accordance with retained Policies D1, D4 and D7 of the Waverley Borough Local Plan 2002.

18. Condition

The development shall be carried out in strict accordance with the Ecological Monitoring Report agreed in writing on 11/12/2015 pursuant to Condition 34 of WA/2014/1038. The method statement shall be implemented in full.

Reason

To safeguard the ecological interest of the site in accordance with Policy NE1 of the Waverley Borough Local Plan Part 1 (2018).

19. Condition

The development hereby approved shall be completed at all times in accordance with the Landscape and Ecology Management Plan (LEMP) as approved under condition 5 of consent granted under reference WA/2014/1038 as agreed in writing on 07/11/2016.

Reason

To safeguard the ecological interest of the site in accordance with Policy NE1 of the Waverley Borough Local Plan Part 1 (2018). This is a pre commencement condition because the matter goes to the heart of the permission.

20. Condition

The development shall be carried out in accordance with the lighting works under the direction of sections 6.1.4 and 6.2.5 of the Outline Lighting Strategy document (March 2014).

Reason

To safeguard the ecological interest of the site in accordance with Policy NE1 of the Waverley Borough Local Plan Part 1 (2018).

21. Condition

The development hereby approved shall be constructed at all times in accordance with the drainage strategy and statement submitted by Stilwell Partnership dated May 2017, including drawing TSP/CH/P3024/0326 rev B.

Reason

To ensure the design meets the technical standards for SuDS and the final drainage design does not increase flood risk on or off site.

22. 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 planning authority. Those details shall include:

- a) Details of construction phasing i.e. how drainage will be dealt with during works including pollution prevention;
- b) Details of the required maintenance regime for the suds elements and who will be responsible for maintenance.

Reason

To ensure the design meets the technical standards for SuDS and the final drainage design does not increase flood risk on or off site.

23. Condition

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

Reason

This condition is sought in accordance with paragraph 103 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere

and in order to adequately protect all trees worthy of retention from development harm in accordance with retained Policy D7 of the Local Plan 2002.

24. Condition

The development shall be carried out in strict accordance with the Waste Minimisation Statement agreed pursuant to Condition 41 of WA/2014/1038 on 17/06/2016.

Reason

To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with retained SP1 of the Waverley Borough Council Local Plan (Part 1) 2018.

25. Condition

Prior to the occupation of development hereby granted, the proposed raised speed table to serve Footpath 346 shown on plan reference 15-935-001-X shall be provided in full accordance with details to be first submitted to and agreed in writing by the Local Planning Authority and shall be retained in perpetuity thereafter. The details to be submitted shall include a scaled section drawing and a plan drawing showing the relationship of the speed table to the adjoining footpaths.

Reason

In order that the development should not prejudice highway safety, nor inconvenience users of the Public Right of Way, in accordance with Policy ST1 of the Waverley Borough Local Plan Part 1 (2018).

26. Condition

No development shall take place until a full pallet of samples to be used in the construction of the external surfaces and hard surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition as the matter goes to the heart of the permission.

27. Condition

Within three months of the commencement of development details of all proposed walls, fences, or other means of enclosure within and around the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and thereafter retained.

Reason

In the interests of the visual amenities of the area in accordance with Policy TD1 of the Waverley Borough Local Plan Part 1 (2018) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

28. Condition

Prior to the occupation of development hereby granted, the proposed LEAP and LAP shall be provided in full accordance with details to be first submitted to and agreed in writing by the Local Planning Authority and shall be retained in perpetuity thereafter. The details to be submitted shall include any means of enclosure, play equipment and details of proposed surfacing materials.

Reason

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

29. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification) no fences, boundary walls or other means of enclosure, other than as may be approved as part of this permission, shall be provided forward of any wall of that dwelling or adjoining dwelling which fronts onto any highway.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Waverley Borough Council Local Plan Part 1 (2018) and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

30. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other Order revoking or re-enacting that Order with or without

modification), no outbuildings or alteration or extension to the dwellings hereby permitted, as defined within Part 1 of Schedule 2, Classes A, B, C and E inclusive of that order, shall be carried out on the site without the written permission of the Local Planning Authority.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

31. Condition

The garages hereby permitted shall not be used for any other purpose, other than for storage and/or parking of vehicles associated with the respective premises as a dwellinghouse.

Reason

In the interest of the character and amenity of the area in accordance with Policies TD1 and ST1 of the Waverley Borough Council Local Plan Part 1 (2018) and Policies D1 and D4 of the Waverley Borough Local Plan 2002.

32. Condition

Prior to commencement of development, design details of bin storage shall be submitted to and agreed in writing by the Local Planning Authority. Prior to occupation of development, the agreed bin storage facilities shall be provided and retained in perpetuity.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition because it relates to the adequate provision of bin storage.

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.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

3. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail [waverley.snn@waverley.gov.uk](mailto:waverley.snn@waverley.gov.uk)  
For further information please see the Guide to Street and Property Naming on Waverley's website.
4. 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.

### **Recommendation B**

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

1. The applicant has failed to enter into an appropriate 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 Policy AHN1 of the Local Plan Part 1 (2018) and the requirements of paragraph 50 of the NPPF.
2. The applicant has failed to enter into an appropriate legal agreement to secure contributions towards education, leisure and environmental improvements. The proposal therefore conflicts with Policy ICS1 of the Local Plan Part 1 (2018), and paragraphs 7 and 17 of the NPPF.



# Agenda Item 8.

B1 WA/2017/0920  
Brettenwood Investment Holding  
11/05/2017

Erection of 45 apartments in 2 blocks, including associated semi-basement parking, amenity space, landscaping and new access (as amended by plans received 03/11/17 and 25/04/2018 as amplified by additional information received 11/10/17 31/10/17, 03/11/17, 02/02/18, 12/02/18, 14/03/18, at 5 - 21 Wey Hill, Haslemere

Committee: Joint Planning Committee  
Meeting Date: 16 May 2018

Public Notice: Was Public Notice required and posted: Yes  
Grid Reference: E: 489478 N: 132837

Town : Haslemere  
Ward: Haslemere Critchmere and Shottermill  
Case Officer: Gemma Paterson  
Expiry Date: 09/08/2017  
Time Extended Date: 20/06/2017

## RECOMMENDATION A

That, subject to the applicant entering into appropriate legal agreement within 6 months of the date of the committee resolution to grant planning permission to secure contributions towards education, recycling provision, off-site play area and playing pitch improvements, mitigation for the impact on the SPA, off-site highways improvements and on-site SuDS and open space management/maintenance and subject to conditions and informatives, permission be GRANTED

## RECOMMEDATION B

That, in the event that the requirements of Recommendation A are not met, that permission be REFUSED

### Introduction

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

## Location Plan



## Aerial Layout



## Site Description

The application site comprises a triangular site which measures 0.31ha. The site adjoins the railway line to the south and the main road to the north. The eastern part of the site is set at a higher level, above the road.

The site has historically comprised several buildings which were previously occupied for a range of commercial, retail and sui generis uses. The site has since been cleared and currently has no buildings on it, with green hoarding currently surrounding the site and demonstrating its boundary along Wey Hill.

The surrounding area is characterised by a mixture of retail and commercial activities and residential accommodation. Opposite the site, to the north, are a number of two storey residential properties, which are set back from the road, as well as Wey Hill House, a former public house converted into flats. To the west of the site is a large single storey warehouse currently occupied by Majestic Wine. Further to the west is a three and a half storey building, Clay Hill House, which has retail units on the ground floor and residential accommodation above.

The site also slopes up from front to back (north to south), the front boundary of the site is generally around 1-3m lower than the rear of the site.

## Proposal

Planning permission is sought for the erection of 2 no. buildings to provide 45 residential units with associated hard surfacing and landscaping, along with the erection of a sub station.

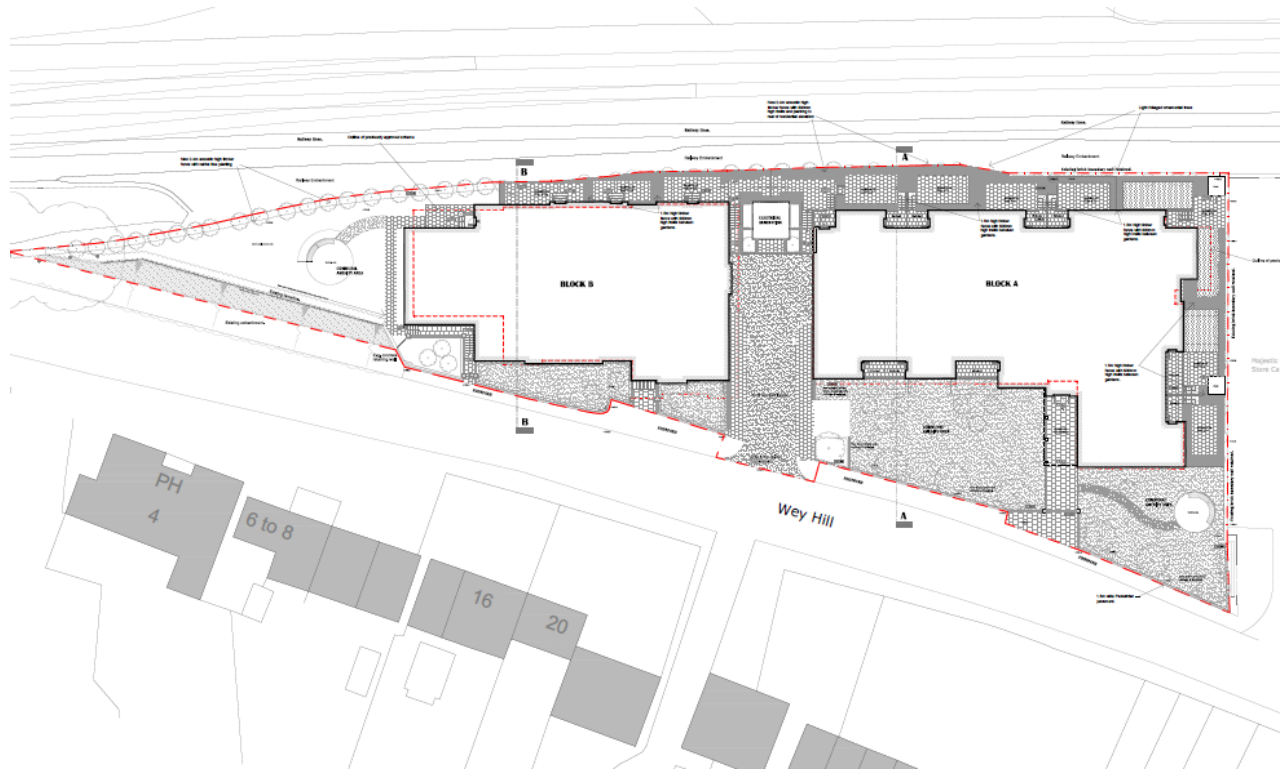
The buildings would be accessed by way of a new vehicular access from Wey Hill.

Block A would measure 41.1m in width, 27.5m in depth and 13m in overall height.

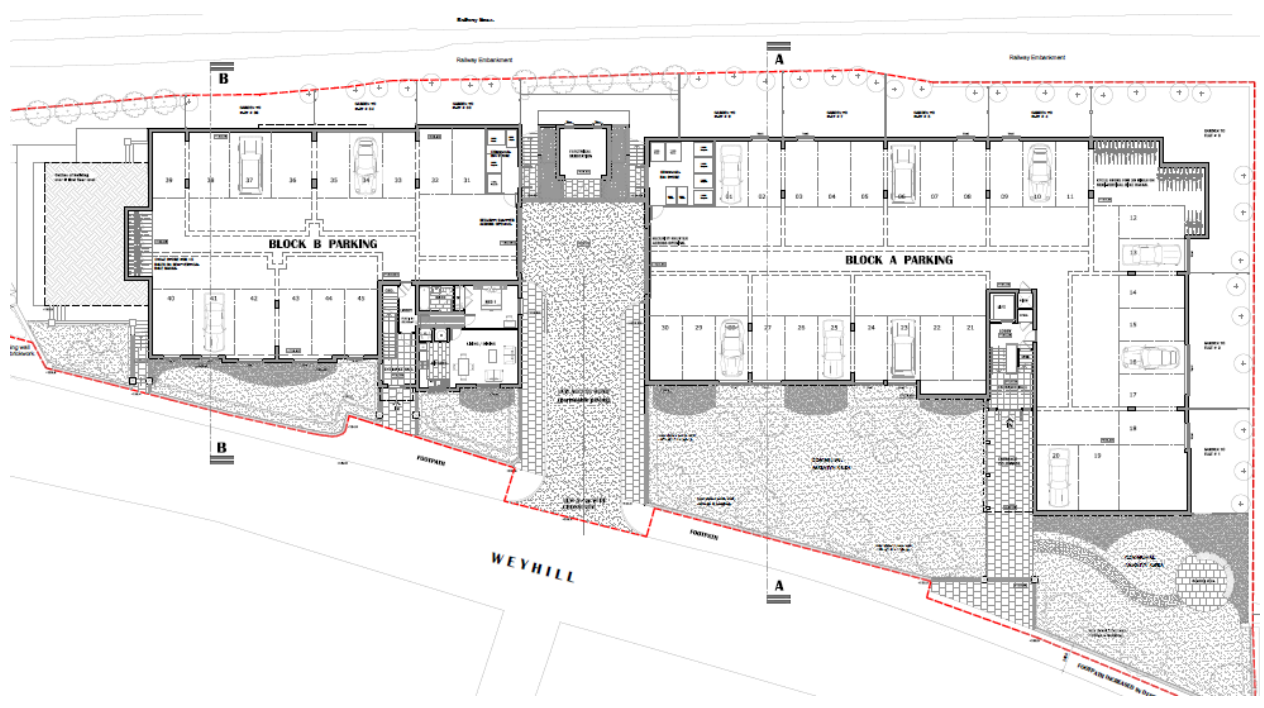
Block B would measure 35.1m in width, 19.5m in depth and 10.8 metres in overall height.

Parking would be provided by way of undercroft car parks in each block. Block A would accommodate 30 vehicle parking spaces and Block B would accommodate 15 vehicle parking spaces, totalling 45 vehicle parking spaces.

# Site Layout Plan



# Lower Ground Floor Plan



# Upper Ground Floor Plan



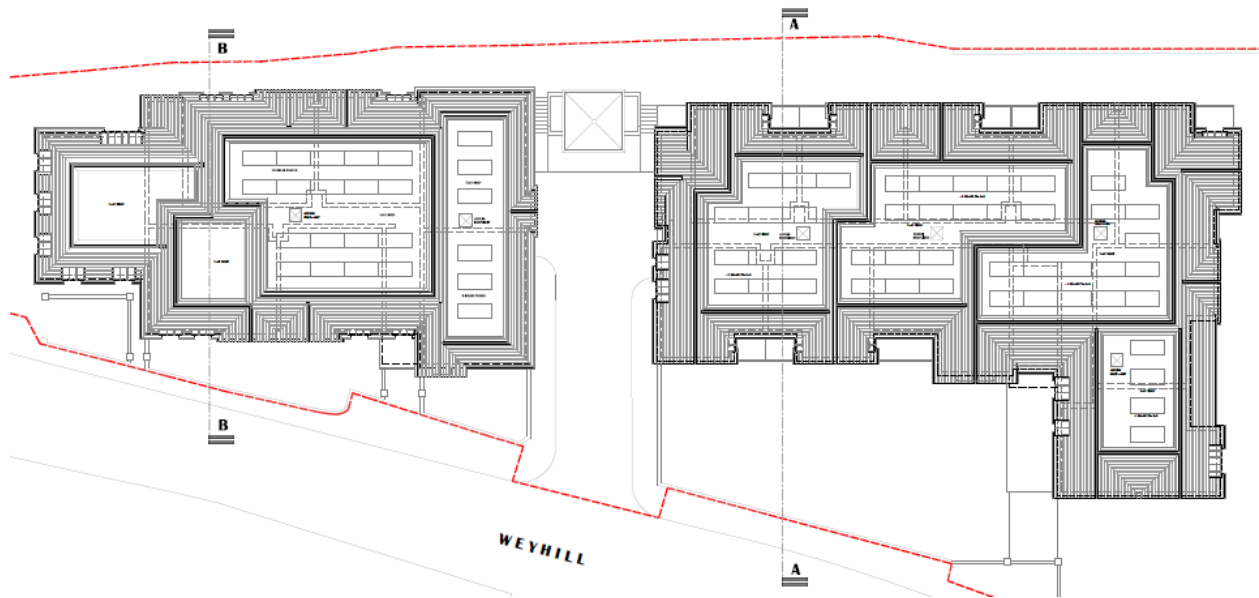
# First Floor Plan



## Second Floor Plan



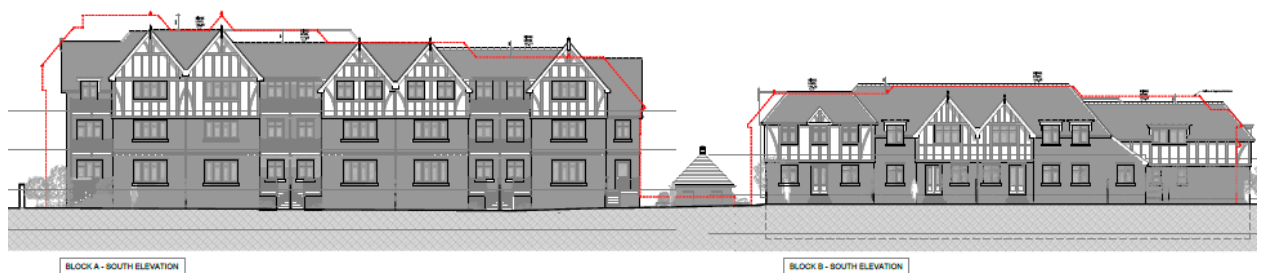
## Roof Plan



## Front Elevations (Wey Hill)



## Rear Elevations



## Heads of Terms

### Highway Section 278 Legal Agreement:

- Prior to first occupation of the development the proposed vehicular site accesses to Wey Hill shall be constructed and provided with 2.4m x 51m visibility splays in accordance with the approved plans and subject to the Highway Authority's technical and safety requirements
- Prior to first occupation of the development to construct the uncontrolled crossing on Wey Hill, comprising dropped kerbs and tactile paving, in accordance with the approved plans and subject to the Highway Authority's technical and safety requirements.

### Highway Section 106 Agreement:

- £41,640 towards the construction of a controlled pedestrian crossing on Wey Hill

### SPA:

- £40,000 towards a part time warden's post at the National Trust car park at the Devils Punchbowl.

### Education:

- £30,287.00 for Early years' provision
- £42,969.00 for Primary provision

Parks, Open Spaces and Play Provision:

- £25,312.50 towards refurbishment and improvement of Play area at Lion Green
- £27,562.50 towards playing pitch quality improvements at High Lane

Refuse/Recycling:

- £99.50 for recycling containers

SuDS:

- Future ownership, management, maintenance and financial responsibility

Open Space

- Management of on-site open space

Relevant Planning History

WA/2016/0879	Erection of 3 buildings to provide 55 flats with parking and access together with associated works (revision of WA/2015/2256)	Refused 02/09/2016
WA/2015/2256	Erection of 3 buildings to provide 55 flats (including 11 affordable) with parking and access together with associated works	Withdrawn 23/02/2016
WA/2010/1568	Erection of 25 one bedroom apartments, 14 two bedroom apartments and 683sqm of B1 (Office) commercial floor space with associated access, basement parking, cycle stores, amenity space and landscaping	Refused 09/10/2010 Appeal Allowed 20/07/2011 Not Implemented
WA/2008/2217	Erection of 43 sheltered retirement apartments and 699 sq m of B1 commercial floor space together with basement car/cycle parking following demolition of existing buildings.	Refused 18/03/2009
WA/2007/1283	Application to display illuminated signs.	Consent Granted 27/07/2007



WA/2003/0118	Alterations to elevations.	Full Permission 10/03/2003
WA/2001/0469	Display of an illuminated sign.	Consent Refused 02/05/2001
WA/1997/1838	Erection of entrance canopy and alterations to elevations.	Full Permission 29/12/1997
WA/1988/0932	Erection of extension and alterations (as amplified and amended by plans received 26/6/89 and 2/3/90).	Full Permission 08/03/1990

### Planning Policy Constraints

Developed Area of Haslemere

Town Centre Area

Within 20m of a riverbank (small corner of the site to the eastern end)

Wealden Heaths II SPA 5km Buffer Zone

East Hants SPA 5km Buffer Zone

Potentially Contaminated Land

Section 106 (in relation to WA/2010/1568 to secure affordable housing and contributions)

### Development Plan Policies and Proposals

The Development Plan includes:

- Waverley Borough Local Plan, Part 1, Strategic policies and sites (adopted February 2018)
- Waverley Borough Local Plan 2002 (retained policies February 2018)
- South East Plan (saved policy NMR6)
- Farnham Neighbourhood Plan (made May 2017)

In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) due weight has been given to relevant retained policies in the Waverley Borough Local Plan 2002

Waverley Borough Local Plan, Part 1, Strategic policies and sites (adopted February 2018):

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy
ALH1	The Amount and Location of Housing
ST1	Sustainable Transport

ICS1	Infrastructure and Community Services
AHN1	Affordable Housing on Development Sites
AHN3	Housing Mix
EE2	Protecting Existing Employment Sites
TCS1	Town Centres
LRC1	Leisure and Recreational Facilities
TD1	Townscape and Design
NE1	Biodiversity and Geological Conservation
NE2	Green and Blue Infrastructure
CC2	Renewable Energy Development
CC4	Flood Risk Management

Waverley Borough Local Plan 2002 (retained policies February 2018):

D1	Environmental Implications of Development
D4	Design and Layout
D6	Tree Controls
D7	Trees, Hedgerows and Development
D8	Crime Prevention
IC2	Safeguarding Suitably Located Industrial and Commercial Land
TC3	Development within Town Centres
M5	Provision for Cyclists

Other Guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Land Availability Assessment (2016)
- West Surrey Strategic Housing Market Assessment (2015)
- Strategic Flood Risk Assessment (2015/2016)
- Viability Assessment (2016)
- 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)
- Waverley Local Plan Strategic Highway Assessment (Surrey County Council, 2016)
- Surrey Design Guide (2002)

Consultations and Town Council Comments

Haslemere Town Council	No objection subject to Surrey County Council and Waverley Borough Council's assessment of safety with
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	regard to access and ingress. Consideration should also be given to the provision and appropriate siting of a pedestrian crossing
County Highway Authority	No objection subject to conditions
Environment Agency	No objection
Lead Local Flood Authority	No objection subject to conditions
Natural England	No objection subject to the applicant entering into a suitable legal agreement to secure a £40,000 contribution to support a part-time warden's post at the National Trust car park at The Devil's Punchbowl.
Surrey Wildlife Trust	No objection subject to informatives
Thames Water	No objection
Network Rail	No objection subject to informatives
County Archaeologist	No objection as site now measures less than 0.4ha and outside of an area identified as being of High Archaeological Potential and therefore there is no policy requirement for archaeological investigation.
Council's Environmental Health Officer - Land Contamination	No objection subject to conditions
Council's Environmental Health Officer - Refuse and Recycling	No objection subject to the applicant entering into a suitable legal agreement to secure contributions towards refuse/recycling provision.

### Third Party 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 16/06/2017, site notices were displayed around the site and neighbour notification letters were sent on 02/06/2017.

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

- No affordable housing provision
- Public art provision should be considered
- Design of development should reflect the year it is built in and should therefore be a contemporary design

- Poor pastiche, outdated architectural style
- Height would potentially reduce light to row of small Victorian cottages opposite
- Buildings too high and overpowering
- Overdevelopment of the site
- Important to have details of materials before any planning permission is approved in order to fulfil Policy D4 of the Local Plan 2002
- Landscape scheme unclear
- Location of substation aesthetically not acceptable
- No record of piezometer readings in supporting 2008 Geotechnical Investigation Report
- Concerns regarding servicing of proposed development on street as a result of no loading restrictions
- Concerns number of vehicle spaces proposed, with no spare visitor spaces
- Pedestrian footpath should be provided in interests of road safety
- Proposal fails the terms of the process required under the Habitats Regulations Assessment
- No attempt to consult or involve the local community in the design process

One letter of comment highlighting experience with inadequate vehicle parking

### Determining Issues

Principle of Development

Planning History and Differences with Previous Proposal

Lawful Use of the Site

Loss of Suitably Located Commercial Land

Location of Development

Town Centre Retail Impact

Housing Land Supply

Housing Mix

Affordable Housing

Highways and Parking Considerations

Refuse/Recycling and Cycle Storage

Standard of Accommodation and Provision of Amenity/Play Space

Impact on Visual Amenity

Impact on Residential Amenity

Flooding and Drainage

Land Contamination

Infrastructure Contributions

Financial Considerations

Effect on the SPAs

Biodiversity and Compliance with Habitat Regulations 2017

Comment on Third Party Representations  
Sustainability  
Accessibility  
Equalities Act 2010, Crime and Disorder and Human Rights Implications  
Environmental Impact Regulations 2017  
Pre Commencement Conditions  
Working in a positive/proactive Manner

### Planning Considerations

#### Principle of Development

Policy SP1 of the Local Plan (Part 1) 2018 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development.

#### Planning History and Differences with Previous Proposal

The planning history of the site is a material consideration in the assessment of this current application. The planning history most pertinent to this current application is as follows:

In 2010, planning application WA/2010/1568 proposing a mixed use development of 39 residential flats and 683sqm of B1 commercial floor space refused as a result of:

- concerns relating to highways safety,
- concerns relating to scale, massing, height and form,
- the absence of adequate provision for vehicle parking.
- the absence of adequate provision for affordable housing and;
- the absence of adequate provision for infrastructure contributions.

The application was subsequently appealed and in July 2011 and the appeal was allowed. However, that permission was not implemented and has now expired.

In 2016, planning application WA/2016/0879 for the erection of 3 buildings to provide 55 flats with parking and access together with associated works (revision of WA/2015/2256) was refused as a result of:

- concerns relating to scale, form, mass, design and number of dwellings,
- concerns relating to poor standard of accommodation,
- the absence of provision for safe and suitable access for all highway users,

- failure to demonstrate the provision of an acceptable sustainable drainage system to demonstrate that the proposal would not increase flood risk elsewhere,
- failure to demonstrate that the proposal would not have a likely significant effect on the integrity of the Wealden Heaths Phase II Special Protection,
- the absence of adequate provision for affordable housing and,
- the absence of adequate provision for infrastructure contributions.

The differences between the current proposal and planning application WA/2016/0879 are:

- The previous scheme proposed three buildings and the current scheme proposes two buildings.
- The current scheme proposes a reduction in units, from 55 to 45.
- The current scheme proposes a reduction of vehicular access/egress onto Wey Hill from three to one, with this access slightly relocated from the location allowed at appeal under WA/2010/1568.
- The current scheme has a highest ridge height of 13.0 metres from ground level in comparison to the 14.1 metres from the previous scheme. Due to the topography of the site, the height decreases from west to east.
- The design of the current scheme leans towards traditional Surrey vernacular, similar to that allowed at appeal, in comparison to the more contemporary design of the previous scheme.
- The current scheme proposed a reduction in vehicle parking spaces, from 63 to 45.

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.

#### Lawful Use of the Site

Although the site is void of buildings and comprises only hardstanding, it has historically comprised several buildings which were previously occupied for a range of commercial, retail and sui generis uses. Whilst there is significant planning history associated with the site, the most pertinent to this application is WA/2010/1568 for a proposing a mixed use development of 39 residential flats and 683sqm of B1 commercial floor space. Although allowed at appeal, this permission was not implemented and has since expired. As such, Officers are satisfied that the current use of the site continues to be in a mixed use; commercial (Use Classes B1, B2, B8 and D2), retail (Use Class A1) and sui generis.

## Loss of Suitably Located Commercial Land

Employment and the Economy policies of the Local Plan (Part 1) 2018 concentrate on the employment elements of the economy defined under B Classes of the Use Class Order 1987 (as amended), which includes B1 (a) (offices), B1 (b) (research) B1 (c) light industry industrial, B2 (general industrial) and B8 (storage and distribution).

In order to meet the demands of the economy and business flexibly, the Council will safeguard its existing sites for B1 (a)/(b) and explore opportunities to provide additional B1 (a)/(b) from B1 (c), B2 and B8 uses. However, the Council will also safeguard good quality; fit for purpose B1 (c), B2 and B8 sites to maintain a diverse business base and to respond to any unforeseen future opportunities.

Policy EE2 of the Local Plan (Part 1) 2018 will permit the change of use of existing employment sites to residential and other alternative uses where it can be clearly demonstrated that there is no reasonable prospect of the site being in employment use.

Existing employment sites include sites specifically identified by saved Waverley Borough Local Plan 2002 Policies IC2 and IC3, sites identified in the emerging Local Plan Part 2, as well as other existing employment sites within the B Use Class.

Where there is an identified need for new homes, the Council will normally approve applications for a change of use to residential use and any associated development from employment use, subject to there being no strong economic reasons why such a development would be inappropriate.

Under retained Policy IC2 of the Local Plan 2002, sites will be regarded as being suitably located where they meet one or more of the following criteria:

- a) the continued use of the site for commercial or industrial purposes would not have a materially adverse impact on the local environment or the amenities of nearby residents;
- b) they lie within or close to residential areas which can provide a source of labour;
- c) they are conveniently located to customers/markets and to other firms;
- d) they are located where the highway network can satisfactorily absorb the traffic generated; and
- e) they are conveniently served by public transport and/or are conveniently accessible from nearby residential areas by walking/bicycle.

The site is well located in terms of access to the strategic highway network, Haslemere Town Centre, access to a centre of population (Haslemere), capable of providing a source of labour and is conveniently located in terms of access to public transport. Whilst the site is not identified on the Proposal Maps as being suitably located commercial land, the above assessment confirms that the site still continues to meet the criteria of retained Policy IC2 of the Local Plan 2002.

Retained Policy IC2 of the Local Plan 2002 will resist the loss of suitably located industrial and commercial land and any applications that conflict with this policy will require the applicant to demonstrate that there is no need for the site to be retained for employment purposes.

The site has a lawful mixed use including commercial (Use Classes B1, B2, B8) which would be lost as a result of the proposal.

Officers consider that in practical terms, the requirements of Policy EE2 of the Local Plan 2018 (Part 1), retained Policy IC2 of the Local Plan 2002 and the guidance on market signals contained within paragraph 22 of the NPPF 2012 can be tested by assessing the effective market demand for the site or the viability of the existing site for use for commercial purposes.

In considering planning application WA/2008/2217 for the 43 sheltered retirement apartments and B1 commercial floor space (refused 2009), a supporting Commercial Marketing Report (prepared by Own Shipp Chartered Surveyors, dated 17 November 2008) demonstrated to the satisfaction of the Council that buildings were no longer suitable for employment users due to the site constraints. It was concluded that the site is not ideally located for B2 and B8 use given its location on a main road and limited access and servicing.

No further information has been submitted to justify a different conclusion being reached in relation to this current application from planning application WA/2008/2217 and subsequently planning application WA/2010/1568. As such, the principle of the loss of employment on the site has been established.

It is also highly material that the site has remained vacant with no employment uses taking place on the site for at least six years.

Furthermore, there is an identified need for new homes in the Plan and there are no strong economic reasons why the development would be inappropriate.

As such, Officers are satisfied that it has been reasonably demonstrated that there is no need for the site to be retained for employment purposes, in



accordance with Policy EE2 of the Local Plan 2018 (Part 1), retained Policy IC2 of the Local Plan 2002 and paragraph 22 of the NPPF 2012.

### Location of Development

Policy SP2 of the Local Plan 2018 sets out the spatial strategy for the Borough up to 2032 and seeks to focus development at the four main settlements. The proposal is in the developed area of Haslemere and therefore accords with the spatial strategy.

The site is located within the developed Area of Haslemere, within Haslemere Town Centre as defined within the Local Plan 2018 (Part 1).

The proposal would create new housing within a sustainable location, in close proximity to existing facilities and transport links of Haslemere, thereby reducing the need of future occupants to travel by private vehicle to meet their day-to-day needs.

As such, Officers consider that the proposal would provide sustainable access to the facilities required for promoting healthy communities and would enhance the vitality of the community of Haslemere.

Therefore, it is considered that the proposal would provide new residential units in a highly sustainable location.

### Town Centre Retail Impact

The proposal would involve the loss of Use Class A1 retail space on the site. The site lies within of the defined town centre area of Haslemere.

Policy TCS1 of the Local Plan (Part 1) 2018 states that the Primary Shopping Areas will be the main focus, particularly at ground level for A1 retail uses. It goes on to say that outside of the Primary Shopping Areas, but within the wider town centres, a range of town centre uses will be encouraged, including food and drink, leisure and cultural uses that add to the liveliness, attractiveness, and vitality and viability of the centre. Measures to improve the town centres will be encouraged providing that this helps them adapt and meet their role in meeting needs, act as the focus for a range of activities, including retailing, leisure, cultural, business and residential uses.

The NPPF 2012 sets out that town centres should be recognised as the heart of a community and any proposed development should support their vitality and viability. Paragraph 23 recognises that residential development can play an important role in ensuring the vitality of centres.

Retained Policy TC3 of the Local Plan 2002 states that development which would improve the attractions of a town centre will be permitted provided that it will:

- (a) maintain or enhance the quality of the environment;
- (b) will not adversely affect the vitality and viability of the defined Central Shopping Area and;
- (c) improves accessibility, wherever possible, for pedestrians, cyclists and people with disabilities or mobility problems and provides satisfactory serving and parking.

In considering planning application WA/2008/2217 for the 43 sheltered retirement apartments and B1 commercial floor space (refused 2009), Officers recognised that the use of the site for retail purposes was limited, as a result of the natural footfalls of pedestrian flow not favouring the site, the limited space for parking and the difficulties with providing turning and access facilities for large commercial vehicles.

This, in culmination with the conclusions of a supporting Commercial Marketing Report (prepared by Own Shipp Chartered Surveyors, dated 17 November 2008) which demonstrated that the site and existing premises had been marketed since April 2008 for retail development without success, Officers were satisfied that the loss of the existing retail use from the site would not significantly harm vitality and viability of either the Central town centre, in accordance with both Policy TCS1 of the Local Plan (Part 1) 2018 and criterion (b) of retained Policy TC3 of the Local Plan 2002 and paragraph 23 of the NPPF 2012.

Furthermore, the Local Plan (Part 1) 2018 focuses protection of retail to Primary Shopping Areas, in which the site is not located and encourages residential uses. As such, it is considered that residential uses are appropriate in the Town Centre and the loss of retail is acceptable.

In respect to the remaining criteria of retained Policy TC3 of the Local Plan 2002, these will be discussed in the 'Impact on Visual Amenity' and 'Highways' section of the report.

#### Housing Land Supply

On 20th February 2018, the Waverley Borough Local Plan Part 1 2018 was adopted which set out a housing trajectory up to 2032. The examining Local Plan Part 1 Inspector concluded in his report dated 1<sup>st</sup> February 2018 that the Council does have five years' worth of housing supply. Therefore, the Council can demonstrate the requirement of paragraph 47 of the NPPF 2012.

39 dwellings on this site have been included in the Borough's five year housing land supply. If this application is refused, these dwellings will need to be withdrawn from the 5 year Housing Land Supply figures.

### Housing Mix

Policy AHN3 of the Local Plan (Part 1) 2018 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 2015 (SHMA).

The West Surrey SHMA 2015 provides the updated likely profile of household types within Waverley as follows:

Unit Type	1 Bed	2 Bed	3 Bed	4+ Bed
Market	10%	30%	40%	20%
Affordable	40%	30%	25%	5%

The current application proposes the following mix of dwellings on site:

Unit type	1 Bed	2 Bed	3 Bed	4+ Bed
Market	51%	49%	0%	0%

The current application proposes a much higher proportion of smaller units than that encouraged by the West Surrey SHMA 2015. However, in this particular case, the proposed mix is supported. Officers consider that the provision of a higher percentage of smaller units within a sustainable town centre location, close to Haslemere Station, to be acceptable and to result in a more efficient use of land. On this basis, Officers are satisfied that the proposal would be of an appropriate housing mix.

### Affordable Housing

Policy AHN1 of the Local Plan (Part 1) 2018 states that the Council will require a minimum provision of 30% affordable housing on all housing developments that meet required criteria.

The text associated with Policy AHN1 of the Local Plan 2018 Part, specifically at 9.20, recognises that there may be exceptional situations where the specific circumstances of the site, or other matters, could mean that achieving the required level of affordable housing would compromise development viability. Where a prospective developer considers this to be the case, the onus will be

on the developer to provide appropriate financial evidence with any planning application.

The proposal does not offer any on site affordable housing or a commuted sum. The applicant contends, in the form of Viability Studies undertaken by HEDC Limited, dated 4 July 2017 and 16 March 2018, that in culmination with costs to remediate the contamination from the land, the planning infrastructure contributions, abnormal costs (such as the provision of a new sub station and contiguous piling and acoustic fence provision along the railway boundary) and the quality build costs, the proposal would be unable to viably support on-site affordable housing provision or a commuted sum.

Paragraph 173 of the NPPF 2012 states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements 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.

Officers have sought the views of an Independent Viability Consultant and a Quantity Surveyor, whose views were required to provide clarity to the proposed build costs. Taking into account the expert views of the Council's Independent Viability Consultant and Quantity Surveyor, Officers are satisfied that the assumptions and inputs used in appraising the financial viability of the proposed development to be fair and reasonable. As such, Officers have concluded that a scheme providing any affordable housing would not be viable and an objection to the application in relation to absence of affordable housing provision would not be justifiable in this instance.

#### Highways and Parking Considerations

Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should be located where they are 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 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”.

The application is supported by a Transport Statement prepared by Motion, dated 03 March 2017 which assesses existing transport conditions in the area and assesses the impact of the proposed development.

The existing highway network surrounding the site comprises Wey Hill (B2131) to the north and east. The B2131 accesses the A287 to the west, which joins the A3, providing direct access to Portsmouth and Petersfield to the south and Guildford to the north.

There are footways along both sides of Wey Hill to the west and a footway on the northern side of Wey Hill to the east, along with a number of recognised public footpaths located within the vicinity. The footpaths provide links to the west and north to other surrounding residential areas as well as Shottermill Junior School. A zebra crossing is located to the west on Wey Hill, which provides a formalised crossing facility between the various shops located on Wey Hill.

To the east of the site, Lower Street and Tanners Lane form part of the Surrey Cycle Network. This cycle route provides links to the north east towards Chiddingfold and farther afield.

Haslemere Railway Station is located approximately 350 metres to the east of the site. This station is on the Portsmouth Direct Line and provides services to a number of destinations including London Waterloo to the north and Portsmouth Harbour to the south. Several local stations including Guildford, Woking and Petersfield are also accessible.

With regard to road safety, the Transport Statement has analysed Personal Injury Accident (PIA) for the most recent five year period available (01/01/10 to the 31/10/2016) for the highway network in the vicinity of the site.

The Transport Statement identifies that there have been a total of seventeen accidents within the locality; 15 of which are recorded a slight incidences

caused by human error and 2 of which are recorded as serious. Both serious incidents were recorded on B2131 Lower Street and were caused by a pedestrian walking from the footpath into the front of a vehicle and the other a vehicle losing control for an unknown reason and colliding with a fence under the railway bridge.

All accidents can be attributed to human behaviour and officers are satisfied that there are no significant existing problems with the layout of the highway itself that would be affected by traffic from the development proposals.

In order to predict the traffic flows associated with the proposed development, the Transport Statement advises that TRICS (Trip Rate Information Computer System) database has been used, using sites that are similar in characteristics with the proposed development. The TRICS database estimates a daily total of 113 two way vehicles movement associated with the proposed development.

The site benefits from a lawful retail and commercial use which, if resumed, would also generate a substantial number of traffic movements. This is a material consideration in the assessment of this current application.

Furthermore, consideration must be given to the 2011 Appeal decision associated with WA/2010/1568, which the Inspector allowed for 39 units. In reference to traffic generation, the Inspector made the following conclusion:

‘.....that any resumed commercial use of the site or any other development that made efficient use of the land would also generate significant traffic movements during the working day including at peak hours and that these would either be greater in number than the proposed development or at least would not be materially fewer in number’.

Whilst the current scheme proposes an increase in residential units from that sought under WA/2010/1568, the commercial element of the scheme is no longer proposed. Subsequently, the proposal would result in a lower number of daily movements than previously permitted.

In respect to the current situation, with the site vacant, Officers are satisfied that whilst the proposal would result in increase vehicle trips to the existing highway network, the increase to traffic impact would be not be detrimental to existing traffic flows

The County Highway Authority is satisfied that the TRICS Assessment undertaken and reported within the Transport Statement provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that, subject to the delivery of a package of

mitigation measures; the residual cumulative impacts of the development would not be severe.

The site would be served by a single vehicular access road from Wey Hill, measuring 5.4 metres wide and capable of accommodating two cars passing simultaneously.

The Transport Statement outlines a number of highway safety improvements on the local highway network to mitigate the impact of the development generated traffic. These include the provision of visibility splays, measuring 2.4m x 51m in both directions (the scale of which is based upon the speed of vehicles travelling along Wey Hill) and the provision of an uncontrolled pedestrian crossing point, to be constructed to the east of the proposed vehicular access onto Wey Hill and created by dropping the kerb and the use of tactile paving.

When considered against the critical policy test of paragraph 32 of the NPPF 2012, the County Highway Authority is satisfied that it has been demonstrated that the proposed development would not result in any significant detrimental impacts on the local highway network.

The County Highway Authority is also 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.

Having regard to the expert views of the County Highway Authority, Officers are satisfied that the proposal is acceptable in terms of highway safety and operational capacity.

In addition to highway safety and capacity concerns, the scheme must also be acceptable in terms of sustainability. The County Highway Authority considers the proposed development is sustainable in transport terms, being within a highly sustainable town centre location, within walking and cycling distance of facilities and public transport services.

Notwithstanding the above, the County Highway Authority has sought further mitigation methods which are set out above under Heads of Terms. A contribution of £41,640 is being sought towards the construction of an uncontrolled pedestrian crossing on Wey Hill.

The County Highway Authority is satisfied that, subject to conditions and the proposed and requested highways improvements and contributions, safe and suitable access to the site can be achieved for all users. The applicant has indicated a willingness to enter into a suitable legal agreement to secure the appropriate mitigation methods. A signed and completed legal agreement has

not yet been received. However, it is anticipated that an agreement would be entered into.

In light of the above and subject to the completion of a suitable legal agreement, Officers are satisfied that the proposal would have an acceptable impact on safety and efficacy of the surrounding highway network and that the cumulative impacts of the proposed development could be satisfactorily accommodated on the surrounding highway network or mitigated by appropriate means, without generating a severe impact, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and paragraph 32 of the NPPF 2012. The proposal would also meet criterion (c) of retained Policy TC3 of the Local Plan 2002.

The NPPF 2012 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 within a Town Centre location:

Unit type (bedroom numbers)	Recommended WBC parking guidelines
1 bedroom	1 parking space
2 bedroom	1 parking spaces
3+ bedroom	1.5 parking spaces

The following table illustrates the parking requirement for the proposed development in accordance with the abovementioned requirements:

Bedroom numbers	Number of dwellings proposed	Minimum number of spaces required
1 bedroom	23	23
2 bedroom	22	22
Total	45	45

The details submitted in support of the application demonstrate that 45 vehicle parking spaces can be accommodated on the site through the provision of undercroft car parks. 30 vehicles spaces are to be provided in the undercroft car park associated with Block A and 15 vehicles spaces are to be provided in the undercroft car park associated with to be provided in Block B. The Transport Statement provides a swept path analysis to demonstrate that



vehicles can enter and egress the proposed parking spaces within each block. The County Highway Authority is satisfied with this parking arrangement.

Officers are therefore satisfied that the required residential parking provision can be satisfactorily accommodated on the site, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and the Council's Parking Guidelines 2013.

### Refuse/Recycling and Cycle Storage

Policy TD1 of the Local Plan 2018 states that the Council will seek to maximise opportunities to improve the quality of life, health and well-being of current and future residents by (amongst other things) the provision of appropriate facilities for the storage of waste (including general refuse, garden, food and recycling).

Storage provision should be made for a variety of different sized refuse bins, recycling and food waste. Using the calculations under paragraph 5.5 of the Council's Requirements for Refuse and Recycling on New Development Guidance Notes, the following refuse/recycling bins are required to serve the the proposal:

Units	Refuse (per unit per fortnight)	Recycling (per unit per fortnight)	Total Refuse (all units per fortnight)	Total Recycling (all units per fortnight)
23 X 1 bed	100 litres	100 litres	2300 litres	2300 litres
22 x 2 bed	170 litres	170 litres	3740 litres	3740 litres
		Total:	6040 litres	6040 litres

The details submitted in support of this application demonstrate that communal waste storage compounds within each undercroft car park are proposed. Block A would have a communal storage compound that would accommodate 4 x 1100 litre refuse bins, 1 x 660 litre refuse bin, 3 x 1100 litre recycling bins and 1 x 140 litre food waste bin.

Block B would have a communal waste storage compound that would accommodate 1 x 1100 litre refuse bin, 1 x 660 litre recycling bin, 2 x 1100 litre recycling bins and 1 x 140 litre food waste bin. The Council's Waste and Recycling Officer is also satisfied that distances for collection and transporting waste falls within the guidelines of Waverley Borough Council for all units.

The NPPF 2012 states that in order to make the fullest possible use of cycling, development should be located and designed where practical to

create safe and secure layouts which minimise conflicts between traffic and cyclists.

Retained Policy M5 of the Waverley Borough Local Plan 2002 accords with the NPPF 2012 in requiring developments to include, where possible, safe and convenient cycle routes which can connect to the Borough-wide cycle network.

The Council's Parking Guidelines 2013 require the following residential parking provision to be made within the site:

No. of Units	Dwelling Type	Recommended Parking WBC Guidelines
23	1 bedroom flat	1 spaces
22	2bedroom flat	1 spaces
	Total	45 spaces

The details submitted in support of this application demonstrate that 45 secure cycle parking spaces would be provided within the site, in the undercroft car parks. Block A would provide secure storage for 30 cycles and Block B would provide secure storage for 15 cycles.

In light of the above, Officers are satisfied that the proposal could secure the required cycle and refuse/recycling storage in accordance with Policy TD1 of the Local Plan 2018 and retained Policy M5 of the Waverley Borough Plan 2002.

#### Standard of Accommodation and Provision of Amenity/Play Space

Policy TD1 of the Local Plan (Part 1) 2018 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through the provision of appropriate private, communal and public amenity space, appropriate internal space standards for new dwellings, on site play space provision, appropriate facilities for the storage of waste and private clothes drying facilities.

The Government Technical Housing Standards – Nationally Described Space Standards (2015) requires dwellings to meet certain internal space standards in order to ensure that an appropriate internal standard of accommodation has been provided for future occupiers. Until the Council has a Local Plan Policy in respect of these standards, they should only be given limited weight and used as guidance to inform the decision on this proposal.

The application is accompanied by an accommodation schedule which demonstrates that the proposed development would provide appropriate internal space. This is summarised in the table over.

	Internal floor area proposed (sqm)	Technical Space Standard (sqm)
1-bed flat	50.25 – 52.99	39 – 50
2-bed flat	65.61 – 72.32	61 – 70

Units 1 - 5, 7, 9, 33, 34 and 36 would benefit from private garden space. Units 11 - 30 would benefit from private balconies. All units would have access to communal private amenity space.

Furthermore, given the site's proximity to the Town Centre, which provides access to public open space, the proposal is considered to be acceptable in terms of the amenity space provided.

The Fields in Trust Guidance for Outdoor Sport and Play - Beyond the Six Acre Standard England (2016). For a scheme of 44 residential units the FIT guidance recommends that a Local Area of Play (LAP), a Locally Equipped Area of Play (LEAP) and a contribution towards a Multi Use Games Area. None of these have been provided as part of this application.

However, Officers consider that the site is not suitable for outdoor play given its central location within a busy highway network. Furthermore, having regard to the large proportion of smaller units proposed which are less likely to contain families, it would not be considered reasonable to raise an objection to the proposal on this basis. A contribution has however been sought for off site improvements at the Lion Green Play Area and the High Lane Playing Pitch.

In terms of intervisibility between the proposed units, the Council's Residential Extension SPD advises that as a general room of thumb, there 'should be a distance of at least 21 metres between proposed windows and those of neighbouring properties and 18 metres between proposed windows and neighbouring private amenity space'.

As a result of their orientation on side facing elevations, unit 10 in Block A and unit 32 in Block B (Upper Ground Floor) have habitable rooms facing each other with only an 8.9 metre separation distance. This situation is the same for unit 20 in Block A and unit 39 in Block B (First Floor). The affected windows in the units associated with Block B serve bedrooms; whilst the windows associated with the units in Block A serve bathrooms and kitchens.

Although a condition could be included to require obscure glazing to the proposed bathroom windows to reduce opportunities for overlooking should permission be granted, there would still be potential for overlooking from the proposed kitchen windows to the proposed bedroom windows.

Officers recognise that the distance between these proposed side windows would be significantly less than the 18 metres recommended by the Council's Residential Extension SPD. However, a kitchen is considered not to be primary accommodation as they do not tend to attract a prolonged outlook. Notwithstanding this, given that these kitchen windows are secondary windows in the open plan room, Officers consider it reasonable recommend that these windows are conditioned to be obscurely glazed, should permission be granted, in order to in order to give future occupiers a sense of privacy.

Officers note that units 33 and 40 of Block B would have bedroom windows facing side windows on Block A proposing to serve stairwells and hallways. Although these areas are transitional only, in order to given the future occupiers of units 33 and 40 of Block B a sense of privacy, it is considered reasonable to restrict these windows to being obscured glazed by way of condition, should permission be granted.

Should permission be granted, in order to preserve the private amenities of those units benefiting from adjoining balconies, it is considered reasonable to impose a condition to secure the materials proposed to screen these balconies.

The private gardens associated with a number of Upper Ground Floor units associated with both Blocks A and B would be overlooked by the units proposed above. However, such a situation is not unusual with flat developments and it would be unreasonable to recommend refusal of this application on this basis.

In light of the above, Officers are satisfied that the proposal would accord with Policy TD1 of the Local Plan (Part 1) 2018 and the Government Technical Housing Standards – Nationally Described Space Standards 2015.

#### Impact on Visual Amenity

Policy TD1 of the Local Plan (Part 1) 2018 requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Retained Policies D1 and D4 of the Waverley Borough Local Plan 2002 are attributed full weight respectively due to their level of consistency with the NPPF 2012.

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.

The Haslemere Design Statement (2012) states that where new development is proposed, imaginative solutions should be found, to achieve higher density without undermining the character of the existing area, and goes on to say that care must be taken to ensure that any new development sits well in the street-scene and the form of any new development must be appropriate for the site in which it sits.

The site is located within a prominent location along Wey Hill, set above the ground level of the adjacent highway. It is therefore highly discernible from the surrounding area and within the immediate street scene.

In respect of scale, the proposed buildings would sit comfortably within the plot, with the provision of soft landscaping (the communal amenity areas) and private gardens to break up what would otherwise be a visual dominance of built form and the hard surfacing of the vehicle carriageways.

Although the irregular shape of the site does not give opportunity to set both buildings back from the highway at a uniform distance, a varied set back has been applied which would allow for landscaping to soften the appearance of the development within the street scene and contribute towards the verdant character of the area. Soft landscaping is also proposed between the buildings and the shared east and west boundaries, allowing for a sense of space and to prevent a cramped appearance.

In terms of form, the site is surrounded by buildings ranging between single and three storeys in height. Most notable in the immediate street scene is 27 Wey Hill and nearby Clay Hill House; both of which are over three storeys in height. Whilst Officers acknowledged that the overall height of the buildings at 13.0 metres would be well read within the street scene, in context with the adjacent 27 Wey Hill and Clay Hill House, such a height would not appear incongruous.

Furthermore, the design of the proposed buildings reflects the traditional style associated with the distinctive architectural character of Haslemere. The varied roof scape, along with gabled features and eaves dormer windows provides visual interest, as well as performing the function of breaking the mass of the roof slope.

The use of steep gables and Tudored panelling detail has been heavily influenced from nearby 27 – 37 Wey Hill and would further integrate the proposed buildings within their surroundings.

It is also noted that the design approach reflects that found acceptable by the Inspector in allowing the appeal of WA/2010/1568.

Good quality materials would be key to this scheme harmonising successfully with surrounding development. Should permission be granted, Officers would seek to secure samples of materials prior to development commencing on site to ensure that the materials proposal would complement those currently existing within the street scene, in order to ensure that character of the area is retained.

Officers consider that the proposal would be in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and Retained Policies D1, D4 and TC3 of the Waverley Local Plan 2002 and the requirements of the NPPF 2012.

#### Impact on Residential Amenity

Policy TD1 of the Local Plan (Part 1) 2018 states that the Council will ensure that the character and amenity of the Borough are protected by requiring new development to maximise opportunities to improve the quality of life and health and well-being of current and future residents. These principles are supported by Retained Policies D1 and D4 of the Local Plan and guidance contained within the Council's SPD for Residential Extensions.

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.

The closest neighbouring residential properties are located to the north of the application site along Wey Hill Road. Whilst Officers acknowledge that the proposal would have a greater presence upon the occupiers of these properties, Officers are satisfied that as a result of the minimum 20 metres distances retained and the oblique angle to the neighbouring properties, the proposed buildings would not cause material harm to the amenities of the occupiers of these neighbouring properties by way of loss of light, overshadowing or overbearing impacts.

The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local

highway network. However, these issues are transient and could be minimised through the requirements of planning conditions to secure an appropriate construction management plan, if outline permission is granted.

As such, the proposal would be acceptable in respect of its impact on the amenities of existing and future neighbouring occupiers in accordance with Policy TD1 of the Local Plan (Part 1) 2018 and Retained Policies D1 and D4 of the Waverley Local Plan 2002 and the requirements of the NPPF 2012.

### Flooding and Drainage

Policy CC4 of the Local Plan (Part 1) 2018 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.

Paragraph 100 of the NPPF 2012 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.

It was identified under planning applications WA/2010/1568 and WA/2016/0879 that the site is inaccurately identified as being within Flood Zone 2 and Flood Zone 3 on the Environment Agency Flood Mapping System. As with planning applications WA/2010/1568 and WA/2016/0879, the Environment Agency continues to have an this inaccuracy in their Flood Mapping System in regards to this site and will continue to do so until the river model is updated.

The Environment Agency has acknowledged this inaccuracy, advising that whilst there is 'an assumed flow path between the two extents on the model cross section, in reality the railway embankment will prevent flood water reaching the site. This confirmed by the general topography of the area'. The site is therefore considered to fall within Flood Zone 1.

The proposed development for residential purposes 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. As the site falls outside of Flood Zone 2 and Flood Zone 3, it is not therefore necessary to consider the sequential or exception tests in this instance.

With respect to SuDS, the application is supported by a SuDS Assessment, prepared by Motion, dated March 2018. This assessment confirms that the 0.318 ha site is comprised approximately of 6% greenspace and 94% of hardstanding. In order to ensure that the surface water run off-rate from the development is managed so that it does not exceed the existing situation, nor cause risk to neighbouring developments, the SuDS proposed are cellular storage/attenuation crates and permeable paving systems.

Surface water from the ramp into the undercroft car parks would be collected and pumped separately into attenuation storage proposed to be located on the eastern open space of the site (communal private area). Carriageways would be constructed from permeable paving material to allow for infiltration and surface water from rain pipes would be diverted by pipes into the main drainage that will subsequently attenuate within the cellular storage tank. Provision has been made for potential failures for the proposed pumping system.

Final discharge will be made into the Thames Water surface water drainage network, located along Wey Hill. A Hydrobrake will be used in order to limit all flows leaving the development to five litres per second (l/s). Thames Water has been consulted on the application and has not raised any capacity issues in this regard.

The SuDS Assessment also outlines a Maintenance Schedule for the proposed SuDS.

The Lead Local Flood Authority has been consulted on the proposal and is satisfied with the proposed drainage scheme, subject to conditions to secure additional information and to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

In regards to foul discharge, two sump pumps would be installed within the undercroft parking areas car parks which would discharge into the two existing foul water connections along Wey Hill via a proposed foul drainage system. Thames Water has been consulted on the application and has not raised any capacity issues in this regard.

It is therefore considered that the proposal has adequately addressed flood risk, surface water and ground water flooding risk in accordance with Policy



CC4 of the Local Plan 2018 (Part 1), paragraphs 100 of the NPPF 2012 and the guidance set out in the NPPG 2014.

### Land Contamination

Paragraph 120 of the NPPF 2012 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.

Retained Policy D1 of the Local Plan 2002 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 application is accompanied by a Geotechnical Investigation Report, reference No 2568/07. The Council's Environmental Pollution Control Officer has scrutinised the contents of the Geotechnical Investigation Report and has concluded that it does not meet required standards.

As the application involves a change of use from a use with known previous contamination uses to a sensitive residential use, the Council's Environmental Pollution Control Officer has recommended conditions to secure and investigation and risk assessment of this area, along with details of remediation should contamination be found on the on site, should permission be granted. This will ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

In light of the above, Officers are satisfied that the proposal would accord with retained Policy D1 of the Waverley Borough Local Plan 2002 and paragraph 120 of the NPPF 2012.

### Noise and Vibration

Paragraph 123 of the NPPF 2012 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.

As the site lies to the south of the railway track, at a distance of 7.0 metres from the closest boundary of the site and 120 metres from Haslemere Station, the application is supported by a Planning Noise Assessment, prepared by Cole Jarman, reference 17/0119/R1//2, dated 06 April 2017 (third issue) to determine the extent to which the local area is currently affected by associated traffic and railway noise/vibrations and what impact these noise/vibrations levels would have on future occupiers of the proposal, as well as

The Noise Assessment concludes that there will be no significant impacts with respect to noise and vibration, subject to mitigation measures such as acoustic fencing, enhanced performance glazing and acoustically rated ventilators.

The Council's Environmental Health Officer has reviewed the submitted Noise Assessment and has raised no objection in terms of noise and vibration resulting from the proposal, subject to a condition to secure a Construction Environmental Management Plan, to restrict the hours and operation of machinery/plant and to secure best practise sound levels from the construction materials and glazing.

As such, Officers conclude that there would be no detectable effect on health or quality of life for the future occupiers of the site due to existing external noise.

#### Infrastructure Contributions

Policy ICS1 of the Local Plan (Part 1) 2018 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 three tests as set out in Regulation 122(2) require s106 agreements to be:

- 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 2012 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.

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 6<sup>th</sup> April 2010 and it is a type of infrastructure that is capable of being funded by CIL. 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:

Transport Contribution	£41,640
SPA Contribution	£40,000
Education: (Early Years)	£30,287
Education: (Primary)	£42,969
Play Areas	£25,312.50
Playing Pitches	£27,562.50
Recycling	£99.50
Total	£207,870.50

The providers have confirmed that the proposed contributions would not result in the pooling of more than 5 contributions towards one specific piece of infrastructure. The infrastructure improvements required would therefore comply with CIL Regulations 122 and 123 of the NPPF 2012.

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 if permission is granted, it is concluded that the proposal would adequately mitigate for its impact on local infrastructure and the proposal would comply with the requirements of Policy ICS1 Local Plan (Part 1) 2018 and the NPPF 2012 in respect of infrastructure provision.

### Financial Considerations

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

The NPPG sets out that whether or not a local financial consideration is material to a decision will depend on whether it could help to make the development acceptable in planning terms.

It is not appropriate for a decision to be made on the basis that the development could have the potential to raise money for a local authority or other government body.

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

### Effect on the SPAs

Policy NE1 of the Local Plan (Part 1) 2018 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.

Within locally designated sites, Policy NE1 sets out that development will not be permitted unless it is necessary for appropriate on site management measures and it can demonstrate no adverse impact to the integrity of the nature conservation interest.

The site lies within the Wealden Heaths II SPA 5km Buffer Zone. Given that the proposal would increase the number of people permanently on the site and therefore has the potential to increase recreational pressure on the SPA and subsequently affect its species, Natural England has requested that a Habitats Regulations Assessment (HRA) supports this application.

A Report to Inform Habitats Regulations Assessment Screening, prepared by WYG, dated September 2017 supports this application. The Assessment Screening indicates the qualifying species and habitats and identifies the likely direct and indirect impacts of the proposed development, during both the construction phase and the operational phase. The 'in combination' effects with other developments within 5 km of the SPA have also been considered.

The Assessment Screening concludes that whilst the development on its own is unlikely to result in any adverse effects on the integrity of the SPA, in combination with other residential developments, there is potential for significant in-combination effects which could result in an adverse effect on site integrity.

In consultation with Natural England and the National Trust, the applicant has indicated a willingness to enter into a suitable legal agreement to secure a £40,000 contribution to support a part-time warden's post at the National Trust Devil's Punchbowl Car Park.

The post would enable the increased population visiting via this access point to be informed about the sensitivities of the site and encouraged to observe rules and guidelines to help protect the features of SPA, as well as providing additional support, such as education to visiting school groups, leading walks etc. The contribution would also be used to support the publication of information leaflets providing information about the designated site and to encourage the increased population respect and careful use of the valuable nature conservation asset.

As the Competent Authority for the purpose of the Habitats Regulations, using the information contained within the submitted Report to Inform Habitats Regulations Assessment Screening, Officers have carried out a HRA and have concluded that the proposed development would not have a likely significant effect on the SPA if the mitigation measure as proposed in the Report to Inform Habitats Regulations Assessment Screening is implemented.

Natural England has reviewed both the Report to Inform Habitats Regulations Assessment Screening and the Council's HRA and has raised no objection to the proposal, subject to an appropriate planning condition or obligation to secure the mitigation measure.

The site also lies within the East Hants SPA 5km Buffer Zone. Natural England has reviewed the proposal and considers that the proposal development would not have significant adverse impacts on this designated site.

In light of the above, subject to the receipt of a suitable, signed legal agreement to secure the required mitigation contribution if permission is granted, it is concluded that the proposal would have no adverse impact to the integrity of the nature conservation interest of the SPAs, in accordance with Policy NC1 of the Local Plan 2018 (Part 1).

#### Biodiversity and Compliance with Habitat Regulations 2017

The NPPF 2012 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 Local Plan (Part 1) 2018 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. Within locally designated sites, Policy NE1 sets out that development will not be permitted unless it is necessary for appropriate on site management measures and it can demonstrate no adverse impact to the integrity of the nature conservation interest.

The application property does not fall within a designated SPA, SAC, SNCI or SSSI and is not an agricultural building or barn. Surrey Wildlife Trust has assessed the information supporting this application and have confirmed that as a result of majority of the site being cleared it is therefore likely to have limited ecological potential. However, Surrey Wildlife Trust have recommended precautions, which could form informatics if permission is granted.

In light of the above, Officers are satisfied that the proposal would not prejudice the ecological value of the site and the proposal would therefore accord with Policy NE1 of the Local Plan (Part 1) 2018 and the requirements of the NPPF 2012.

#### Comment on Third Party Representations

Representations which have been received in relation to the application are noted and have been carefully assessed by officers in the report above. Officers consider the majority of the concerns raised have been addressed in the above report.

In relation to the Town Council's comments, consideration has been given to the provision of a pedestrian crossing which is considered necessary and would be secured through an appropriate legal agreement.

Concern has been raised by the third parties in relation to the level of parking provided. However, it is considered that the level of parking provided is sufficient, especially given the close proximity of the development to the station, public transport links and its location within the town centre. Therefore, no objection is raised by officers in terms of the level vehicular parking.

#### Sustainability

Policy CC2 seeks to ensure all new development includes measures to minimise energy and water use. The Policy goes on to say that new dwellings shall meet the requirement of 110 litres of water per person per day.

A condition is recommended requiring the submission of details to confirm that the dwellings have been designed and completed to meet the requirement of 110 litres of water per person per day, prior to the occupation of the dwellings.

#### Accessibility

Policy AHN3 of the Local Plan Part 1 (2018) states that the Council will require the provision of new developments to meet Building Regulations M4 (2) Category 2 standard: "Accessible and adaptable dwellings" to meet the needs of older people and those with disabilities.

The supporting text to the policy states that this will be delivered through the implementation of planning permissions. As such, this will be picked up by the building control process if planning permission is implemented.

## The Equalities Act 2010, Crime and Disorder and Human Rights Implications

There are no implications from this application in terms of the Equalities Act 2010, Crime and Disorder and Human Rights Implications.

## Environmental Impact Regulations 2017

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

## Pre Commencement Conditions

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

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

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

## Working in a positive and 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:-

- Have accepted amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

## Conclusion

The starting point is the development plan and the policies set out above. In forming a conclusion, the NPPF 2012 is a significant material consideration. It requires that the benefits of the scheme must be balanced against any negative aspects of the scheme.



The site is located within the developed area of Haslemere wherein development may be considered acceptable subject to its impact on visual and residential amenities.

The proposal would not provide any affordable housing/contribution nor is the proposed housing mix entirely reflective of the SHMA requirements. The application is accompanied by a Viability Statement which demonstrates to the satisfaction of Officers and their Independent Experts that the provision of affordable housing would render the scheme unviable. Officers have also concluded that the housing mix is appropriate for the town centre location. Furthermore, the NPPF 2012 is clear in encouraging the effective use of land by re-using land that has been previously developed and the proposal would comprise the redevelopment of a vacant brownfield site.

In consideration of all of the above, the lack of affordable housing provision/contribution or an inappropriate housing mix would not outweigh the benefits of the scheme when assessed.

The scheme would deliver a substantial level of market housing that would contribute significantly towards housing in the Borough.

The County Highway Authority is satisfied that the proposal is acceptable in terms of highway safety, access location, traffic capacity, parking provision and policy considerations.

This is subject to a legal agreement to ensure that the appropriate highway mitigation would be secured and appropriate safeguarding conditions be applied to any approval.

The development is to be located wholly within Flood Zone 1 and subject to the imposition of suitably worded conditions to secure SuDS details, the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and, would reduce flood risk overall.

The proposed development is considered to be of an appropriate scale, layout and appearance, such that it would be acceptable in visual terms and would not result in any material harm to neighbouring residential amenities.

All other technical matters including; amenity and play space provision, land contamination, ecology and impact upon the SPA, are also found to be acceptable.

Therefore, subject to the completion of the S106 legal agreement securing to secure a programme of highway improvement works to mitigate the impact of traffic generated by the development; recycling provisions; off site contributions towards early years and primary education; an off-site contribution towards play pitch facilities; an off-site contribution towards play area facilities; future ownership, management and maintenance of on-site SuDS and open space and a contribution to mitigate future pressures on the Wealden Heaths II SPA, the proposal would, in the Officers' view, effectively limit the impacts of the development.

Officers therefore consider that the adverse impacts identified would not outweigh the benefits of the scheme when assessed against the policies in the NPPF 2012 taken as a whole.

### **Recommendation A**

That, subject to the applicant entering into appropriate legal agreement within 6 months of the date of the committee resolution to grant planning permission to secure contributions towards education, recycling provision, off-site play area and playing pitch improvements, mitigation for the impact on the SPA, off-site highways improvements and on-site SuDS and open space management/maintenance and subject to the following conditions and informatives, permission be GRANTED:

1. Condition

The plan numbers to which this permission relates are 14-1423-060J, 14-1423-061H, 14-1423-062H, 14-1423-063H, 14-1423-064G, 14-1423-065G, 14-1423-066E, 14-1423-067E, 14-1423-68D and L90-100K. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

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

2. Condition

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by

the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of the character of the area, to accord with the objectives of Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This condition is a pre commencement condition because it goes to the heart of the permission.

3. Condition

The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason

In the interests of the amenities of the area and to ensure appropriate levels of parking are maintained on the site, in accordance with Policy ST1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

4. 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 footway along the site frontage on the south side of Wey Hill and a commitment to repair any damage caused.
- (j) 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 should not prejudice highway safety nor cause inconvenience to other highway users and to protect the amenities of the area, in accordance with Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and Policy ST1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This condition is a pre commencement condition as it relates to the construction process.

5. Condition

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

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and Policy ST1 of the Waverley Borough Local Plan (Part 1) 2018.

6. Condition

The measures in the approved Travel Statement dated May 2017 shall be implemented prior to first occupation of the development and thereafter each first time occupier of the residential units shall be issued a copy of the approved Travel Statement to promote the use of non-car modes of transport between the site and the surrounding area.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012 and Policy ST1 of the Waverley Borough Local Plan (Part 1) 2018.

7. Condition

No development shall commence until the following details as referenced in the supporting SuDS Assessment, prepared by Motion,

dated March 2018 has been submitted to and approved by the Local Planning Authority:

- a) Ref 2.9-10: Surface water sewers are operated and maintained by the sewer provider; evidence of a requisition for a SW connection from the sewer provider (S106).
- b) Ref 4.17: Evidence that silt traps including catch pits will be installed as a pre-treatment to the Geo-cell unit.
- c) The proposed connection invert level to the existing SW sewer in Wey Hill is unknown at present and is estimated; determination of this level by demonstration of interpolation of invert levels between known upstream and downstream manholes on the existing system.
- d) Confirmation of SW connection invert level by trial pit to be completed before commencement of construction of the drainage system.

#### Reason

To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site in accordance with and Policy CC4 of the Waverley Borough Local Plan (Part 1) 2018. This condition is a pre commencement condition because it goes to the heart of the permission.

#### 8. Condition

No development shall 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. Those details shall include:

- a) A design that satisfies the SuDS Hierarchy and that is compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.
- b) 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 a discharge rate of 5 l/s (or otherwise as agreed by the LPA).
- c) 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.
- d) Details of how the runoff (including any pollutants) from the development site will be managed during construction.
- e) Details of Management and Maintenance regimes and responsibilities for the drainage system.

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

Reason

To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy CC4 of the Waverley Borough Local Plan (Part 1) 2018. This condition is a pre commencement condition because it goes to the heart of the permission.

9. Condition

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

Reason

To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CC4 of the Waverley Borough Local Plan (Part 1) 2018. This condition is a pre commencement condition because it goes to the heart of the permission.

10. Condition

Prior to commencement of development, other than that required to be carried out as part of demolition or approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF.
- b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include:
  - (i) All works to be undertaken
  - (ii) Proposed remediation objectives and remediation criteria
  - (iii) Timetable of works
  - (iv) Site management procedures

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation

to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Retained Policies D1 and D4 of the Waverley Local Plan 2002. This condition is a pre commencement condition because the matter goes to the heart of the permission.

#### 11. Condition

Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with Condition 10 and shall be submitted to Local Planning authority for approval prior to occupation of the development.

#### Reason

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Retained Policies D1 and D4 of the Waverley Local Plan 2002. This condition is a pre commencement condition because the matter goes to the heart of the permission.

#### 12. Condition

Following commencement of the development hereby approved, if unexpected contamination is found on site at any time, other than that identified in accordance with Condition 10, the Local Planning Authority shall be immediately notified in writing and all works shall be halted on the site. The following shall be submitted and approved in writing by the Local Planning Authority prior to the recommencement of works:

- a) An investigation and risk assessment, undertaken in the manner set out in Condition 10 of this permission.
- b) Where required, a remediation scheme in accordance with the requirements as set out in Condition 10.

- c) Following completion of approved remediation works, a verification report, in accordance with the requirements as set out in Condition 11.

**Reason**

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Retained Policies D1 and D4 of the Waverley Local Plan 2002. This condition is a pre commencement condition because the matter goes to the heart of the permission.

**13. Condition**

No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a) An indicative programme for carrying out of the works
- b) The arrangements for public consultation and liaison during the construction works
- c) Measures to minimise the noise (including vibration) generated by the 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)
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e) the parking of vehicles of site operatives and visitors
- f) loading and unloading of plant and materials
- g) storage of plant and materials used in constructing the development
- h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i) wheel washing facilities
- j) measures to control the emission of dust and dirt during construction
- k) a scheme for recycling/disposing of waste resulting from demolition and construction works.



Reason

Having regard to the amenities of residents in accordance with Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained policies D1 and D4 of the Waverley Borough Local Plan 2002. This condition is a pre commencement condition as it relates to the construction process.

14. Condition

No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours 08:00 - 18:00 Monday Friday, 08:00 - 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason

Having regard to the amenities of residents in accordance with Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained policies D1 and D4 of the Waverley Borough Local Plan 2002.

15. Condition

All vehicles, plant and machinery used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarm as opposed to single tone 'bleeping alarms' throughout the operation of the development hereby permitted.

Reason

Having regard to the amenities of residents in accordance with Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained policies D1 and D4 of the Waverley Borough Local Plan 2002.

16. Condition

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that the rating level of noise emitted does not exceed the background sound level, when measured according to British Standard BS4142: 2014 at any adjoining or nearby noise sensitive premises.

Reason

Having regard to the amenities of residents in accordance with Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

17. Condition  
Prior to first occupation of the development, the following sound levels should be achieved when windows are closed with adequate ventilation:

- I. Daytime internal noise level within all habitable rooms no greater than 35dB LAeq,16h.
- II. Night time internal noise level within all bedrooms no greater than 30dB LAeq,8h.
- III. Aspirational typical night time maximum noise levels no greater than 55dB LAm<sub>ax</sub>.
- IV. Aspirational daytime noise level in outdoor amenity areas ideally no greater than 55dB LAeq,16 with noise levels above acceptable providing reasonable steps have been taken to mitigate as far as is practicable (for part IV only).

Reason

Having regard to the amenities of residents in accordance with Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

18. Condition  
Prior to first occupation of the development a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out prior to the first occupation of the development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

In the interests of the character of the area, to accord with the objectives of Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002.

19. Condition  
No development shall take place until details of all proposed screen walls or fences, or other means of enclosure, have been submitted to

and approved by the Local Planning Authority in writing and such walls or fences or means of enclosure as may be approved by the Local Planning Authority shall be erected prior to first occupation of the development and thereafter be maintained.

Reason

In the interests of the character of the area, to accord with the objectives of Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and retained Policies D1 and D4 of the Waverley Borough Local Plan 2002. This condition is a pre commencement condition because it goes to the heart of the permission.

20. Condition

The following windows shall be glazed with obscure glazing to the extent that intervisibility is excluded and shall be retained:

Bathroom in Unit 10 Block A  
Bathroom in Unit 20 Block A  
Bathroom in Unit 32 Block B  
Bathroom in Unit 39 Block B  
Kitchen in Unit 10 Block A  
Kitchen in Unit 20 Block A  
Upper Floor Hallway Block A  
Upper Floor Stairwell Block A  
First Floor Hallway Block A  
First Floor Stairwell Block A

Reason

In order to protect the privacy of neighbouring properties in accordance with Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and Retained Policies D1 and D4 of the Waverley Local Plan 2002.

21. Condition

No development shall commence until details of the privacy screening to the proposed balconies have been submitted to and approved in writing by the Local Planning Authority. Such screens as agreed shall be installed before the development is first occupied and shall be retained.

Reason

In order to protect the privacy of neighbouring properties in accordance with Policy TD1 of the Waverley Borough Local Plan (Part 1) 2018 and Retained Policies D1 and D4 of the Waverley Local Plan 2002. This condition is a pre commencement condition because it goes to the heart of the permission.

22. Condition

Prior to the occupation of the dwellings, details shall be submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.

Reason

To ensure sustainable construction and design in accordance with Policy CC2 of the Waverley Local Plan Part 1 (2018)

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. Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.
3. In respect of Condition 2 above (submission of materials), the applicant is required, at the time of submission, to specify in respect of the materials the manufacturer, product name and product number. The materials samples will not be accepted by the Council without this information and without the appropriate fee for the discharge of the condition.
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. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).
7. 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).
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, 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.
9. 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.

10. 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>
11. The applicant's attention is drawn to the contents of the letter from Surrey Wildlife Trust dated 03 August 2017, reference 894328/14703/EB which is attached to this decision notice.
12. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
13. 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.
14. The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such

works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

15. No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
16. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
17. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
18. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method

statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

19. In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
20. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
21. The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
22. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent



to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicatata ""Zebrina""

Not Permitted: Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

23. Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
24. As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Wessex [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at [www.networkrail.co.uk/asp/1538.aspx](http://www.networkrail.co.uk/asp/1538.aspx).
25. 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.

26. 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. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service on 01483 523393.
27. 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.
28. 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.

### **Recommendation B**

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

1. 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 effectively limit the impacts of the development on existing infrastructure. The application therefore fails to meet Policy ST1 of the Local Plan 2018 (Part 1), retained Policy TC3 of the Local Plan 2002 and the transport requirements of the National Planning Policy Framework 2012.
2. The applicant has failed to enter into an appropriate legal agreement to secure appropriate planning infrastructure contributions towards education, recycling and playing pitches and play areas. As such, the proposal fails to limit the impacts of the development on existing infrastructure. The proposal therefore conflicts with Policy ICS1 Local Plan (Part 1) 2018 and paragraphs 7 and 17 of the NPPF 2012.
3. The applicant has failed to enter into an appropriate legal agreement to secure SuDS management and maintenance. As such, the proposal would fail to demonstrate that there would be clear arrangements in place for ongoing SuDS maintenance over the lifetime of the development, to

the detriment of the management of surface water. The proposal therefore conflicts with Policy CC4 of the Local Plan 2018 (Part 1), and the guidance set out in the NPPG 2014.

4. The Local Planning Authority considers that the proposals (in combination with other projects) would have a likely significant effect on the integrity of the Wealden Heaths Phase II Special Protection Area (SPA). Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations) applies in this case, it must refuse permission in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. The proposal conflicts with Policy NE1 of the Local Plan (Part 1) 2018 and paragraphs 118 and 119 of the National Planning Policy Framework 2012.

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