

To: All Members of the PLANNING  
COMMITTEE  
(Other Members for Information)

When calling please ask for:

Kimberly Soane, Democratic Services Officer

**Legal & Democratic Services**

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Direct line: 01483523258

Date: 27 March 2024

### **Membership of the Planning Committee**

Cllr David Beaman (Chair)  
Cllr Penny Rivers (Vice Chair)  
Cllr Jane Austin  
Cllr Carole Cockburn  
Cllr Janet Crowe  
Cllr Jacquie Keen  
Cllr Andrew Laughton  
Cllr Alan Morrison

Cllr John Robini  
Cllr Julian Spence  
Cllr Richard Steijger  
Cllr Phoebe Sullivan  
Cllr John Ward  
Cllr Terry Weldon  
Cllr Graham White

### **Substitutes**

Cllr Peter Clark

Dear Councillors

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

DATE: WEDNESDAY, 3 APRIL 2024

TIME: 6.00 PM

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

The Agenda for the meeting is set out below.

This meeting will be webcast and can be viewed on [Waverley Borough Council's YouTube channel](#) or by visiting [www.waverley.gov.uk/webcast](http://www.waverley.gov.uk/webcast).

Yours sincerely

**Susan Sale,**  
**Executive Head of Legal & Democratic Services & Monitoring Officer**

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Please be advised that there is limited seating capacity in the Public Gallery; an overflow room will be available where possible. This meeting will be webcast and can be viewed by visiting [www.waverley.gov.uk/webcast](http://www.waverley.gov.uk/webcast).

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### **NOTE FOR MEMBERS**

Members are reminded that Contact Officers are shown in each report and members are welcome to raise questions, etc. in advance of the meeting with the appropriate officer.

### **AGENDA**

#### 1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive any apologies for absence and substitutes.

Where a Member of the Committee is unable to attend a substitute Member may attend, speak and vote in their place at that meeting.

Members are advised that in order for a substitute to be arranged a Member must give four (4) clear working-days' notice of their apologies.

For this meeting the latest date apologies can be given for a substitute to be arranged is Wednesday 27 March 2024.

#### 2 **MINUTES OF THE LAST MEETING**

To approve the Minutes of the meeting held on 6 March 2024, and published on the councils website, as correct record of the 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 in accordance with Procedure Rule 10.

Submission of questions must be received by Tuesday 26 March 2024.

5 QUESTIONS FROM MEMBERS

The Chairman to respond to any questions received from members in accordance with Procedure Rule 11.

Submission of questions must be received by Tuesday 26 March 2024.

6 ANY RELEVANT UPDATES TO GOVERNMENT GUIDANCE OR LEGISLATION SINCE THE LAST MEETING

Officers to update the Committee on any changes to the planning environment of which they should be aware when making decisions.

**Applications for planning permission**

Requests for site visits should be submitted within five working days after the publication of the agenda. Site visits will be held on the Friday prior to the meeting at 10am or 2pm.

**Background Papers**

Background papers (as defined by Section 100D(5) of the Local Government Act relating to reports are listed under the “Representations” heading for each planning application presented, or may be individually identified under a heading “Background Papers”.

The implications for crime, disorder and community safety have been appraised in the following applications but it is not considered that any consideration of that type arises unless it is specifically referred to in a particular report.

7 APPLICATIONS SUBJECT TO PUBLIC SPEAKING

8 WA/2023/00395 - LAND AT BRIGHTWELLS, EAST STREET, FARNHAM  
(Pages 7 - 20)

Application under Section 106a of the Town & Country Planning Act to modify the legal agreement through a Deed of Variation to the Section 106 relating to WA/2016/0268 to allow amendments to the layout of the highway along East Street. This application is accompanied by an Environmental Statement.

Recommendation

That delegated authority be granted to the Executive Head of Planning Development to authorise the Deed of Variation to the original Section 106

Agreement

- 9 WA/2023/02494 - LAND AT PINWOOD, WHITMEAD LANE, TILFORD, FARNHAM, GU10 2BS (Pages 21 - 30)

Erection of a detached outbuilding.

Recommendation

That permission be REFUSED

- 10 APPLICATIONS NOT SUBJECT TO PUBLIC SPEAKING

- 11 WA/2023/02591 - LAND AT 15&16 PATHFIELD, CHIDDINGFOLD, GU8 4QH  
(Pages 31 - 54)

Application under regulation 4 for erection of 5 dwellings with associated works following the demolition of 2 bungalows together with the provision of access road and parking to serve existing dwellings.

Recommendation

That, subject to conditions 1-20 and informatives 1-13, permission be **GRANTED**.

- 12 EXCLUSION OF PRESS AND PUBLIC

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the Committee agrees:

(1) that the public be excluded from the meeting during consideration of the following matter on the grounds that it is likely, in view of the nature of the business to be 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 in Paragraph X of the revised Part 1 of Schedule 12A to the Local Government Act 1972; and

(2) that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 13 LEGAL ADVICE

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

**For further information or assistance, please telephone  
Kimberly Soane, Democratic Services Officer, on 01483523258 or by  
email at [kimberly.soane@waverley.gov.uk](mailto:kimberly.soane@waverley.gov.uk)**



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# Agenda Item 8

WA/2023/00395 – Application under Section 106a of the Town & Country Planning Act to modify the legal agreement through a Deed of Variation to the Section 106 relating to WA/2016/0268 to allow amendments to the layout of the highway along East Street. This application is accompanied by an Environmental Statement. LAND AT EAST STREET, FARNHAM

Applicant: Crest Nicholson Operations Ltd

Parish: Farnham

Ward: Farnham Moor Park

Grid Reference: E: 484186

N: 146994

Case Officer: Michael Eastham

Neighbour Notification Expiry Date: 13/03/2023

Extended Expiry Date: 12/04/2024

RECOMMENDATION That delegated authority be granted to the Executive Head of Planning Development to authorise the Deed of Variation to the original Section 106 Agreement,

## 1. Site Description

The Legal Agreement relates to a site comprises land fronting onto East Street at the Brightwell's Yard Regeneration Scheme, which is a new retail/commercial/residential development that is currently being delivered.

The Brightwell's Yard Regeneration Scheme covers approximately 3.95 hectares and it is located on the edge of Farnham Town Centre; it is bounded to the north-west by East Street and to the north-east by Dogflud Way. The site is adjacent to Farnham Sports Centre to the east and it extends towards the River Wey to the south-east; the site is bounded to the south-west and west by Brightwell's Road and by South Street.

## 2. Proposal

Application is sought under Section 106a of the Town & Country Planning Act to modify the Seventh and eight schedule of the Section 106 Agreement relating to WA/2016/0268 to allow amendments to the approved layout of the highway along East Street comprising:

- the re-location of bus stops,
- widening of the footways to 3.0 metres in areas and an associated narrowing of the highway;
- cycle parking for 16 cycles;
- provision of a 2.0 metre loading strip;

- existing controlled crossing to be retained;
- new signage, re-instatement of yellow lines and/or white lining along East Street.

### 3. Relevant Planning History

- WA/2023/00385 – Change of use of units 1-24 to Use Class E (a, b, c, d, e), units RU1-RU8 to Use Class E (b) (commercial, business and service) and unit L1 from Use Class D2 to Sui Generis (cinema). This application was accompanied by an Environmental Statement. This was granted on 18<sup>th</sup> April 2023 together with a Supplemental Deed to the Section 106 Agreement.
- WA/2022/01524 – Use of land outside units within buildings D1, D8 and D21 for outdoor tables and chairs. This was granted on 1<sup>st</sup> December 2022.
- WA/2022/02116 – Application under Section 73 for variation of condition 2 of WA/2016/0268 (approved plans) to allow change of use of the consented units 1-24 to Use Class E (a, b, c, d, e) and the consented units RU1-RU8 to Use Class E (b). (The original environmental statements have been provided with this application). Withdrawn on 22<sup>nd</sup> February 2023.
- WA/2022/02117 – Display and installation of 6 wayfinding totems, 2 illuminated digital totems, 5 finger posts, 3 illuminated projecting signs, 5 wall mounted signs, 2 overhead signs, 1 interpretation lectern, 3 interpretation plaques a 1 high level wall sign across the Brightwell’s development. Consent granted on 15<sup>th</sup> February 2023.
- WA/2022/02818 – Application for advertisement consent to display one illuminated fascia sign; one door vinyl; four window vinyl’s alongside etched and tinted vinyl applied to windows at ground and first floor level, Plot C, Building D20 at East Street. Consent granted on 3<sup>rd</sup> February 2023.
- WA/2016/0268 - Section 73 application for the variation of Condition 3 (Plans) and removal of Condition 61 (Sustainability Statement) and Condition 60 (Combined Heat and Power Scheme) of WA/2012/0912 (East Street Re-development) to allow: 106 square metres increase in size of extension to Brightwell House, re-alignment of rear of Building D21, removal of Gostrey Centre community use from Building D20 resulting in space to be occupied by Use Class A1/A3 Retail/Food and Drink, internal alterations and amendment to landscaping scheme; revision to heating strategy, omitting energy centre and changes to comply with current Building Regulation and other regulation requirements with subsequent revisions to Sustainability Statement, amendment to affordable housing provision to provide 100% shared ownership flats. This application is accompanied by an Addendum to the Environmental Statement (as amplified by emails and plans received 21/03/2016 and



01/06/2016 in relation to flood risk and as amended by email and viability information received 06/05/2016 in relation to the proposed affordable housing mix). This is the permission that is being implemented on the site. This was granted on 9<sup>th</sup> September 2016.

- WA/2012/0912 - Application for a new planning permission to replace extant permission WA/2008/0279 (time extension). Mixed-use redevelopment comprising: 9,814 square metres of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site. This application is accompanied by a supplementary Environmental Statement (as amplified by letter dated 04/07/2012). This permission is the one that sets out all of the uses on the site and it was granted on 7<sup>th</sup> August 2012.
- WA/2008/0279 – Mixed use development comprising 9,814sqm of retail, restaurant and café-bar accommodation (use classes A1, A3 and A4, including the change of use of Brightwell House and Marlborough head); 239 residential unit (Class C3); a multiscreen cinema (Class D2); multi-storey, surface and basement car park providing a total of 426 spaces, associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site. This was granted on 6<sup>th</sup> August 2009.

#### 4. Relevant Planning Constraints

- Farnham Town Centre
- Townscape and Design
- Central Shopping Area
- Pedestrian Improvement Area
- Farnham Conservation Area
- Grade II Listed Buildings
- Area of High Archaeological Potential
- Air Quality Management Area Buffer Zone (AQMA)
- Ancient Woodland 500m buffer
- Environment Agency (EA) Flood Zone 2

#### 5. Relevant Development Plan Policies and Guidance

**Waverley Borough Local Plan (Part 1) 2018: Strategic Policies and Sites** - Policies SP1, SP2, ST1, TCS1, TD1, NE3, CC2.

**Waverley Borough Local Plan (Part 2) 2023: Site Allocations and Development Management Policies** – Policies DM1, DM2, DM4, DM5, DM6, DM7, DM9, DM20, DM21.

**Farnham Neighbourhood Plan (April 2020)** - Policies FNP1, FNP2, FNP12, FNP13, FNP21, FNP30.

**Other guidance**

National Planning Policy Framework (2023)

National Planning Practice Guidance (2014)

Climate Change and Sustainability SPD (October 2022)

National Design Guide (2019)

Farnham Design Statement (2010)

**6. Consultations and Town/Parish Council Comments**

County Highway Authority:

The County Highway Authority is satisfied that the proposed changes to East Street are consistent with what has been approved at the Farnham Board and have been subject to the necessary modelling assessment.

Farnham Town Council:

The Town Council would support a bus stop flag with real-time information in East Street and the bus shelter being re-located to Dogflud Way. The yellow lines should be narrower and a paler colour throughout East Street as the Conservation Area extends to 13 East Street; consistent with Surrey Highways Parking Strategy policy for Conservation Areas.

The Farnham Society:

Object. The Section 106 Agreement included works to Woolmead Road to make it two-way, which would allow East Street to be semi-pedestrianised. There is no taxi rank, delivery bays or level road and pavement surface in the proposed amendments for East Street. The Farnham Society considers the network could work by directing the main traffic onto Woolmead Road and semi-pedestrianising East Street by keeping the existing east-west flow with level road and pavement surfaces; with

access for buses, taxis and the occasional delivery vehicle.

Council's Environmental Health Officer    No comments provided.

## 7. Representations

Fifteen letters have been received raising objections on the following grounds:

- Traffic from site onto a single lane on East Street would cause congestion.
- Transport Assessment fails to cater for increase in visitors and residents.
- Application must be accompanied by an update to the EIA.
- In the absence of an updated EIA, consent must be refused.
- Roads, air quality and transport impact are a significant part of EIA of scheme.
- Increase in S106 contribution to unplanned and potentially unfeasible future town centre measures is not lawful substitute for mandatory assessment.
- The bus stop should be re-located to Dogflud Way.

## 8. Planning Considerations:

The planning permission for the delivery of the Brightwell's Yard Regeneration Scheme has largely been delivered.

### **Deed of Variation to the Section 106 Agreement**

The Deed of Variation relating to the seventh and eight schedule of the Section 106 seek to amend the layout of the highway works along East Street which were identified by plans within the eight schedule of the Section 106 as part of the planning permission for the Brightwell's Yard Regeneration Scheme. The approved layout included East Street being semi-pedestrianised and accessible by buses, taxis and delivery vehicles only. The proposed amendments comprise:

- The re-location of bus stops; the widening of the footways to 3.0 metres in areas and an associated narrowing of the highway.
- The provision of cycle parking for 16 cycles.
- The provision of a 2.0 metre loading strip.
- The retention of the existing controlled crossing.
- The provision of new signage.
- The re-instatement of yellow lines and/or white lining, which are considered to be acceptable in principle.

### **Farnham Infrastructure Programme**

The Farnham Infrastructure Programme has two town centre proposals which both feature wider and re-paved pavements, supported by the removal of unnecessary street clutter. This means space for new planting, public seating, and outside dining to enhance the town centre environment.

Surrey County Council has been working closely with the developer's (Crest Nicholson) technical team to produce an alternative scheme of S278 works for East Street than that identified in the Section 106. The alternative scheme would be

integrated into the work currently being undertaken by the County Council to deliver major changes to Farnham Town Centre. The Optimised Infrastructure Plan for the Farnham Infrastructure Programme was published in October 2021. The Optimised Infrastructure Plan includes a strategic overview of the plans for Farnham Town Centre. During 2022 an extensive public consultation exercise was undertaken on various options for the town centre, including improvements to pedestrian and cycling accessibility in the town and enhanced public transport opportunities. It has become clear during this process that some elements of the original package of S278 works secured as part of the Brightwells planning permission were not compatible with the aspirations for the town centre now being taken forward in the Farnham Infrastructure Programme.

The County Highway Authority considers it appropriate that the developer (Crest Nicholson) delivers an alternative scheme of S278 works on East Street, leaving the Farnham Infrastructure Programme (FIP) to deliver the wider scheme of town centre improvements, including strategic changes to traffic junctions and traffic flows. This ensures that all the key changes in the town centre are fully integrated and delivered in a co-ordinated way, which would minimise the impact on the public and avoid abortive works.

Pedestrianisation of the town centre remains a future option, provided the displacement of traffic can be mitigated alongside a significant reduction in car use.

### **Proposed amendments to the approved highway works on East Street**

At the request of the County Highway Authority the proposed works to East Street have been revised, predominately so that they do not conflict with the County Council's Optimised Infrastructure Plan for the Farnham Infrastructure Programme which was published in October 2021. The County Highway Authority has agreed the Section 278 works for the revised proposals the Council are now being asked to vary the Section 106 Agreement to align with the Section 278.

Additional supporting reports including an Air Quality Report and a Transport Assessment were submitted on 30<sup>th</sup> October 2023; an Acoustic Technical Note was submitted on 7<sup>th</sup> November 2023; an EIA Statement of Conformity in Respect of East Street Farnham was submitted on 14<sup>th</sup> November 2023; together with traffic modelling work that has been undertaken in Farnham Town Centre.

The traffic modelling work for the East Street works has been undertaken by the County Council's modelling team as part of the work being undertaken by the Farnham Infrastructure Programme. Various options for the town centre were taken for consideration to the Farnham Board in June 2023, and it was agreed that option V which includes the East Street scheme as shown on the drawings submitted with this application was the best performing option in modelling terms. The County Highway Authority is therefore satisfied that the changes to East Street now proposed in this Deed of Variation application are consistent with what has been approved at the Farnham Board and have been subject to the necessary modelling assessment.

The following amended plans have been submitted following negotiations between Crest Nicholson and the Local Highway Authority:

- Drawing No. 10002/MW/LS/5117 Rev. T3 – East Street Materials

- Drawing No. A037-C-100 P15 General Arrangement
- Drawing No. A037-C-106 P4 – East Street HGV Rigid Swept Path Analysis
- Drawing No. A027-C-107 P1 – East Street One Way Junction Bus Swept Path Analysis.
- Drawing No. A037-C-108 P2 – One Way Junction Swept Path Analysis
- Drawing No. A037-C-120 P8 Levels and Contours
- Drawing No. A037-C-200 P10 Site Clearance
- Drawing No. A037-C-500 P10 Drainage Layout
- Drawing No. A037-C-705 P19 Surface Materials and Kerbing
- Drawing No. A037-C-710 P6 Construction Details Sheet 1
- Drawing No. A037-C-711 P4 Construction Details Sheet 2
- Drawing No. A037-C-900 P13 Legal GA
- Drawing No. A037-C-1200 P11 Traffic Signs and Markings

All of these amended plans have been approved as part of the S278 (Highway) works and they are listed in the Deed of Variation and would supersede the plans contained within schedule eight of the current Section 106 Agreement.

The Transport Assessment (Ref. A037-13) (Revised S106 Works) by Abley Letchford sets out the proposed changes to the approved scheme for highway works along East Street. The primary change being that East Street itself would maintain a one-way working westbound, as opposed to switching to an eastbound movement for buses and service vehicles only. The main difference comes in respect of westbound movements.

The previous proposals would have seen traffic having to re-route via Woolmead Road / Bear Lane, the amendments propose vehicles continuing to be able to use East Street.

#### **Woolmead Road / East Street / Dogflud Way / A325 Junction,**

The change between retaining East Street as an all-movement westbound approach and changing it to the previous proposals would be a shift in traffic from travelling straight ahead on Dogflud Way to turning left. However, as this movement is unopposed in the current arrangement this would not create an issue in respect of junction capacity. The reversion to the previous arrangement may also have a slight benefit insofar that traffic travelling southbound from Woolmead Street to East Street (west) would be able to make that manoeuvre without having to route around via East Street (east) and Dogflud Way. This would in turn reduce journey distance for each of these movements – a benefit in terms of air quality.

#### **Bear Lane / A325 / South Street / The Borough Junction,**

The changes to the proposals are not likely to result in an increase in traffic at the junction. This is due to the fact that in the previously agreed proposals, Bear Lane / Woolmead Road was due to become two-way working at the junction, as opposed to northbound exit only. In the proposed amendments this would revert to being northbound exit only. Subsequently, traffic that would now emerge from East Street, would have previously emerged from Bear Lane. The proposals simply seek a redistribution of the traffic flows between the 12 O' clock arm and the 3 O' clock arm of the junction, not an increase in total vehicular movements.

This re-balancing in flow across each arm of the junction is likely to provide some betterment of the overall operation of the signal junction as it would not see a bias of higher flows on three of the four arms, with no emerging flows from the fourth (East Street) arm. In time, the Farnham Infrastructure Programme is likely to see the introduction of improvements to pedestrian and cycle infrastructure within Farnham town centre that would more than compensate for any works not being delivered as part of the previous package of measures envisaged.

The Farnham Society has objected to the proposed changes commenting that if the Royal Deer junction light phases were updated to introduce one further sensor-controlled phase, it would allow two-way traffic to flow from Bear Lane / Woolmead Road southwards; thereby enabling East Street to be pedestrianised. East Street could be used to hold markets and festivals. The Farnham Society claims that there is no need to introduce a traffic light junction at Dogflud Way East Street / Woolmead Road so long as access traffic is not directed to enter this junction from the west from East Street; vehicles accessing Threadneedle Street should be required to join the pedestrianised area of East Street and exit via the Royal Deer junction, thereby avoiding the need for a traffic signal-controlled junction.

The County Council's FIP team are currently undertaking a final check of the compatibility of the alternative S278 scheme with the proposals being considered for the Royal Deer junction. This may require some minor amendments to the S278 scheme, to include the re-location of the bus stop to the western end of East Street, and the re-location of the controlled pedestrian crossing onto the raised table. The Deed of Variation is required to formalise these changes to the original Section 106 Agreement. The County Highway Authority has confirmed that it is happy to enter into the Deed of Variation to enable the developer to provide a Section 106 contribution, in lieu of delivering the original package of S278 works, which would be used to deliver the infrastructure improvements identified for the highway network within the vicinity of East Street.

## **Design and Appearance**

Identified as the East Street Area of Opportunity in the Local Plan 2002, the strategic site straddled both Brightwells Yard (as it is now known) and the Woolmead site. At that time the urban design principles included: pedestrian priority in part of East Street to improve the shopping environment; and redevelopment or refurbishment of the Woolmead development (text taken from para 9.7). Paragraph 9.9 goes on to state *"Most important for the East Street Area are the proposals to pedestrianise the western end of East Street by making Woolmead Road two-way and to improve the riverside footpath. The pedestrianisation of East Street would bring substantial environmental benefits for pedestrians and is supported by the Town Council."*

The Local Plan (Part 1) 2018 included Policy SS3 for The Woolmead strategic site recognising the sites relationship with Brightwells Yard and the Conservation Area beyond. Planning permission has since been granted at The Woolmead, but there is no certainty on when that scheme will be completed.

Policy TD1 of Local Plan (Part 1) sets out how the Council will ensure that the character and amenity of the Borough will be protected and specifically mentions the creation of safe and attractive environments (point 2) and promoting high quality public realm including landscaping, works to streets and public spaces (point 4).

The Local Plan (Part 2) 2023 expands on Policy TD1 with the adoption of Policy DM6: Public Realm. This sets the expectations for the creation of new public realms and specifically refers to quality materials, safety, attractiveness, visual interest and the ability to act on the opportunities to create new, high quality public realm.

With regard to the urban design principles as identified in the East Street Area of Opportunity in the Waverley Borough Local Plan 2002, which included proposals to pedestrianise the western end of East Street by making Woolmead Road two-way – the County Highway Authority can advise that recent technical work undertaken by the County Council as part of the Farnham Infrastructure Programme, including traffic modelling, shows this layout for East Street is no longer feasible, as it has been identified that making Woolmead two-way would require the purchase of private land which is not classified as public highway. The conversion of Woolmead to a two-way road is therefore no longer considered to be feasible. This means that the western end of East Street cannot be closed to all traffic and partly pedestrianised. It was agreed at the Farnham Board in June 2023 to progress with 'Option V' for the town centre improvements, which includes the East Street works as shown on the Crest drawings.

The County Highway Authority considers that the current scheme for East Street delivers an improvement to the public realm, achieved by reducing most of the length of East Street to one lane, allowing the footway on the south side of the carriageway to be significantly widened and thereby creating a much more attractive and safer environment for pedestrians.

The proposed widening of the footway on the south side of East Street would include a full re-surfacing of the footway using conservation paving. The County Highway Authority considers this would provide a significant improvement to the public realm compared to the existing asphalt surface. The County Highway Authority would welcome a meeting with WBC to agree the type and colour of conservation paving, which would then need to be consistently applied to the wider town centre improvements.

Regarding the carriageway design – the need to retain East Street being open to all traffic - albeit reduced to one-lane – means that it is not suitable to be designed as a delineated level surface street on highway safety grounds.

Regarding carriageway surfacing – The County Council's policy is for trafficked High Streets to be of Asphalt construction (Section 5.10 of Health Streets Design Guide). This policy will be applied consistently across the town centre improvement programme.

The County Highway Authority considers the proposed raised-table adjacent to the 'fan' feature will provide an easy and accessible connection between Brightwells Yard and The Woolmead. The County Highway Authority considers this raised-table feature could be further enhanced by using a block-paved surface, which would assist with improving the transition to the public realm on both sides of the carriageway.

The crossing point on the raised table has now been moved closer to the 'fan' feature. The County Highway Authority will check the relevant technical guidance to determine if it would be feasible to use grey coloured tactile paving.

The location of the raised table is located so it does not conflict with the loading bay. The County Highway Authority will however check if the loading bay can be re-located slightly further to the west, to allow the raised table to be sited more centrally with the 'fan' feature.

The plans identify the location but not the design of street furniture, including cycle stands and bollards. The County Highway Authority would welcome the Local Planning Authority's comments on any particular design that they would like to see used, to ensure consistency with Brightwells and the wider town centre. The County Highway Authority would also welcome the LPA's comments on the design preference for the proposed new bus shelter on East Street. In order to secure the quality of public realm envisaged in the original permission a clause enabling the Council to approved these details can be included in the Deed of Variation.

### **Impact on residential amenity**

Policy TD1 of the Local Plan (Part 1) 2018 seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Policy DM5 of the Local Plan (Part 2) 2023 states: development should avoid harm to the amenity of future occupants and existing occupants of nearby land, buildings and residences.

A Technical Note – East Street, Acoustics, prepared by RPS and dated 23<sup>rd</sup> February 2023 was submitted which confirms that there are no proposed changes to traffic flows on the local road network, the speed limit or vehicle type (% of cars, buses, HGV's etc.) on East Street. East Street is currently a standard two-way road with a width of approximately 6 metres kerb to kerb in current configuration. East Street is also built-up on both sides, with buildings fronting directly onto the footpath providing a total highway corridor width of approximately 9 metres. Noise sensitive receptors are located on the upper floors (1<sup>st</sup> and 2<sup>nd</sup>) of properties on the south side of East Street and from the ground floor upwards on properties to the north side. The proposed changes would move the carriageway slightly further away from the receptors. However, given the built-up nature of the East Street, the short distance between sensitive receptors and road traffic in existing configuration any changes to the carriageway / footpath width are not likely to result in noticeable changes in noise levels at sensitive receptors fronting East Street.

The proposed re-location of the bus stop to a location approximately 65 metres south-west of its existing location on East Street would move the location at which buses decelerate and accelerate, as well as the location that they come to a stop and where customers wait for bus services. However, there are two existing pedestrian crossings on East Street to be retained. These are:

- Outside Number 13 East Street (Domino's Pizza), to the east of the re-located bus stop, and
- Close to the junction of East Street with South Street and Bear Lane – to the west of the re-located bus stop.

The existing sound climate on East Street therefore includes vehicles decelerating, stopping and accelerating frequently throughout the day. Furthermore, the modelling for the original regeneration scheme assumed a vehicle speed in the location of the bus stop of 20 km/h, reduced to 10 km/h between the two pedestrian crossings. The



noise climate in the proposed location of the bus stop therefore already includes very slow, frequently stopping traffic. The relocation of the bus stop is not considered likely to perceptibly change the noise level from buses/road traffic at sensitive receptors along East Street. With regards to noise from pedestrians waiting for buses, East Street has a number of commercial units on the south side as well as dwellings to the north and south. The existing volume of pedestrian footfall on East Street is assumed to be reasonably high during daytime and night-time. It is therefore not expected that the relocation of the bus stop would cause a noticeable change in noise levels from pedestrians. It is also important to note that relocating the bus stop is not introducing a new potential noise source to the area, it is just the relocation of an existing one.

As the proposals do not change traffic flows on East Street or move the carriage any closer to sensitive receptors, it is concluded that the proposed works are considered unlikely to result in a noticeable change in noise levels from road traffic at sensitive receptors located to the north or south of East Street. In its existing configuration, East Street has a slow vehicle speed and decelerating /accelerating vehicles occurring throughout the day.. As East Street already has a relatively high volume of pedestrian use, the relocation of waiting pedestrians to the proposed bus stop location is not considered likely to result in a noticeable change in noise levels at nearby receptors.

The S278 works being undertaken by Crest just include the new bus stop kerbing/lining etc. The bus shelter is to be installed by the County Council with S106 funding that has been received from Crest. The County Council can certainly consider the option of just installing a bus stop flag with Real Time Passenger Information on East Street, and instead locating a new bus shelter on Dogflud Way. It is acknowledged that this may help alleviate the concerns raised by the neighbouring property regarding the location of the bus stop.

As such, the proposed re-location of bus stops, widening of the footways to 3.0 metres in areas and an associated narrowing of the highway; cycle parking for 16 cycles; provision of a 2.0 metre loading strip; existing controlled crossing to be retained; and new signage, re-instatement of yellow lines and/or white lining on East Street comply with Policy TD1 of the Local Plan (Part 1) 2018 and Policy DM5 of the Local Plan (Part 2) 2023.

## **Other Matters**

Objections were initially raised to the absence of an updated Environmental Impact Assessment (EIA) assessment to accompany the application. As part of the original planning permission, changes to the traffic along Woolmead and East Street were agreed. Woolmead is currently one way with two lanes of traffic running from west to east. East Street is two way with traffic running from east to west. Under the S106 agreement highways plans, East Street would be closed to all traffic other than buses and service vehicles and Woolmead would be two way. As part of the package, public realm improvement works were proposed that included widening the pavement along East Street reducing it down to a single lane for traffic. None of the approved application drawings show the direction of travel of the traffic (only the S106) and there is just one ground floor masterplan drawing that shows the increased width of the pavement.

The changes to the traffic arrangements formed part of the original Environmental Statement accompanying the application. We now have a Deed of Variation to amend the traffic details in the S106, driven by Surrey County Council and the Farnham Infrastructure Project to amend the proposal. The Deed of Variation is accompanied by a traffic report, an air quality assessment and a noise report as they were all chapters in the Environmental Statement that considered the traffic measures as a whole including the change in direction of traffic Woolmead and making it two way and the reduction in traffic along East Street.

As the original development was 'EIA development' the changes being proposed through the variation of the Section 106 agreement would be changes to 'EIA development'.

The impact of the development on traffic was assessed in the original Environmental Statement. The alterations to the highway network covered by the original Section 106 were part of the mitigation measures deployed to address the traffic impacts of the scheme. As the current application is seeking to amend the agreed package of traffic mitigation measures, the EIA Statement of Conformity confirms that there would be no change in residual traffic impacts from those previously identified in the EIA for the scheme.

The applicant has provided an updated traffic assessment report, an updated air quality report and an updated noise report, which have been compared with the findings of the original Environmental Statement, in the EIA Statement of Conformity.

Farnham Town Council asked that the yellow lines be narrower and a paler colour throughout East Street as the Conservation Area extends to 13 East Street; which is consistent with Surrey Highways Parking Strategy policy for Conservation Areas. With regard to the request for narrower and a paler colour, double yellow lines the County Council is happy to accommodate this request. The County Council's technical team will ensure that the contractor undertaking the works is instructed to install this specification of double yellow line.

## 9. Conclusion

The proposed re-location of bus stops, the widening of the footways to 3.0 metres in areas and an associated narrowing of the highway; cycle parking for 16 cycles; provision of a 2.0 metre loading strip; existing controlled crossing to be retained; new signage, and the re-instatement of yellow lines and/or white lining on East Street are considered to be acceptable and in accordance with the Farnham Infrastructure Programme. There would be no significant impact to the character of the area, or to neighbouring amenity. The application is therefore recommended for approval subject to condition and the Deed of Variation to the existing Section 106 Agreement.

## **Recommendation**

For the reasons set out above it is recommended that the Section 106 should be varied through the Deed of Variation.



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# Agenda Item 9

**WA/2023/02494** – Erection of a detached outbuilding at PINWOOD WHITMEAD LANE  
TILFORD FARNHAM GU10 2BS

Applicant: Redman-Lusher -  
Parish: Tilford  
Ward: Western Commons  
Grid Reference: E: 488438  
N: 143867  
Case Officer: Anna Whitty

Expiry Date/Extended Expiry Date: 03/01/2024 / 04/04/2024  
Committee Date: 03/04/2024

RECOMMENDATION That permission be REFUSED

## 1. Site Description

The application site is located in Tilford, on the eastern side of Whitmead Lane, and comprises a detached dwelling with a detached garage on a spacious plot. The area has a rural character. The land slopes up from the road, rising gently to the east.

## 2. Proposal

Erection of a detached outbuilding.

- The main building itself is 14.6m x 6m. Additionally, it features a projecting log store to the side and a projecting pitched roof open porch to the front.
- The main roof is half hipped with overhanging eaves, measuring approximately 15m across.
- The height of the building is stated in the application as 4.9m (though the plans scale at 5m).
- The building features two chimneys, each serving a fireplace within the main room of the garden studio.
- Internally, the main room would measure 9.3m x 5.3m and would be accessible from double doors within the entrance porch as well as from bi-fold doors, both within the north-west elevation. The floorplans show a bathroom and a smaller room, 4.5m x 3.4m, labled garden store, accessible internally and from double doors within the north-east side elevation.
- There are no doors or windows on the south-east elevation, facing towards the boundary.
- The roof tiles and the facing brick on the chimney would match the main dwelling, as would the windows and double doors, the building would also feature rooflights and bi-fold doors, and would be finished in horizontal cladding. The proposed outbuilding would be located in approximately the same location as the outbuilding granted planning permission in November 2020 under reference WA/2020/1008. This permission has now lapsed.

## 3. Relevant Planning History

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
WA/2022/02468	Erection of a detached outbuilding.	GRANTED 22/08/2023
WA/2022/01576	Certificate of Lawfulness under Section 192 for erection of a detached outbuilding.	CERTIFICATE GRANTED 10/08/2022
WA/2022/01551	Construction of a swimming pool and associated works.	GRANTED 05/08/2022
WA/2020/2004	Erection of detached outbuilding (revision of WA/2020/1008).	REFUSE 12/02/2021
WA/2020/1008	Erection of detached outbuilding.	GRANT 20/11/2020
WA/2020/0935	Alterations to elevations with dormer window and roof light.	GRANT 14/08/2020
WA/2020/0139	Certificate of Lawfulness under Section 192 for erection of detached outbuildings.	CERTIFICATE GRANTED 21/03/2020
WA/2019/0038	Erection of single storey rear extension.	GRANT 26/02/2019

WA/2012/0451	Certificate of Lawfulness under CERTIFICATE GRANTED Section 192 for erection of 10/05/2012 ancillary outbuilding.
WA/2010/1821	Erection of a new detached GRANT garage and demolition of two 09/12/2010 existing garages, pool house and wood store. (As amended by email dated 08/12/2010 and plans received)
WA/2009/0264	Erection of a dwelling following GRANT demolition of existing dwelling 09/03/2010 (as amplified by letter dated 05/08/2009 and information received 05/08/2009)
WA/2008/1670	Erection of garage following GRANT demolition of existing garage. 30/10/2008
WA/2008/1295	Erection of extensions and GRANT alterations following part 16/10/2008 demolition of existing dwelling (As amended by letters dated 17/09/08 and 02/10/08 and plans received 19/09/08 and 02/10/08)
WA/2003/2083	Erection of ground floor and first GRANT floor extensions together with 16/12/2003 alterations following part demolition of existing dwelling.

#### 4. Relevant Planning Constraints

Green Belt  
Surrey Hills Area of Outstanding Natural Beauty (AONB) & Area of Great Landscape Value (AGLV)  
Ancient Woodland 500m buffer  
Wealden Heaths I SPA 1km zone  
Wealden Heaths I SPA 5km zone  
Wealden Heaths I SAC 2km zone

#### 5. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, TD1, NE1, NE3, RE2, RE3

- Waverley Borough Local Plan (Part 2) 2023: DM1, DM2, DM4, DM5, DM14
- The National Planning Policy Framework 2023 (NPPF)

Other guidance:

- The National Planning Practice Guidance 2014 (NPPG)
- Residential Extensions Supplementary Planning Document 2010 (SPD)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- Surrey Hills AONB Management Plan (2020-2025)
- National Design Guide (2019)
- Climate Change and Sustainability Supplementary Planning Document (October 2022)

## 6. Consultations and Town/Parish Council Comments

Tilford Parish Council      No comment on this application.

Surrey Hills AONB Office      Several permissions have been granted leading to this current proposal and taking advantage of permitted development rights. This is the first application on this site on which I have been consulted. The relevant permissions are WA/2020/1008, WA/2022/01576 and WA/2022/02468. Consequently, although the outbuilding would be large and tantamount to a further dwelling, I am not in a position to express any concern from the AONB aspect.

## 7. Representations

5 letters have been received from two households raising objection on the following grounds:

- The proposal would harm the openness of the Green Belt contrary to planning policy.
- No Very Special Circumstances exist.
- The previous permission has expired and does not constitute a fallback position.
- The scheme is the same as the previous application which was refused due to harm to the Green Belt and no Very Special Circumstances.
- The proposal would add to the existing significant development associated with the development including the garage, swimming pool and permitted outbuilding to the rear of the dwelling.
- The proposal is very close to the site boundary.
- The site boundary may not be accurate and a topographical survey should be submitted to be clear about the position in relation to the boundary.
- The proposal may harm residential amenity, particularly as it may be used for Choral practice which would have an unacceptable noise impact.
- Use for choral or other commercial purposes would be unsuitable in the area and a condition should be imposed for ancillary use.
- The height of the building is excessive and would allow for a first floor. It scales at 5m from ground level, not 4.91m which is as annotated from FFL.
- The size of the building is excessive as 77sqm would be sufficient for a 3-bed single storey dwelling according to the minimum space standards.



- The proposal would encroach upon the RPA of a mature Scots Pine, the recommendations within the Arboricultural Method Statement should be implemented.

Note: These observations are addressed within the Principle of Development/Green Belt and Residential Amenity sections of this report with the exception of the comment on accuracy of the boundary in the plans. Boundary disputes must be pursued as a private legal matter, outside of the planning system.

13 letters have been received from 10 households expressing support for the following reasons:

- We have experienced no noise, music or disturbance from the applicants.
- The position would keep the garden open nearer to the house and would keep open attractive views.
- The position would help balance the plot with the garage opposite.
- The design is attractive, in keeping with the main house and would improve the appearance of the plot and the area.
- The studio would provide useful work from home, office, gym or occasional accommodation, multi-functional space, which many people now have with the rise of working from home.
- The proposal would add value to Pinewood.
- The proposal would not harm the trees.
- Neighbouring properties have similar outbuildings.
- The proposal is comfortably distanced from the boundary.

Note: The absence of harm to visual amenity, trees, or other matters, in addition to the harm to the openness of the Green Belt, is a neutral factor and not an argument in favour of the development. It would not balance against the Green Belt harm, although it would not add additional harms to it.

### Planning Considerations

#### 8. Principle of development & impact on the Green Belt

The site is located within the Green Belt outside any defined settlement area. Policy RE2 of the Local Plan (Part 1) 2018 outlines that the Green Belt will continue to be protected from inappropriate development in accordance with the NPPF. New development will be considered to be inappropriate and will not be permitted unless very special circumstances can be demonstrated.

Certain forms of development are considered to be appropriate, and will be permitted provided they constitute one or more of the exceptions listed in paragraphs 154 and 155 of the NPPF.

The proposal is for a new domestic outbuilding within the Green Belt, which is not listed within paragraphs 154 or 155 of the NPPF.

Policy DM14 'Extension, alterations, replacement buildings and Limited infill in the Green Belt', in the explanatory text, states that new domestic garages and other outbuildings are generally inappropriate in the Green Belt unless they fall within one of the categories of appropriate development set out in the NPPF. The Council must be

satisfied that very special circumstances exist to justify new outbuildings which do not meet these exceptions. The Council will have regard to the essential needs of householders for garaging, storage and facilities incidental to the enjoyment of their dwelling. Any new or enlarged outbuildings must be designed to be clearly subordinate to the host dwelling and not appear intrusive in the landscape.

The proposals would therefore conflict with Policy RE2 of the Local Plan (Part 1) 2018 and Policy DM14 of the Local Plan (Part 2) 2023 and would constitute inappropriate development in the Green Belt.

Very Special Circumstances would need exist that clearly outweigh the harm for the proposal to be acceptable.

## 9. Relevant planning history

The planning history is a material consideration. A number of applications for outbuildings have been submitted at the site:

WA/2020/2004: An application was refused for development of the same proportions and appearance as the current proposal, in a similar position on the site. The building was the same height as the currently proposed development; the stated height was 4.91m but the plans scale at 5m from ground level, as with the current proposal. The building measured approximately 6m deep and 15m wide across the main part of the roof, (excluding the log store), and featured chimneys, and a projecting porch and log store, as with the current proposal. This was refused as it would cause unacceptable harm to the openness of the Green Belt.

A number of applications for outbuildings and other development on site have been permitted, as follows.

WA/2010/1821: Planning permission was granted for a large 3 bay garage, approximately 5.2m in height, 9m wide and 7m deep, with internal staircase and storage room over, to the front of the dwelling in 2010, following demolition of a number of smaller outbuildings. This was implemented and the garage remains on site.

WA/2022/01551: Planning permission was granted for a swimming pool in the rear garden.

WA/2022/01576: A Certificate of Lawfulness was granted for a 4m high, L-shaped, 7m x 7m (max) outbuilding in the rear garden. This has not been implemented.

WA/2022/02468: A 4m high, L-shaped outbuilding was granted planning permission. This would have been within the size limitations of permitted development, as it featured a dual pitched roof not exceeding 4m in height and was positioned to the rear of the dwelling and within 20m of it, however, as it features a verandah, it would not fall within permitted development. The outbuilding measured 7m x 7m (max, including 1m wide L-shaped verandah across the south-east and south-west elevations, 4m x 6m main room and 2m x 3m bathroom). It was granted planning permission on the grounds that the development was smaller than what could be built under permitted development thus causing less harm to the openness of the Green Belt. It was concluded that in order for this to represent very special circumstances it would be necessary to remove permitted development rights to ensure that the building subject

to the Certificate of Lawfulness WA/2022/01576 was not erected as well. However, there would be no effective way to ensure that a very similar building was not erected under permitted development prior to the implementation of the planning permission. This permission has not yet been implemented but remains extant. The proposal is significantly larger in scale and height than this permitted building and is positioned to the front of the property.

WA/2020/0139: A Certificate of Lawfulness was granted for an outbuilding in the rear garden, of similar width, length and appearance to the current proposal (approximately 6m deep and 15m wide across the main part of the roof, excluding the log store). However, the building was of significantly lower height than the current proposal. This building was 4m in height whereas the proposal is over 4.9m in height.

WA/2020/1008: A building of similar proportions to that granted under WA/2020/0139, again 4m high and 6m x 15m approx., positioned to the front of the dwelling in approximately the same location as the current proposal, was granted under Very Special Circumstances as it was reasoned that, in removing permitted development rights, further proliferation of buildings on the site could be avoided. Although there was no manner by which it could be secured, this reasoning assumed that no permitted development buildings would be erected prior to the implementation of this permission. However, (as detailed above) a Certificate of Lawfulness under ref WA/2022/01576 for a further 7m x 7m outbuilding to the rear of the property, and a further planning permission under ref WA/2022/02468 for a 7m x 7m studio were subsequently sought and granted in addition to this permission. This permission was never implemented and is now out of time.

The applicant presents permission WA/2020/1008 as a fallback position, however, the permission is no longer extant and cannot now be implemented. The grant of planning permission for a substantial outbuilding under reference WA/2022/02468 is a relevant change of circumstances to those under which permission WA/2020/1008 was granted. There are no very special circumstances for a second substantial outbuilding within the curtilage of this dwelling, and a renewal of this permission would be unlikely, and could not be relied on as a fallback position. In any case, the proposal would be more harmful to the openness of the Green Belt than either the existing extant permission or the lapsed permission, as it is significantly taller at 4.91m in height and would be positioned forward of, and further from, the dwelling and its cluster of existing built form.

The proposal constitutes inappropriate development within the Green Belt and there are no Very Special Circumstances which would outweigh the harm to the Green Belt. The proposal is therefore contrary to Policy RE2 of the Local Plan (Part 1) 2018 and Policy DM14 of the Local Plan (Part 2) 2023.

#### 10. Design and impact on AONB/AGLV

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.

The site is located within the AONB and AGLV. Policy RE3 of the Local Plan (Part 1) 2018 sets out that new development must respect and where appropriate, enhance the character of the landscape in which it is located.

The proposal is for a substantial single storey garden studio building, approximately 6m deep by 14.6 in width (with additional roof overhang and projections including log store, chimney and porch). The proposed building would be of attractive design, would be subordinate to the dwelling, though of substantial scale, and its design would reflect the character of surrounding development.

Although the building would introduce further built form within the curtilage of the dwelling the proposal would not result in significant harm to the character of the area or to visual amenity and would not unacceptably harm the intrinsic beauty of the AONB and the AGLV. The proposal would therefore accord with Policies TD1 and RE3 of the Local Plan (Part 1) 2018, Policy DM4 of the Local Plan (Part 2) 2023, and the Residential Extensions SPD.

#### 11. Impact on residential amenity

The proposal is in excess of 5m from the boundary at the closest point, which features mature vegetation which would help to screen the proposed development. The nearest dwelling itself would be approximately 25m away at the closest point. No windows are proposed in the south elevation. There would be no overlooking or unacceptable loss of privacy as a result of the development. There would be no loss of light or overbearing impact.

Concern was raised as to the use of the building, in particular, that it may be used for choral practice in connection with a commercial choir, resulting in harm to amenity. The building would be for uses incidental or ancillary to the dwelling, and not for commercial purposes. The proposed use, to exclude commercial activities, together with the distance to the neighbouring dwelling, means that the proposal would not be likely to result in unacceptable harm to amenity.

The proposed development would not result in unacceptable harm to the residential amenity of any neighbouring properties in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policy DM5 of the Local Plan (Part 2) 2023 and the Residential Extensions SPD.

#### 12. Effect on Wealden Heaths SPA

The proposed development is for a domestic outbuilding. It is not likely to result in a significant increase in the number of people permanently residing on the site and therefore would not have a likely significant effect on the integrity of the SPAs in accordance with Policy NE1 of the Local Plan 2018 (Part 1). An appropriate assessment is not therefore required.

#### 13. Biodiversity and compliance with Habitat Regulations 2017

The proposal has been amended to adjust the proposed position of the building slightly further away from the mature Scots Pine which is positioned close to the site boundary. An arboricultural Method Statement has been submitted, outlining appropriate working methods to ensure no harm to the Scots Pine or other trees. The proposal would therefore accord with Policy NE1 of the Local Plan (Part 1), Policy DM1 of the Local Plan (Part 2) and Paragraphs 186-188 of the NPPF 2023.

#### 14. Climate Change & Sustainability

Policy CC1 of the Local Plan (Part 1) 2018 seeks to support development which contributes to mitigating and adapting to the impacts of climate change, including measures that use renewable and low carbon energy supply systems. Policy CC2 of the Local Plan (Part 1) 2018 seeks to promote sustainable patterns of development and reduce the level of greenhouse gas emissions.

Policy DM2 of the Local Plan (Part 2) 2023 states that all development should seek to maximise energy efficiency and reduce carbon emissions through its design, structure, orientation and positioning, landscaping and relevant technology.

The proposed building would be subject to building regulations which would ensure good thermal performance and the installation of double glazed windows and doors with appropriate U-values. No concern is therefore raised in this respect.

## 15. Conclusion

The planning balance assessment concludes that the proposal is not in accordance with the Development Plan and the benefits of the outbuilding would not outweigh the adverse impacts in relation to the openness of the Green Belt. As such, the application is recommended for refusal.

### **Recommendation**

That permission be REFUSED for the following reasons:

1. It has not been demonstrated that there are Very Special Circumstances for a further outbuilding to serve this dwelling. The proposed development is inappropriate development in the Green Belt, which, by reason of its scale, mass and height, and its cumulative impact with the existing development on the site, would unacceptably harm the openness of the Green Belt. The proposed development would be contrary to Policy RE2 of the Waverley Borough Local Plan (Part 1) 2018, Policy DM14 of the Waverley Borough Local Plan (Part 2) 2023 and the NPPF.

### **Informatives:**

1. The drawing numbers relevant to this decision are: Location Plan P19-037-P-061 Rev A, Proposed Block Plan P19-037-P-063 Rev A, Proposed Site Plan P19-037-P-064 Rev A, Proposed Elevations, Floor & Roof Plans P19-037-P-162 Rev A.



WA/2023/02591 – Application under Regulation 4 for the erection of 5 new dwellings with associated works following demolition of 2 existing bungalows together with provision of access road and parking to serve existing dwellings at 15 & 16 Pathfield, Chiddingfold, GU8 4QH

Applicant: Feltham Construction Ltd  
Parish: Chiddingfold  
Ward: Chiddingfold and Dunsfold  
Grid Reference: E: 495724  
N: 135810  
Case Officer: Michael Eastham  
Neighbour Notification Expiry Date: 23/12/2023  
Extended Expiry Date: 05/04/2024

RECOMMENDATION That, subject to conditions, permission be **GRANTED.**

## Introduction

The application has been referred to Planning Committee as this is a Regulation 4 application submitted by Waverley Borough Council Housing Team.

The development would help to implement the Waverley Housing Strategy action plan to develop new council homes for those in need. These include families, single people, meeting local needs and down-sizing. The strategy aims to bring forward new and creative delivery solutions on council-owned land, redeveloping disused properties or those no longer fit for purpose in order to make the best use of council's land and resources. This development would provide Waverley Borough Council with 5 new affordable homes, which are sustainable and energy efficient, meet the Council's approved quality and design standards and would provide accommodation for local people to a very high standard.

## Site Description

The application site sits within the southern part of Pathfield Close, a cul-de-sac of six bungalows. The site covers an area of approximately 1471m<sup>2</sup> and comprises two semi-detached bungalows, green semi-public area and access road. The road provides access to Numbers 1-4 Pathfield Close and unmarked parking spaces.

The existing dwellings on the site have been constructed with red facing brick and brown roof tiles. Boundaries within the site are determined by hedges, low boarded

wire and concrete posts and timber fencing. The two bungalows sit on a slightly sloping site and the access road on an incline with a planted bank to the north.

To the north of the site on the opposite side of the highway is a mix of single storey bungalows and two-storey residential dwellings. To the south beyond are two storey semi-detached residential properties on Ridgley Road, their rear gardens form the southern boundary of the site, the dwellings are approximately 17 metres from the boundary.

The eastern edge of the site is Number 14 Pathfield, a semi-detached bungalow, and a dense hedge separates the dwellings.

### Proposal

Planning permission is sought for the erection of 5 new affordable homes comprising three attached two-bedroom houses and 1 one-bed flat and 1 two-bedroom flat, the dwellings would be a storey and a half with first floor accommodation in the roof. The flats imitate two storey dwellings and are formed with a one bedroom 2 person' flats on top of a two-bedroom 4 person' flat. The proposed development would involve the demolition of 2no. two-bedroom bungalows.

Each dwelling would have amenity space with bin and cycle storage; and curtilage parking for up to 2 vehicles. To the south-west of the site 5 parking bays replace the unallocated parking and are intended for the adjacent residents of Numbers 1-4 Pathfields Close and visitors.

This application is a renewal of planning permission as the previous permission (WA/2019/1923) has lapsed.

### Relevant Planning History

WA/2019/1923 – Erection of 5 new dwellings with associated works following demolition of 2 existing bungalows together with provision of access road and parking to serve existing dwellings at 15 & 16 Pathfield, Chiddingfold, GU8 4QH. Granted on 26<sup>th</sup> February 2020. This planning permission lapsed the current application seeks to permission for the same development with minor changes to the design.

### Relevant Planning Constraints

- Surrey Hills Area of Outstanding Natural Beauty (AONB)
- Area of Great Landscape Value (AGLV)
- Rural Settlement of Chiddingfold
- Developed Area of Chiddingfold
- Ancient Woodland 500m Buffer Zone
- Wealden Heaths Phase II Special Protection Area (SPA) 5km Buffer Zone

### Development Plan Policies and Proposals

**Local Plan (Part 1) 2018 - Strategic Policies and Sites, 2018** - Policies SP1, SP2, ST1, TD1, RE3, ALH1, AHN1, AHN2, AHN3, LRC1, CC1, CC2, CC4, NE1, NE2.



**Local Plan (Part 2) 2013: Site Allocations and Development Management Policies, 2023** – Policies DM1, DM2, DM4, DM5, DM6, DM7, DM9, DM11, DM25.

**Chiddingfold Neighbourhood Plan (2013-2032)**, made in May 2021 – Policies KP1, HA2, H3, H4, H5, H6, BE1, BE2, BE3, BE4, BE5, BE7, TP1, TP2, TP4, RL4, NE1, NE2, NE3, NE4, NE5, I7, I9, I10.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Local Plan (Part 1) 2018, the Local Plan (Part 2) 2023 and the Chiddingfold Neighbourhood Plan (2013-2032) are the starting point for the assessment of this proposal.

Other Guidance

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (2014)
- Waverley Council's Parking Guidelines (2013)
- Surrey County Council Vehicular and Cycle Parking Guidance (2018)
- Cycling Plan SPD (April 2005)
- Climate Change and Sustainability SPD (October 2022)
- Surrey Hills Management Plan (2020-2025)
- Chiddingfold Design Guide

Consultations and Parish Council Comments

County Highway Authority	No objection subject to conditions.
Chiddingfold Parish Council	No objection.
Surrey Hills AONB Planning Adviser	No objection. Suggested tree planting in area to front of proposed dwellings if sufficient space available.
Council's Tree Officer	No objection subject to conditions.
Council's Housing & Enabling Team	No objection.
Council's Environmental Health Officer:	No objection subject to conditions.

Council's Building Control Officer:	No objection.
Natural England	No objection.
Surrey Wildlife Trust	No objection subject to conditions.
Thames Water	No comments to make at this time.
Southern Water	No objection. A separate application is required for connection to public sewer to be made by applicant or developer.

### Representations

None

### 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.

Policy SP2 of the Local Plan (Part 1) 2018 sets out the spatial strategy for the Borough and is a key policy in seeking to ensure that the development that takes place in the Borough is sustainable. It seeks to focus development at the four main settlements and, to avoid major development on land of highest amenity and landscape value, and to safeguard the Green Belt.

Policy ALH1 accepts that there is not enough suitable land for housing within the existing settlements of the Borough to meet the need for new homes and states that (paragraph 6.16 of the supporting policy text) the Council's strategy includes making selected releases of greenfield land, mostly directed at Farnham and Cranleigh, then Godalming and Haslemere due to their settlement size and facilities. This has been achieved by allocating sites within the Local Plan (Part 1) where development can be sustainably achieved outside of settlement boundaries on greenfield sites. Policy ALH1 allocates the provision of 130 dwellings in Chiddingfold in the period 2013 to 2032.

Policy KP1 of the Chiddingfold NP (2013-2032) is consistent with national policy in relation to the Green Belt and is prepared to be in accordance with the adopted Waverley Local Plan policies. Policy KP1 of the NP says that “*development proposals within the settlement boundary (detailed at Figure 4.1), except where the settlement boundary is washed over by the Green Belt are acceptable in principle, subject to compliance with other policies in the Development Plan.*”

The principle of the proposed development on the application site (comprising a windfall site) providing a net addition of 3 dwellings is considered acceptable as the form and layout of the proposed dwellings is ‘well-related’ to the adjoining dwellings and represents an element of infilling that does not have a detrimental impact on the character of Chiddingfold and the countryside beyond; and this was established by the granting of planning permission (WA/2019/1923) for the 5 new dwellings on the site on 26th February 2020.

As such, the principle of residential development on this site is in accordance with the policies in the Local Plan Part 1, 2018 and the Chiddingfold Neighbourhood Plan (2013-2032). The site is identified as being within the built-up area boundary of Chiddingfold and residential development on the site is considered to be acceptable in principle, in accordance with the policies in the Local Plan (Part 1) 2018 and the Chiddingfold NP (2013-2032).

### Housing Land Supply

The Council published its latest Five-Year Housing Land Supply Position Statement, with a base date of 1<sup>st</sup> April 2023 on 4<sup>th</sup> October 2023. The Council calculates it currently has a 3.89 year’ supply of housing land. Although the housing land supply position is below 5-years, it remains the case that the Council cannot demonstrate a Five-Year Housing Land Supply, paragraph 11 (d) of the NPPF, 2023 is engaged via footnote 8. As the Council cannot currently demonstrate a 5-year supply, the Council accepts that the ‘tilted balance’ at paragraph 11(d) of the NPPF, 2023 is engaged and the development plan policies most important in the determination of the application must be considered out-of-date. Permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. From February 2023 the Council has been subject to the Standard Method for housing need which will potentially affect the Council’s annual housing requirement.

### Impact on the Surrey Hills AONB, the AGLV and visual amenity considerations

The site is within the settlement boundary in the Local Plan and Neighbourhood Plan. Policy RE3 of the Local Plan (Part 1) states that development should serve to conserve or enhance the distinctive character of the landscape in which it is located, commensurate with its designation as a local landscape designation.

The site is located within a cul-de-sac within a grouping of one and two storey residential dwellings, there are two single-storey buildings on the site at present and views to the site from the open countryside to the north is not possible. The Surrey Hills AONB Planning Adviser has reviewed the scheme and has requested tree

planting to the tree verge and landscape bank to soften the appearance of the development and enhance the overall vegetation cover in the area.

The proposed development is considered to 'respect and enhance' the landscape in which it is located, an appropriate planting and landscape condition is required, (Condition 15). As such, the proposed development complies with Policy RE3 of the Local Plan (Part 1) 2018, Policy NE2 of the Chiddingfold NP (2013-2032) and the NPPF, 2023.

### Scale, Appearance and Layout

Policy TD1 of the Local Plan (Part 1) states *"the Council will ensure that the character and amenity of the Borough are protected by requiring new development to be of a high quality and inclusive design that responds to the distinctive local character of the area in which it is located."*

Policy DM1 of the Local Plan (Part 2) states that development should not cause harm or damage to existing environmental assets and maximise opportunities to enhance such assets.

Policy DM4 of the Local Plan (Part 2) states that all new development will be expected to be of a high-quality design. Development should respond effectively to its surroundings, reinforcing local distinctiveness and landscape and historic townscape character. It sets the principles of good design.

In terms of scale, the dwellings are 2 storeys in height, in compliance with the Chiddingfold NP (2013-2032). The traditional appearance of the proposed dwellings would not conflict with the existing dwellings on Pathfield and would not be harmful to the character or appearance of the area.

The surrounding buildings are a mix of one and two storey, the proposals have been designed to fit in with the existing scale and massing of the street scene. The dwellings have been designed with dormers to the front and rear of the properties and sit within the roof pitch, thus reducing the overall eaves height. Porches with pitched roofs extend from the ground floor breaking up the street elevation. The proposed materials are in keeping with the surrounding context and reflect the most recent dwellings built in the Surrey design vernacular, they include red brick, hanging tiles and red-rooftiles.

Parking bays would be provided to the front and side of units 1-5. Additional parking is provided to the west of unit 1 for 5 bays to be used by existing residents. The parking areas would be broken by elements of planting beds with suitable specimen trees. All of the properties have access to external amenity space and bin/cycle storage. The garden boundary treatments (where appropriate) would be a 1.8m high close boarded timber fence, which would provide security and privacy to the new dwellings.

Policy BE4 of the Neighbourhood Plan states: *"development that results in the creation of new or changes to existing public realm should where feasible improve links to a coherent wider network by promoting routes and wayfinding between the development and local amenities to encourage walking routes."*

The scheme design is considered acceptable and in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and Policies BE4 and HA2 of the Chiddingfold Neighbourhood Plan (2013-2032).

### Housing Mix and 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 development sites where at least one of the following applies:

- In designated rural areas 15 developments providing a net increase of 6 dwellings or more.
- In non designated rural areas developments providing a net increase of 11 dwellings or more.
- Developments that have a maximum combined gross floorspace of more than 1000 sq m. The application does propose 100% affordable housing, however as there is no policy requirement for the provision of affordable housing on this site as the scheme proposes a net increase of 3 units there will be no need to secure the provision through a Section 106 Agreement.

### **Size and design of the affordable homes**

Affordable homes in Waverley should meet the [Nationally Described Space Standard](#) (NDSS) In line with Waverley's [Allocation Scheme](#), to make best use of affordable housing stock, our expectation is that 2-bed units should accommodate 4 people. Waverley affordable homes exceed these standards: [Housing design report 12th draft.pdf \(waverley.gov.uk\)](#)

Affordable homes should meet the M4(2) building regs for accessibility as set out in Local Plan policy AHN3. Affordable homes should meet the M4(2) building regs for accessibility as set out in Local Plan policy AHN3. Policy AHN3 of Local Plan Part 1 states that "*the Council will require the provision on new developments to meet building regulations M4 (2); accessible and adaptable dwellings to meet the needs of older people and those with disabilities*" so we are checking this for all applications.

As such, the proposal complies with Policies AHN1 and AHN3 of the Local Plan (Part 1) 2018, Policy H3 and Policy H4 of the Chiddingfold NP (2013-2032) and the NPPF, 2023.

### Impact on residential amenity

The NPPF, 2023 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 guidance contained in the Council's SPD for Residential Extensions.

Policy DM5 of the Local Plan (Part 2) 2023 states that development should avoid harm to the amenity of future and existing occupants of nearby land, buildings and residences including by way of overlooking, loss of daylight or sunlight, or overbearing appearance. Policy DM5 of the Local Plan (Part 2) 2023 goes on to state that "*where*

*an area of private garden is proposed for the exclusive use of a dwelling house, this should be at least 10m in depth and the width of the dwelling.”*

Policy BE3 of the Chiddingfold NP (2013-2032) says all proposals for new housing developments should demonstrate that they provide adequate external space in order to ensure an appropriate living environment for current and future occupiers. To achieve this, developments should provide an area of external amenity space for each dwelling that is private; usable; appropriately located; and secure and defensible.

In terms of impact on residential amenity, consideration should be given as to how the proposed development could impact on the residential amenity of existing occupiers from over-looking, loss of light or being over-bearing.

The proposed new residential dwellings would be located such that there would not be unacceptable inter-visibility between proposed windows, a greater than 21 metres window to window separation distance is proposed, some 30 metres to the rear of the Ridgley Road properties and 25 metres to the rear of Number 5 Pathfield. Oblique views from the proposed first floor dormer windows of the adjoining Numbers 1 and 14 Pathfield property gardens would be possible but the degree of additional overlooking is considered acceptable and in accordance with guidance in the Residential Extension's SPD, 2010. None of the proposed dwellings would have side windows. The proposed dwellings would not result in harm to neighbouring residential amenity from loss of light or being overbearing.

The Council's Environmental Health Officer has assessed the application and recommended that conditions are imposed ensuring no burning of any waste or other materials on the site during the demolition and construction phases; the requirement to submit a Dust Management Plan; and no operations shall be carried out at the site except between the hours 08:00-18:00 Monday to Fridays, 08:00-13:00 Saturdays and not at any time on Sundays, Bank or Public Holidays. All of these conditions meet the tests for imposing conditions as set out in the NPPF, 2023 and are considered to be appropriate.

It is considered that, subject to conditions, the proposed development would not result in material harm to neighbouring residential amenity and the proposal complies with Policy TD1 of the Local Plan 2018 (Part 1) 2018, Policy DM5 of the Local Plan (Part 2) and Policy BE3 of the Chiddingfold NP (2013-2032).

#### Provision of amenity space and standard of accommodation

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. Policy DM5 of the Local Plan (Part 2) 2023 says developments should meet, as a minimum, the DCLG's Technical Housing Standards – Nationally Described Space Standard (and/or subsequent revisions to this standard).

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.

The proposal would provide three two-bed houses, one two-bed flat and one one-bed flats. All of the bedrooms would have 2-bedspaces and are in excess of the 11.5 sqm minimum standard.

Unit	Technical requirement for minimum gross internal floor area	Technical requirements for storage	Proposed internal floor area	Proposed storage space
Unit 1&3	79 sq. m (4 persons)	2.0 sq. m	88.8 sq. m	3.3 sq. m
Unit 4	50 sq. m (2 persons)	1.5 sq. m	50 sq. m	3.1 sq. m
Unit 5	70 sq. m (4 persons)	2.0 sq. m	75 sq. m	2.6 sq. m

All of the proposed units would have internal floor areas considerably in excess of the minimum size set out within the Space Standards. Additionally, all of the proposed bedrooms would be of an acceptable size in accordance with the Space Standards. There would be no inter-looking between proposed units and all units would have adequate outlook. Each residential unit would have its own private amenity space of an acceptable size than includes bin and cycle storage.

All the housing on the site has been designed in accordance with the requirements of the Nationally Described Space Standards (NDSS). It is considered that overall the proposed units would provide a good standard of accommodation in accordance with Policy TD1 of the Local Plan Part 1 2018, Policy DM5 of the Local Plan (Part 2) 2023 and the NPPF, 2023.

#### Impact on Trees, Landscaping and Ancient Woodland

Policy NE2 of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023 state that the Council will seek, where appropriate, to maintain and enhance existing trees, woodland and hedgerows within the Borough. Policy NE2 of the Chiddingfold NP (2013-2032) says that development of any site in Chiddingfold Parish should retain woodland, important trees and hedgerows.

The NPPF, 2023 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.

An Arboricultural Impact Assessment, Tree Constraints Plan, Arboricultural Method Statement and Tree Protection Plan dated September 2023 have been submitted with the application.

The Council's Tree Officer has been consulted on the application. The Officer considers that the early mature oak (Tree 17) that is located on the boundary and within the adjoining property No.14 should be retained. The applicant has indicated that whilst they believe it is considered an unsuitable tree type in this location they will assess the possibility of retention given its location next to existing and new properties and the tree root stability.

Replacement tree planting on the site is encouraged and would make a positive contribution. A condition (Condition 15) has been recommended to require the approval of the landscape details.

The site is within the 500m buffer for Ancient Woodland to the north of the application site, but it is considered that the proposed dwellings would not impact on the area of Ancient Woodland.

As such, subject to conditions, the proposed development complies with Policy NE2 of the Local Plan (Part 1), Policy DM11 of the Local Plan (Part 2), Policy NE2 of the Chiddingfold NP (2013-2032) and the NPPF, 2023.

#### Impact on Highways and Parking

Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should be located where it is accessible by forms of travel other than by private car; should make necessary contributions to the improvement of existing and provision of new transport schemes and include measures to encourage non-car use. Development proposals should be consistent with the Surrey Local Transport Plan and objectives and actions within the Air Quality Action Plan. Provision for car parking should be incorporated into proposals and new and improved means of public access should be encouraged.

The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a severe impact on the safety and operation of the adjoining public highway, subject to conditions. One of the conditions requires the development to be in compliance with the Construction Traffic Management Plan (Ref. P22-015) dated March 2022.

The NPPF, 2023 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. Policy ST1 of the Local Plan (Part 1) 2018 states that development schemes should have appropriate provision for car parking. Development proposals should comply with the appropriate guidance as set out within these documents.

Appendix 2 of the Council's Parking Guidelines document requires that for 1 -bedroom residential dwellings outside Town Centres there should be a minimum of 1 vehicular parking space per unit and 1 cycle space per unit. This increases to 1.5 parking spaces for 2-bed apartments and 2 parking spaces for 2-bed houses and 2 cycle parking



spaces. The applicant is proposing to provide 10 residents car parking spaces in accordance with the Council's Parking Standards document. In addition, 5 parking bays for the use of the residents of Numbers 1-4 Pathfield Close would be provided.

The applicant submitted a Parking Stress Survey, Feb 2019 (Rev D), this concluded that the existing 2 residential dwellings do not have off-street parking and would contribute to the on-street parking at present. The new development would have adequate off-street parking for the new dwellings and so may actually reduce on-street parking demand. The car parking demand at evening peak is presently 56%, this is projected to increase to 60% assuming a low level of car parking within the garage spaces associated with planning application WA/2019/1925. This is below the normal 85% threshold where parking stress may arise, as a result no unacceptable levels of impact for on-street parking would arise.

Cycle storage is to be provided in the garden areas of each property, independent access to the garden areas is to be provided.

It is therefore considered that the proposed development would not prejudice the highway safety of the area and it would provide sufficient parking to serve the proposed dwellings. As such, subject to conditions, the proposed development complies with Policy ST1 of the Local Plan (Part 1) 2018, Policy DM9 of the Local Plan (Part 2), Policies TP1, TP2 and TP4 of the Chiddingfold NP (2013-2032), the Council's Parking Guidelines (2013) and the NPPF, 2023.

#### Contaminated land

Policy DM1 of the Local Plan (Part 2) 2023 states that in areas where contamination is known or likely to be found, be subject to a desk-based assessment of the likelihood and extent of land contamination, followed by an intrusive investigation where appropriate, together with the provision of any appropriate remediation measures.

The proposal is located on potentially contaminated land, a Phase 1 Land Contamination Survey – February 2019, was undertaken by Albury S.I Ltd and submitted as part of WA/2023/02591. The Council's Environmental Health Officer has assessed the application and has not raised objection no further action is required.

As such, subject to contaminated land conditions, the proposed development complies with Policy DM1 of the Local Plan (Part 2) 2023 and the NPPF, 2023.

#### Refuse/recycling storage

The Waverley Waste Management Team has commented on the proposals and referred to the 'Guide for Developers' that requires development to make the following provision for refuse and recycling:

- 1 x 240 litre black refuse bin (purchased at the developer's cost, direct from Waverley Borough Council)
- 1 x 240 litre brown garden waste bin (voluntary subscription service paid for by resident)
- 1 x 240 blue recycling bin (ordered through Waverley Borough Council)

- 1 x 23 litre kerbside food waste caddy (ordered through Waverley Borough Council)
- 1 x 7 litre kitchen food waste caddy (this is to be kept in the kitchen to allow residents to transfer their food waste to the kerbside caddy. Ordered through WBC).

The bins must be ordered at least 6 weeks before the dwelling is occupied, and would need to be presented at the kerbside, adjacent to the adopted public highway before 6am on the day of collection. Given that there are existing properties in this road, collection arrangements should mimic those of the current houses, the widening of the access road would assist with refuse collection. This bin storage and collection arrangements would be detailed in an informative.

### 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 flood 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.

Policy NE3 of the Chiddingfold NP (2013-2032) says proposals for the enhancement of existing watercourses, and the creation of new ponds and wetland areas will be supported.

Paragraph 165 of the NPPF, 2023 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future), but where development is necessary in such areas, the development should be made for its lifetime without increasing flood risk elsewhere.

Paragraph 173 of the NPPF, 2023 states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) 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;
- b) The development is appropriately flood resistant and resilient;
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) Any residual risk can be safely managed; and
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The site is located within Flood Zone 1, a low level of flood risk exists. It is proposed that the rainwater from the development would be discharged into a sustainable drainage system in the form of a soakaway. Thames Water and Waverley Borough Council's Building Control Team have confirmed that this approach is acceptable; Building Control would oversee and ensure the design solution is appropriate.

As such, subject to surface water conditions, the proposed development complies with Policy CC4 of the Local Plan (Part 1) 2018, Policy NE3 of the Chiddingfold NP (2013-2032) and the NPPF, 2023.

#### Biodiversity and compliance with Habitats and Species Regulations, 2017

The NPPF, 2023 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.

Policy NE1 of the Local Plan (Part 1) 2018 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated. Policy DM1 of the Local Plan (Part 2) sets out that development should avoid negative impacts upon biodiversity.

Policy NE1 of the Chiddingfold Neighbourhood Plan states development proposals will be required to demonstrate the achievement of a biodiversity net gain by ensuring the protection and enhancement of the local environment.

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

The application property does not fall within a designated SPA, SAC, SNCI or SSSI. It is not within 200m of ancient woodland or water, and is not an agricultural building or barn. Having regard to this, and the completed biodiversity checklist, it is considered that a biodiversity survey is not required in this instance.

In support of the application the applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, Arbtech, 19/03/2019; Bat Emergence and Re-entry Surveys, Arbtech, 21/08/19; Bat Emergence and Re-entry Surveys, Arbtech, 08/12/2021; Material changes check to support BMCL Application – 16 Pathfield, Arbtech, 16th March 2022; File Note Report, Arbtech, 29/03/2023, File Note, Arbtech, 14th November 2022, File Note, Arbtech, January 2023; the Bat Emergence and Re-entry Surveys, Arbtech, 20/06/2023; and the updated Ecological Walkover Survey (Arbtech, January 2024).

The updated Ecological Walkover Survey (Arbtech, January 2024) recorded a change in the composition and sward height of the grassland within the site. Arbtech has assessed that this is suitable for reptiles and amphibians. Arbtech has assessed that further survey would be disproportionate and recommended a precautionary working

method. Based on the review by Arbtech, there appears to be a reasonable chance of reptiles being present, therefore mitigation as part of a precautionary working method should be required. The precautionary working method detailed in the updated Ecological Walkover Survey (Arbtech, January 2024) covers methods of habitat removal and the recommendation for habitat creation and enhancement opportunities.

Surrey Wildlife Trust has been consulted and has requested conditions regarding bats, lighting and the provision of ecological enhancements. Surrey Wildlife Trust advise that a Reptile Mitigation Strategy is required by means of a condition, which will include evidence of a designated receptor area for reptiles during the construction and operational phase of the development.

The site provides the opportunity to enhance biodiversity therefore Conditions 9-14 are attached requiring:

- Ecological Enhancement Plan.
- Sensitive lighting to protect bats.
- Works outside bird nesting season.
- The development should progress in line with the impact avoidance recommendations in Section 4.2 of Preliminary Ecological Appraisal report and incorporate the following;
- Providing bird and bat boxes erected on or integral within the new building.

Informative to be added to encourage native species when planting new trees and shrubs, preferably of local provenance from seed collected, raised and grown only in the UK, suitable for site conditions and complimentary to surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.

As such, subject to conditions, it is considered that the proposed development complies with Policy NE1 of the Local Plan (Part 1), Policy DM1 of Local Plan (Part 2), Policy NE1 of the Chiddingfold Neighbourhood Plan and the NPPF, 2023 in terms of habitat protection and ecological enhancement.

#### Effect on the Wealden Heaths Phase II Special Protection Area (SPA)

The site falls within the Wealden Heaths 5km Buffer Zone and the proposal would result in an increase in people (permanently) on the site. However, Natural England's guidance confirms that for developments within 400m-5km of the Wealden Heaths SPA, of less than 20 dwellings, they would be unlikely to require mitigation, an Appropriate Assessment or Natural England formal consultation. Such development can be permitted without likely significant effects on the SPA. Taking this into account, it is considered that the proposal would not have a likely significant effect upon the integrity of the SPA, in accordance with Policy NE1 of the Local Plan: Part 1. An Appropriate Assessment is not therefore required.

#### Climate Change and Sustainability

Waverley Borough Council has declared a climate emergency. The motion was passed at a Full Council meeting on Wednesday 18<sup>th</sup> September 2019 which sets out the Council's aim to become carbon neutral by 2030. Policy CC1 of the Local Plan (Part 1) 2018 relates to climate change and states that development will be supported

where it contributes to mitigating and adapting to the impacts of climate change, setting out a number of measures against which developments should accord. Policy CC2 of the Local Plan (Part 1) seeks to promote sustainable patterns of development and reduce the level of greenhouse gas emissions through a number of measures relating to new development. Policy DM1 and DM2 of Local Plan (Part 2) 2023 seeks to improve energy efficiency and reduce carbon emissions in the Borough.

The permission would be conditioned to ensure appropriate sustainability and climate change measures within the development such as the requirement that the dwellings meet the 110 litres of water per person per day in accordance with the above policies. Condition 18 requires highest available broadband technology to be installed, this helps reduce the need to commute for some residents.

As such, subject to conditions, the proposal complies with Policies CC1 and CC2 of the Local Plan (Part 1) 2018, Policies DM1 and DM2 of Local Plan (Part 2) 2023, Policy I10 of the Chiddingfold NP (2013-2032) and the NPPF, 2023 in terms of ensuring that the development includes measures to minimise energy and water use.

#### 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 paragraph 38 of the NPPF, 2023. 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.

Having proactively communicated with the applicant through the process to advise on progress, timescales or recommendation.

#### Conclusion

The planning balance assessment concludes that the proposal is considered to be in accordance with the Development Plan, in terms of the principle of additional dwellings on the site, the design is considered acceptable, the impacts on the adjoining dwellings and habitats is acceptable and no unacceptable highways impacts have been identified. As such, planning permission is recommended for approval.

#### Recommendation

That permission be **GRANTED** subject to the following conditions:

1. Condition:

The development hereby permitted shall be begun before the expiration of three years for the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## 2. Condition:

The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Drawing No. 0010 Rev. P03 - Pathfield Site B OS Plan  
Drawing No. 0011 Rev. P04 - Pathfield Site B Site plan  
Drawing No. 0012 Rev. P04 - Pathfield site B Floor plans Plots 1 to 5  
Drawing No. 0013 Rev. P05 - Pathfield site B Elevations Plots 1 to 5  
Drawing No. 0015 Rev. P01 - Pathfield site B Existing Elevations

## 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 Policies DM1, DM4 and DM5 of the Local Plan (Part 2) 2023.

## 3. 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.

- Ibstock Brunswick Farmhouse Mixture
- red rustic Redland DuoPlain Roof Tiles
- uPVC white windows
- Permadoor Safedoors
- black UPVC rainwater goods and
- white soffits/facias.

Development shall be carried out in accordance with the approved details. This is a pre- commencement condition because the materials go to the heart of the permission.

## 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 Policies DM1, DM4 and DM5 of the Local Plan (Part 2) 2023.

## 4. Condition:

Construction works, including works of site clearance and ground preparation, and including deliveries to and from the site, shall not take place other than between 08.00-18.00 hours Monday-Friday, 08.00-13.00 hours on Saturdays and at no time on Sundays or on Bank or Public holidays.

## 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 Policy DM1 of the Local Plan (Part 2) 2023.

5. Condition:

No part of the development shall be first occupied unless and until the proposed modified vehicular access to Pathfield Close has been constructed and provided with a means within the private land of preventing private water from entering the highway, in general accordance with the approved plans.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and in recognition of Section 9 'Sustainable Transport' in the National Planning Policy Framework, 2023.

6. Condition:

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

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and in recognition of Section 9 'Sustainable Transport' in the National Planning Policy Framework, 2023.

7. Condition:

The development hereby approved shall be constructed in accordance with the details within the submitted Construction Traffic Management Plan (Ref. P22-015) dated March 2022. The approved details shall be implemented at all times during the construction of the development.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and in recognition of Section 9 'Sustainable Transport' in the National Planning Policy Framework, 2023.

8. Condition:

The development hereby approved shall not be first occupied unless and until secure and covered cycle parking for each dwelling (including a power supply for the charging

of e-bikes) has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking shall be permanently retained for its designated purpose and maintained to the satisfaction of the Local Planning Authority.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and in recognition of Section 9 'Sustainable Transport' in the National Planning Policy Framework, 2023.

9. Condition:

Prior to the commencement of development, an Ecological Enhancement Plan, written by a suitably qualified ecologist, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in accordance with the details in the approved Ecological Enhancement Plan.

Reason:

To safeguard protected species and their habitat in accordance with the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981, in accordance with Policy NE1 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023, Policy NE1 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023. This condition is required to be addressed prior to commencement in order that the ability to comply with its requirement is not prejudiced by the carrying out of building works or other operations on the site.

10. Condition:

In order to comply with above referenced legislation, any external lighting installed on this development should comply with the Bat Conservation Trusts' document entitled 'Bats and Lighting in the UK – Bats and The Built Environment Series'.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023, Policy NE1 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023.

11. Condition:

The applicant should be required to comply with the recommendations for birds, as detailed in section 4.2 (table 3) of the submitted 'Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey' (Arbtech, 19th March 2019) report.

Reason:



In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018, Policy DM2 of the Local Plan (Part 2) 2023, Policy NE1 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023.

12. Condition:

Prior to the commencement of development, a Reptile Mitigation Strategy should be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Reptile Mitigation Strategy.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023, Policy NE1 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023. This is a pre-commencement condition because it relates to the protection of protected species during the construction process.

13. Condition:

Should the Council be minded to grant this planning application for this site, the applicant should be required to implement a precautionary method of working for badgers and hedgehogs, as detailed in section 4.2 (table 3) of the submitted 'Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey' (Arbtech, 19th March 2019) report.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023, Policy NE1 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023.

14. Condition:

The development should progress in line with all enhancement recommendations listed under section 4.2 (table 3) of the submitted 'Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey' report and should also incorporate enhancements for bats, as detailed in section 4.2 (table 5) of the above referenced 'Bat Emergence and Re-entry Surveys' (Arbtech, 19th March 2019) report.

Reason:

In order that the development should protect protected species in accordance with Policy NE1 of the Local Plan (Part 1) 2018, Policy DM1 of the Local Plan (Part 2) 2023, Policy NE1 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023.

15. Condition:

Prior to the occupation of the dwellings, a detailed landscaping scheme must be submitted to and be approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out prior to the occupation of the dwelling. 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, Policy NE2 of the Chiddingfold Neighbourhood Plan (2013-2032) and the National Planning Policy Framework, 2023.

16. 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. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Policy CC4 of the Local Plan (Part 1) 2018.

17. 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.

18. Condition:

Prior to the first occupation of the dwellings here by permitted the highest available speed broadband infrastructure shall be installed and made available for use unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

19. Condition:

There shall be no burning of any waste or other materials on the site during the demolition and construction phases.

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 Policy DM1 of the Local Plan (Part 2) 2023.

20. Condition:

No development shall take place, including any works of demolition, until a Dust Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The plan can be part of a broader site Construction Management Plan but should detail all potential sources of particulate emissions and include appropriate mitigation measures.

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 Policy DM1 of the Local Plan (Part 2) 2023.

**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. 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).

4. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs)

5. The applicant 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.

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

7. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.

8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types. Installation must be carried out in accordance with the IET Code of Practice for Electric Vehicle Charging Equipment: <https://www.theiet.org/resources/standards/cop-electric.cfm>

9. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: <https://beta.southernwater.co.uk/infrastructure-charges>

10. The developers should comply with 'The Council's Guide for Developers'. The above document includes information that the developers should ensure there is provision for the following per standard property: 1 x 240 litre black refuse bin (purchased at the developer's cost, direct from Waverley Borough Council) 1 x 240 litre brown garden waste bin (voluntary subscription service paid for by resident) 1 x 240 blue recycling bin (ordered through WBC) 1 x 23 litre kerbside food waste caddy (ordered through WBC) 1 x 7 litre kitchen food waste caddy (this is to be kept in the kitchen to allow residents to transfer their food waste to the kerbside caddy. Ordered through WBC). The bins must be ordered at least 6 weeks before the dwelling is occupied, and will need to be presented at the kerbside, adjacent to the adopted public highway before 6am on the day of collection. The collector must not walk more than 15m to empty two-wheeled bins or 10m for four-wheeled bins. Reversing of the collection vehicle should be avoided as much as possible (see reference to BSI standards in Guidance Document). It would appear from the map, that some reversing will be necessary, but in theory no more than under the existing arrangements. Residents will also need to register with Council Tax in order to receive the bins.

11. The development hereby permitted is Community Infrastructure Levy (CIL) liable. 'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended). Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges. For further information see our webpages ([www.waverley.gov.uk/CIL](http://www.waverley.gov.uk/CIL)) or contact [CIL@waverley.gov.uk](mailto:CIL@waverley.gov.uk)

12. The applicant should be required to obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing; and to undertake all the actions which will be detailed in the Method Statement which will be required to accompany the licence application; or undertake works under the brief of a Registered Consultant who holds a Low Impact Class Licence for bats.

13. 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 38 of the National Planning Policy Framework, 2023.

