

A1 WA/2015/1935  
Caffyn-Parsons Family Trust  
& V Withey  
05/10/2015

Outline application with all matters reserved for the erection of up to 80 dwellings (including affordable) and a building to provide commercial/retail use following demolition of existing buildings (revision of WA/2015/1057) (as amended by plan received 28/06/2016 and Transport Assessment received 24/03/2016 and as amplified by ecology report received 25/07/2016) at Little Acres Nursery, St Georges Road, Farnham GU9 9NT

Committee: Joint Planning Committee  
Meeting Date: 26/09/2016

Public Notice: Was Public Notice required and posted: Yes  
Grid Reference: E: 486603 N: 148313

Town: Farnham  
Ward: Farnham Weybourne and Badshot Lea  
Case Officer: Rebecca Clarke  
13 Week Expiry Date: 04/01/2016  
Neighbour Notification Expiry Date: 20/11/2015  
Time extension agreed to: Yes  
Extended expiry date: 30/09/2016

RECOMMENDATION A

That, subject to the completion of a Section 106 agreement to secure appropriate contributions in respect of the Thames Basin Heaths Avoidance Strategy, towards off-site highway works, early years and secondary education, recycling containers, playing pitches and play areas; provision of 40% affordable housing; off-site highways works; the setting up of a Management Company for open space, play space, landscaping and SuDS; conditions and informatives, and consideration of any additional representations received, permission be GRANTED.

RECOMMENDATION B

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

## Introduction

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

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

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

Access - this covers the accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside of the site.

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

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

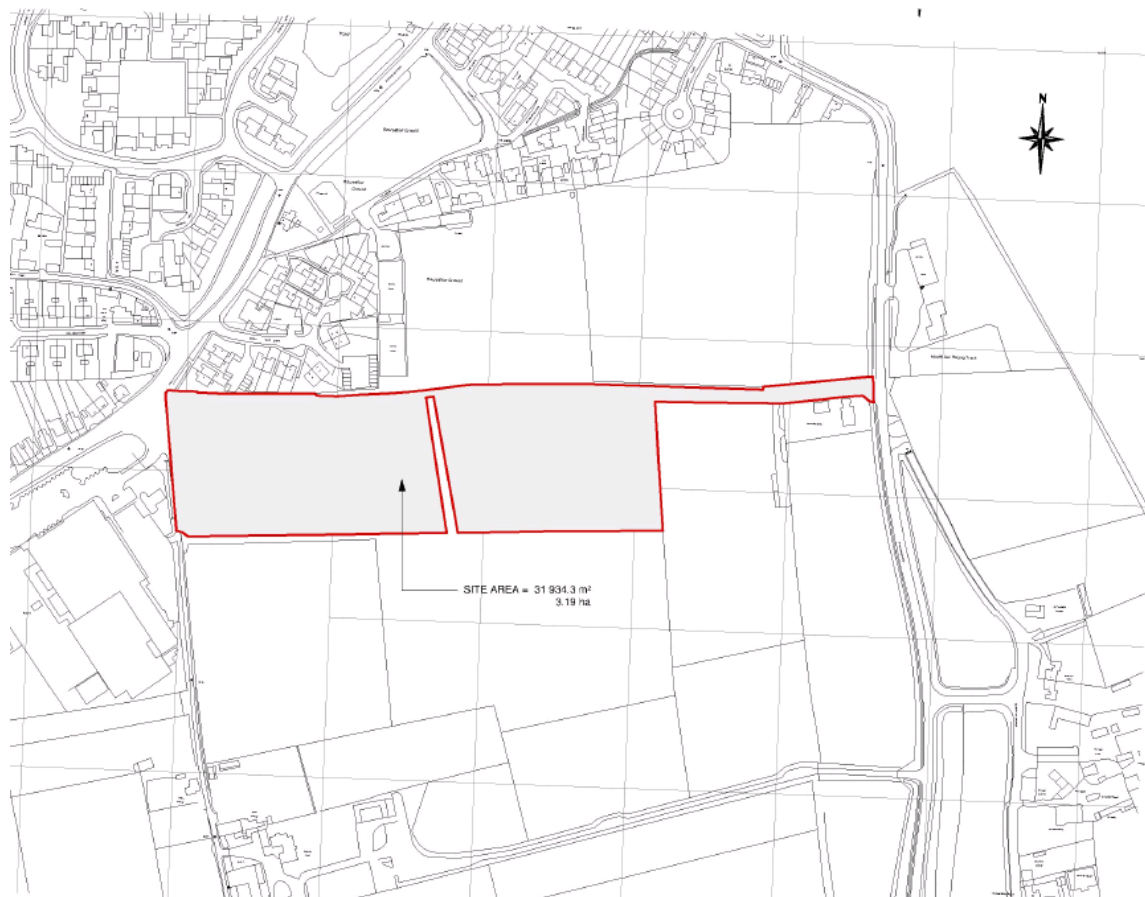
Scale - includes information on the size of the development, including the height, width and length of each proposed building.

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

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

In the event that access is a reserved matter, Part 2 Article 5 (3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 directs that the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.

### Location Plan



### Site Description

The application site measures 3.2 hectares and is located to the west of St Georges Road and to the east of Badshot Lea Road, to the south of the developed area of Badshot Lea. The settlement of Badshot Lea is located to the north east of the main settlement of Farnham. It is made up of largely residential development with a number of commercial, recreational and educational uses, including garden centres, local shops, playing field and pubs interspersed.

The site is essentially split into two areas, with a vertical strip of land in the centre being excluded from the application site.

This results in the site consisting of eastern and western areas with access between the two areas to the north of the excluded strip of land.

The eastern part of the site comprises a plant nursery. A number of glasshouses, polytunnels, a small café and a residential dwelling known as 'Little Acres' currently exist in this area. The western area of the site comprises an open field with dilapidated buildings to the far west.

A recreation ground is located to the north of the site, which comprises football pitches, a cricket ground/nets and tennis courts, and alongside this is an open field where outline planning permission has recently been granted for up to 71 dwellings (WA/2014/2113- Land to the West of St Georges Road). A reserved matters application is currently under consideration (WA/2016/1072).

To the south of the site lies open countryside and to the west of the site lies Squire's Garden Centre. The land immediately east of the site forms part of a residential property with various domestic paraphernalia on it.

The western area of the site is bordered to the north by residential properties of Badshot Lea, within the developed area. The eastern area of the site is separated from the built up area to the north by the neighbouring recreation ground. There is existing vegetation along the site boundaries which screens the site.

Access to the site is achieved via a track off St Georges Road to the east. This access also comprises a public footpath (No. 112).

The surrounding landscape is rural in character, with areas of sporadic residential development.

### Proposal

The proposal is for outline planning permission with all matters reserved; however, in line with statutory requirements, the applicant has indicated that vehicular access could be situated in the north west corner, off Badshot Lea Road, and via the existing access in the north east corner, off St Georges Road.

The proposal is for the development of the existing agricultural/horticultural land to provide for 80 residential dwellings, together with a commercial/retail building, following demolition of existing buildings.

The proposal is in outline with all matters reserved. However, an illustrative layout plan submitted with the application shows that the western area of the site would feature a higher density of residential development than the eastern area.

The application includes the erection of a commercial/retail building. The illustrative plan sets out that the existing business/community use building would be relocated within the eastern area of the site and would have a floorspace of 225m<sup>2</sup>.

Of the 80 proposed units, 48 would be market housing and 32 would be affordable housing units (40% affordable housing). The tenure of the affordable housing has not been specified.

The indicative site layout plan identifies the following building types and associated parking provision for affordable and market units:

Type 1	1 bedroom terrace (affordable housing)
Type 2	1 bedroom semi-detached dwelling with garage (affordable housing)
Type 3	2 bedroom semi-detached dwelling with garage (affordable housing)
Type 4	2 bedroom flat with on street car parking (affordable housing)
Type 5	3 bedroom dwelling with linked garage (affordable housing)

Type 7	1 bedroom terrace (market housing)
Type 8	4 bedroom detached dwelling with garage (market housing)
Type 9	4 bedroom compact dwelling (market housing)
Type 10	2 bedroom flat with on street car parking (market housing)
Type 11	2 bedroom semi-detached dwelling with garage (market housing)
Type 12	3 bedroom dwelling with linked garage (market housing)

Although a reserved matter, the applicant sets out that the height of the proposed residential flat units would be two storey. The precise amount and mix of parking would be subject to outstanding reserved matters.

The proposed housing mix is as follows:

Unit Type	Number of units	% of overall total
1 bedroom	16	20%
2 bedroom	27	33.75%
3 bedroom	27	33.75%
4 bedroom	10	12.5%
Total	80	100%

A communal play park area, measuring 484m<sup>2</sup>, is indicated within the eastern section of the site. A bank of vegetation planting along the southern site boundary is illustrated.

### Indicative layout plan



### Heads of Terms

The proposal would involve the following off-site highway works:

- A scheme to provide a “village gateway feature” on St Georges Road to the south of the proposed development in the vicinity of the existing change in speed limit and a new 3.0m wide shared footway/cycleway along the western side of St Georges Road.
- A scheme to provide an uncontrolled pedestrian crossing with central pedestrian refuge within the vicinity of the Badshot Lea Road junction with the Garden Centre access road.

- A scheme to upgrade the two existing bus stops on Badshot Lea Road, to provide new bus shelters, accessible height kerbing, new bus stop poles/timetables, and Real Time Passenger Information.

The above works would be secured by a S278 agreement with the County Highway Authority.

In addition, the following matters are proposed to be subject to a legal agreement under Section 106 of the Town and Country planning Act 1990 (as amended):

Provision of retail/commercial building	
Provision of recycling containers	£2,304
Early years education infrastructure	£53,171
Secondary education infrastructure	£219,675
Playing pitches/Changing rooms	£49,000
Play Areas	£45,000
Pedestrian crossing facilities, environmental enhancement and capacity improvement at the junction of St Georges Road with Badshot Lea Road	£75,000
Lighting on Footpath 112	£30,000
Blackwater Valley cycle scheme	£30,000
Provision of on-site affordable housing (40%)	
Contribution towards Thames Basin Heaths SPA Avoidance Strategy	£230,265.75
<b>Total</b>	<b>£734,415.75</b>

#### Relevant Planning History

WA/2015/1057	Outline application with all matters reserved for the erection of up to 99 dwellings (Including affordable) and a building to provide commercial/retail use following demolition of existing buildings.	Withdrawn 04/09/2015
SO/2014/0023	Request for Screening Opinion for an outline planning application for 100 dwellings (including affordable housing), the redevelopment of existing restaurant and creation of public space.	EIA Not Required 10/12/2014
WA/2012/1829	Outline application with all matters reserved for the erection of enlarged and relocated restaurant (Class A3) use, 38 residential units (including 9 affordable dwellings), 10	Refused 08/02/2013 Appeal Dismissed

	student residences, addition of 1 retail (Class A1) unit, 1 financial and professional services (Class A2) unit and 1 non-residential institution (Class D1) unit, following demolition of the existing buildings.	23/04/2014
SO/2012/0011	Request for screening opinion for change of use from a garden nursery with associated café/restaurant and residential dwelling to a mixed use development comprising erection of enlarged and relocated restaurant (Class A3) use, 38 residential units (including 9 affordable dwellings), 10 student residences, addition of 1 retail (Class A1) unit, 1 financial and professional services (Class A2) unit and 1 non-residential institution (Class D1) unit, following demolition of the existing buildings.	EIA not required 19/11/2012
AF/2013/0002	Prior Notification Application - Change of use from Agricultural Building to Class B8 (storage and distribution). (As amended by plan received 09/09/13).	Prior Approval not required 13/09/2013
AF/2013/0001	Prior Notification Application - Change of use from Agricultural Building to Class B8 (storage and distribution).	Withdrawn 31/07/2013
WA/2009/0607	Application for consent to display non-illuminated signs.	Advertisement Consent 03/06/2009
WA/2009/0606	Removal of Condition 2 and variation of Condition 3 of WA/2007/1638 to allow the provision of advertising for tea room use.	Full Permission 28/05/2009
WA/2007/1638	Erection of a building to provide a tea room, garage and nursery store following demolition of shed.	Full Permission 06/11/2007
WA/2003/1962	Erection of a polytunnel.	Full Permission 11/11/2003
WA/1997/1765	Erection of two polytunnels.	Full Permission 22/12/1997
WA/1997/1764	Erection of a polytunnel.	Full Permission 22/12/1997
WA/1997/1639	Certificate of Lawfulness for the use of Area A for the parking of vehicles; the use of Area B and Buildings C, D1, D2 and E for storage.	Withdrawn 24/06/1998
WA/1987/0970	Erection of building for retail sales of gas etc. and provision of gas storage compound	Refused 24/09/1987
WA/1983/1234	Erection of a single storey extension to provide garage store and shower room,	Full Permission 06/09/1983



WA/1980/1585	Proposed construction of detached bungalow	Full Permission 25/11/1980
WA/1980/1064	Owners Bungalow to facilitate adequate supervision of existing intensive soft fruit growing and intending poultry enterprise (building for housing poultry already erected)	Full Permission 20/08/1980
WA/1979/0883	Erection of bungalow (outline)	Refused 03/10/1979 Appeal Withdrawn 06/10/1980

### Planning Policy Constraints

Countryside beyond the Green Belt  
The Farnham/Aldershot Strategic Gap  
Thames Basin Heath 5km Buffer Zone  
Footpath 112  
High Archaeological Potential  
Potential contaminated land

### Development Plan Policies and Proposals

Saved Policies of the Waverley Borough Local Plan 2002:

Policy C2	Development in the Countryside
Policy C4	Farnham/Aldershot Strategic Gap
Policy D1	Environmental Implications of Development
Policy D2	Compatibility of Uses
Policy D4	Design and Layout
Policy D5	Nature Conservation
Policy D7	Trees, Hedgerows and Development
Policy D8	Crime Prevention
Policy D9	Accessibility
Policy D13	Essential Infrastructure
Policy D14	Planning Benefits
Policy H4	Density and Size of Dwellings
Policy H10	Amenity and Play Space
Policy HE14	Sites and Areas of High Archaeological Potential
Policy M1	The Location of Development
Policy M2	The Movement Implications of Development
Policy M4	Provision for Pedestrians
Policy M5	Provision for Cyclists
Policy M14	Car Parking Standards

Draft Local Plan Part 1 Policies:

Policy RE1	Countryside beyond the Green Belt
Policy RE3	Landscape Character
Policy TD1	Townscape and Design
Policy NE1	Biodiversity and Geological Conservation
Policy NE2	Green and Blue Infrastructure
Policy NE3	Thames Basin Heaths Special Protection Area
Policy SP1	Presumption in Favour of Sustainable Development
Policy SP2	Spatial Strategy
Policy ICS1	Infrastructure and Community Facilities
Policy AHN1	Affordable Housing on Development Sites
Policy AHN2	Rural Exception Sites
Policy AHN3	Housing Types and Size
Policy LRC1	Leisure, Recreation and Cultural Facilities
Policy ALH1	The Amount and Location of Housing
Policy ST1	Sustainable Transport
Policy CC1	Climate Change
Policy CC2	Sustainable Construction
Policy CC3	Renewable Energy Development
Policy CC4	Flood Risk Management

Saved Policy of the South East Plan 2009:

Policy NRM6	Thames Basin Heaths Special Protection Area
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Draft Farnham Neighbourhood Plan Policies:

FNP1	Design of New Development and Conservation
FNP10	Protect and Enhance the Countryside
FNP12	Thames Basin Heaths Special Protection Area (SPA)
FNP13	Protect and Enhance Biodiversity
FNP14	Housing Site Allocations
FNP27	Public Open Space
FNP30	Transport Impact of Development
FNP31	Water and Sewerage Infrastructure Capacity
FNP32	Securing Infrastructure

The South East Plan 2009 was the Regional Spatial Strategy (RSS) for the South East region, the Plan was revoked on March 2013 except for Policy NRM6: Thames Basin Heaths Special Protection Area. This Policy remains in force.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002) and the South East Plan 2009 (solely in relation to policy NRM6) therefore remain the starting point for the assessment of this proposal.

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

The Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Non-Strategic Policies and Site Allocations) will follow the adoption of Part 1. The new Local Plan builds upon the foundations of the Core Strategy, particularly in those areas where the policy/approach is not likely to change significantly. On 19 July 2016 the Council approved the publication of the draft Local Plan Part 1 for its Pre-submission consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will commence in early August. In accordance with paragraph 216 of the NPPF, weight can be given to the draft Plan, but the degree to which it can is determined by the stage the Plan has reached and the extent to which there are any unresolved objections to it. It is considered that significant weight can be given to the Pre-submission Plan following the Pre- Submission Plan document publication on Friday 19 August, given it's history of preparation thus far, the iterations of it and the extent of consultation and consideration on it to date. The weight afforded to the Draft Local Plan will increase as the Plan progresses through Examination and onto its adoption in 2017.

Following the submission of the Farnham Neighbourhood Plan, the Council commenced consultation on 19 August 2016. The Council therefore consider that the neighbourhood plan is a material consideration in the determination of this application and significant weight can be given to its policies. The weight afforded to the Farnham Neighbourhood Plan will increase as the Plan progresses through Examination and onto its adoption.

Other guidance:

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

- Land Availability Assessment (2016)
- West Surrey Strategic Housing Market Assessment (2015 and Addendum 2015)
- Five Year Housing Supply (2016)
- Settlement Hierarchy (Draft 2010 and factual update 2012)
- Statement of Community Involvement (2014 Revision)
- Strategic Flood Risk Assessment (2010)
- Affordable Housing Viability Assessment (Addendum 2010 and update 2012)
- Cycling Plan SPD (April 2005)
- Council's Parking Guidelines (2013)
- Density and Size of Dwellings SPG (2003)
- Residential Extensions SPD (2010)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
- Surrey Design Guide (2002)
- Employment land review (update 2011)
- Council's Economic Strategy 2015-2020
- Fields in Trust 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (2016)
- Farnham Design Statement (2010)

#### Consultations and Town Council Comments

County Highway Authority	<p>No objection, subject to recommended conditions and informatives, and an appropriate agreement being secured before the grant of permission to secure:</p> <p><u>Financial payments</u></p> <p>A) Prior to the occupation of the 25th dwelling the applicant shall pay an index linked sum of £75,000 to provide pedestrian crossing facilities, environmental enhancements and capacity improvements at the junction of St. Georges Road with Badshot Lea Road.</p> <p>B) Prior to the occupation of the 30th dwelling the applicant shall pay an index linked sum of £30,000 for the provision of lighting on Footpath 112 between Badshot Lea Road and St. Georges Road.</p> <p>C) Prior to the occupation of the 30th dwelling</p>
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the applicant shall pay an index linked sum of £30,000 towards the Blackwater Valley cycle scheme between Aldershot and Farnham Town Centres and Rail

Section 278 Highway Works

A) The development hereby approved shall not be commenced unless and until a scheme to provide a “village gateway feature” on St Georges Road to the south of the proposed development in the vicinity of the existing change in speed limit and a new 3.0m wide shared footway/cycleway along the western side of St Georges Road, is submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved scheme shall then be provided prior to first occupation of the proposed development.

B) The development hereby approved shall not be commenced unless and until a scheme to provide an uncontrolled pedestrian crossing with central pedestrian refuge within the vicinity of the Badshot Lea Road junction with the Garden Centre access road, is submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved scheme shall then be provided prior to first occupation of the proposed development.

C) The development hereby approved shall not be commenced unless and until a scheme to upgrade the two existing bus stops on Badshot Lea Road, to provide new bus shelters, accessible height kerbing, new bus stop poles/timetables, and Real Time Passenger Information, is submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved scheme shall then be provided prior

to first occupation of the proposed development.

The County Highway Authority notes that the applicant is proposing two points of vehicular and pedestrian access to the site. The Highway Authority has no objection in principle to this site having two points of vehicular access.

The Highway Authority is not satisfied however that the proposed access on the western boundary of the site onto Badshot Lea Road can be delivered by the applicant. This is because third-party land would be required to provide this access. This land is outside of the applicant's control and is not classified as public highway. Furthermore, on the information provided by the applicant, the Highway Authority is not satisfied that the proposed access accords with the relevant highway safety and technical design requirements.

The Highway Authority is satisfied that the proposed modified access onto St Georges Road is acceptable on highway safety and technical design grounds.

In order to establish whether the principle of access to this site is acceptable (as required at this outline planning stage), the Highway Authority therefore asked the applicant to assess the impact of the proposed development on the surrounding highway network, assuming a single point of vehicular access onto St Georges Road. The transport modelling assessment has demonstrated to the satisfaction of the Highway Authority that a single point of vehicular access for the site onto St Georges Road can safely accommodate all vehicles and pedestrians associated with the site and would not have a severe impact on highway safety and capacity on surrounding roads and junctions. It should be noted that the

	<p>existing Public Footpath could still provide a pedestrian link between the site and Badshot Lea Road.</p> <p>Given the above, the Highway Authority is satisfied that access to the application site can be provided without prejudice to highway safety or capacity, in accordance with the requirements of the NPPF.</p>
Farnham Town Council	<p>Objects to the application.</p> <p>Farnham Town Council objects to the application because it is a greenfield site.</p> <p>The traffic survey and calculations for future traffic levels do not include the likely effects of large scale development just a few miles from the village. The issues of lack of infrastructure, congested local roads, known concerns about the controlled junction at Badshot Lea cross roads and dispersal of surface water into the local poorly maintained drainage network all make this proposal unacceptable.</p> <p>Although the site is supported and allocated in the Regulation 14 Draft Farnham Neighbourhood Plan, the applicant has not yet undertaken appropriate community engagement to understand local need. The proposal should require a full planning permission and as this application is premature, Farnham Town Council would urge the applicant to reconsider its current proposals and seek to put together a comprehensive development that fulfils the needs and wishes of the community and provides a sustainable development, which provides its own on site SANG in liaison with adjoining landowners.</p> <p>Farnham Town Council also make reference to their previous comments (29/06/2015) made on WA/2015/1057 which were as follows:</p>

	<p>The design and layout of the proposal is not in keeping with the village environment. It is far too urban and overcrowded. The average density of surrounding development is 30 dph. The maximum number of dwellings on this site should be around 80.</p> <p>The opportunity to present a development, in line with the Farnham Neighbourhood Plan, that could enhance and improve the existing village as required by the NPPF has not been taken and also no improvement to the village recreational facilities or to the under provision of designated parking for the recreation ground.</p> <p>The traffic survey and calculations for future traffic levels do not include the likely effects of large scale development just a few miles from the village. The issues of lack of infrastructure, congested local roads, known concerns about the controlled junction at Badshot Lea cross roads and dispersal of surface water into the local poorly maintained drainage network all make this proposal unacceptable.</p> <p>Although this site is supported and allocated in the Regulation 14 Draft Farnham Neighbourhood Plan, the applicant has not yet undertaken appropriate community engagement to understand local need. The proposal should require a full planning permission. This application is premature and Farnham Town Council would urge the applicant to reconsider its current proposals and seek to put together a comprehensive development that fulfils the needs and wishes of the community and provides a sustainable development, which provides its own on site SANG.</p>
<p>SCC SuDS &amp; Surface Water Drainage</p>	<p>Initial comments received 23/03/2016 – raise an objection to the application.</p> <p>The proposed water strategy does not comply</p>



	<p>with the requirements laid out under the Technical Standards. Information relating to drainage calculations and volume discharge is required.</p> <p>Subsequent comments received 28/04/2016 (following further information be supplied) – previous objection withdrawn. No objection raised to the application.</p> <p>The drainage calculations would be acceptable at the outline stage but for full planning permission (reserved matters application), separate issues would need to be addressed. The objection relating to volume discharge can be removed as the application has satisfied this objection.</p>
Natural England	<p>Initial comments received 09/11/2015 – raise an objection on AONB grounds</p> <p>Thames Basin Heaths SPA – no objection. Natural England understands that the developer is likely to make these contributions to Farnham Park SANG, which must be secured through a legal agreement prior to granting consent.</p> <p>Subsequent comments received 28/04/2016 – previous objection withdrawn. No objection raised to the application, subject to recommended condition.</p> <p>A Landscape and Visual Impact Assessment (LVIA) has been submitted and, after consideration, Natural England concur with the conclusion that the proposal will not have a negative impact on the AONB. This is based on the understanding that all of the mitigation principles proposed are strictly adhered to, which should be conditioned should permission be granted.</p>
Surrey Wildlife Trust	No objection, subject to recommended conditions.

The proposed development would increase development in an area already subject to previous and current development, resulting in a loss of open spaces. Consequently, this would risk the effectiveness of a 'living landscape' where habitat is available to allow the movement of species across an area to be able to respond to major changes such as development pressure and climate change. This can have a significant effect on the biodiversity value of an area.

The Trust would advise that the Preliminary Ecological Appraisal Report by Arbtech Consulting Ltd, which the applicant has provided in support of the planning application, provides useful information for the LPA to assess the potential status of protected and important species on the proposed development site and the likely effect of the development on them. Should permission be granted, a condition is recommended to require the applicant to undertake the recommended actions in section 15.0 and Table 5 of the report.

It is noted however that the applicant's ecologist has advised further survey work to help establish the status of reptiles and Great Crested Newts on the site.

The development may offer some opportunities to restore or enhance biodiversity.

Should permission be granted, Surry Wildlife Trust would advise that any public spaces be made subject to a Landscape and Ecological Management Plan (LEMP) to help conserve the biodiversity value of the site. A LEMP should include a landscaping, planting and seeding plan (with species list) together with a maintenance and monitoring programme.

<p>Thames Water</p>	<p>No objection, subject to recommended informatives.</p> <p>Surface Water Drainage – it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.</p> <p>Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. In line with best practice for the disposal of Fats, Oils and Grease, Thames Water recommends that collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to watercourses.</p> <p>Sewerage infrastructure capacity – no objection. The applicant would be expected to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. An informative is recommended with regard to this.</p> <p>Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities.</p> <p>Water Supply – the area is covered by the South East Water Company.</p>
<p>Surrey Police – Western Division Crime Prevention Design Officer</p>	<p>No objection, subject to a condition requiring the application to achieve the full Secured by Design (SbD) award.</p> <p>The following comments are provided:</p> <ol style="list-style-type: none"> <li>1. The parking for the affordable housing on the west and east side of the development are in</li> </ol>

	<p>an isolated area, allowing limited natural surveillance.</p> <p>2. Parking for the recreational ground, although on the main through route, has limited natural surveillance.</p> <p>3. The private section of land which divides the middle of the development would allow a concealed route to some 22% of the proposed development. It may also allow an easy concealed route to and from the development.</p>
<p>SCC Minerals and Waste Policy Team</p>	<p>No objection.</p> <p>The application site is within 250m of Farnham Quarry which is safeguarded for minerals development. However, as the proposal is considered to not likely prejudice the operation of the site for mineral extraction and restoration, no objection is raised.</p>
<p>SCC Archaeological Officer</p>	<p>No objection, subject to a recommended condition.</p>
<p>SCC Rights of Way Officer</p>	<p>Objects to the application – initial comments received 24/11/2015.</p> <p>Public Footpath 112 will be obstructed by the development in a number of places. Footpath 112 has not been plotted correctly on plan FB131.100(H). Had this been the case, it would be apparent that part of the footprint of the proposed recreation ground car parking spaces, at the midway point, would encroach the footpath. At the eastern end, Footpath 112 will be detrimentally affected by the modification of the access road, effectively being subsumed by the road. Towards the western end, Footpath 112 is affected by landscaping and a small part of the proposed access road.</p> <p>In order for the County Council to withdraw its objection on these grounds, it will be necessary to process a legal order under s.257 of the Town and Country Planning Act 1990 to divert</p>

the legal route of the public footpath. This resulting alternative route would need to be constructed to a standard acceptable to the satisfaction of the relevant SCC Countryside Access Officer. It might be possible to amend the design layout to overcome some of these issues where it is possible to do so.

It should be made clear that historically the application for diversion and the application for planning permission would be entirely separate procedures. The application to divert would not normally be able to start until planning permission has been granted. Section 12 of the Growth and Infrastructure Act 2013 has however amended this arrangement to permit a diversion be made in anticipation of planning permission.

SCC has had several site discussions with the agent about aspirations for this route, subject to our objection being resolved. SCC would like to see the route dedicated as a Public Bridleway, but this would require the consent of the freeholder of the land for this to happen. Ideally, the route would also need to be physically widened and the surface improved to make it more suitable. On the assumption that the applicant agrees a future dedication, funds will be needed to improve the route. SCC would therefore look to secure a developer contribution to ensure that the funds are secured early on.

The applicant expressed strong agreement in principle to both the dedication and undertaking the improvement works independently, as the applicant owns the freehold of all the land required. It is important that the errors are amended so as to not prejudice any future widening of this route.

SCC questions whether the improvements

	<p>requested as part of WA/2014/2113 (land north of the application site) could be duplicated for the current application should WA/2014/2113 not be implemented.</p> <p>It is noted that Footpath 113 will cross over the new access road at the western end. Any new crossing point should be provided with standard detail dropped kerb and a pedestrian refuge midway. A condition is recommended to this effect.</p> <p>Comments received 14/09/2016:</p> <p>The County Rights of Way Officer has confirmed that the concerns raised in the previous letter dated 24/11/2015 regarding Public Footpath 112 (Farnham) could be addressed at the reserved matters stage when the layout is agreed.</p>
<p>Council's Environmental Health Officer – land contamination</p>	<p>No objection.</p> <p>The Council's Environmental Pollution Officer has reviewed the submitted materials and considers that contaminated land conditions are not required for the development. The developer should be reminded of the responsibility for delivering safe development as defined in paragraph 120 of the NPPF. Any unexpected issues should be notified to this service.</p>
<p>Council's Waste &amp; Recycling Co-ordinator</p>	<p>No objection.</p> <p>As the refuse collection vehicle is required to enter the development to empty the bins, roads within it will need to be capable of accommodating a collection vehicle 2.53m wide and 9.84m long, with a maximum gross weight of 26 tonnes. Suitable turning provision should be included. The bins from the dwellings will need to be presented for collection at an accessible point if the vehicle cannot be accommodated.</p>

	<p>The 72 proposed dwellings will each require storage for the following containers:</p> <p>1 x 140 litre black refuse bin  1 x 240 litre blue recycling bin  1 x 240 litre garden waste bin (optional subscription service)  1 x 23 litre green food waste caddy</p> <p>Further consultation will be required with regard to the final refuse and recycling storage for the 8 proposed flats. However, the following is suggested if a communal facility is intended to serve all three blocks:</p> <p>1 x 1100 flat lidded 4 wheel black bin  Dry recycling  5 x 240 litre blue recycling bins  Food waste  1 x 140 litre communal food waste bin  8 x 7 litre kitchen caddies</p>
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### Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014”, the application was advertised in the newspaper on 30/10/2015, site notices were displayed around the site on 22/10/2016 and neighbour notification letters were sent on 14/10/2015.

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

### Sustainability

- Increased traffic will increase air pollution, which is already at illegal levels.
- Likelihood of complaints from new residents about noise and damage from activities on the sports field.
- The development would reduce quality of life of existing residents
- Little Acres does not offer anything to the village except an over-dense housing estate and more cars.

## Employment

- Animal sanctuary would have to vacate their premises.
- The Garden Centre entranceway would be easily blocked. The revised application shows Badshot Farm Lane opening onto Squires Garden Centre driveway. Could result in loss of business.
- The proposed development threatens the recreation ground.

## Highways

- Increased traffic in the area.
- The layout would need to be revised to prevent direct connection between two main roads preventing the 'rat run'. The resultant 'Rat run' will increase likelihood of accidents.
- Construction vehicles will need to use the roads increasing traffic, risks of accidents and pollution.
- The roundabout will affect residents on Badshot Lea Road.
- If the link road goes through it should accommodate a dedicated cycle pathway.
- The traffic survey and calculations for future traffic levels do not include the likely effects of large scale development.
- Would be better to have just St George's road entrance as it's a straight road at that point.
- Inadequate parking and loss of existing residents parking if the planned entrance and roundabout is approved.

## Landscape Impacts

- The proposed site is on a Greenfield site within the 5km zone of the Thame Basin SPA.
- Must retain green spaces for the sake of future generations.
- Loss of semi-rural footpath which is used regularly.
- The remaining SANG at Farnham Park is very limited.
- Green fields are intrinsic to the country feel, openness and character of the village.

## Visual Impact/Design

- The site is part of the Strategic Gap between Farnham and Aldershot. This development will erode the space.
- Development completely surrounds the sports fields, removing the village feel.
- Urbanisation of the area. The area will increasingly have the appearance of a London suburb.



- Loss of rural environment. The proposed plans do not reflect the image of the village.
- The density of the proposals is unacceptable when compared to the existing housing density. Imbalance of the proposed housing density over the whole site.
- Less houses and more green space/larger gardens would be more in-keeping with the village.
- The architectural styles do not give any positive enhancement to the local area and are not in keeping with a village environment.
- Loss of light for existing residents as well as being overlooked by three storey block of flats.
- Size of development is out of proportion to the size of the site.

### Heritage Features

- Important to protect Badshot Lea's historic qualities.
- Years of farming heritage
- Listed buildings

### Flooding

- More housing and hard landscapes will increase likelihood and frequency of flooding and volumes of rainwater not entering the ground.
- Footpath 112 already floods during periods of heavy rainfall.
- The fields frequently flood during high rain and the plans fail to adequately consider drainage and mitigate the risk of flooding.

### Ecology

- Building on the green field site will affect local wildlife adversely.
- Wildlife habitats will be affected by light and noise pollution.
- Dust and smells during construction will affect wildlife.
- The proposed tree screening on the site northern boundary is almost non-existent.
- Geese use the surrounding fields to graze.

### Contamination

- Proposed development would introduce massive levels of new potentially hazardous materials into unspoilt and ecologically undeveloped areas.

### Amenity

- The bus service is not fit for purpose.

- Urgent emphasis should be put on expanding the recreation ground and leisure areas as the population will increase.
- No proposal for the improvement in recreation facilities.
- Little recreation space for the inhabitants of Badshot Lea.
- Badshot Lea has no shopping facilities, GP surgery, bank or Post Office and no local schools beyond infants.
- Non-car modes of transport in and through the village are almost non-existent.
- A bigger play area for the children is needed as at busy times the current play area can be overcrowded.

### Infrastructure

- Insufficient infrastructure provided within Badshot Lea.
- Increased burden on Farnham's over used and increasingly gridlocked road systems.
- A number of the new residents will travel to London by train, further impacting crowded services and the station carpark.
- The Sewerage Treatment plan in Farnham is already running at near capacity. Major investment is needed to accommodate new developments that have already been approved.
- Problem of rainwater disposal.
- Increased demand would put a strain on the mains water distribution system. Major works would be required to upgrade mains in Badshot Lea and adjoining roads
- Electricity, gas and telecommunications could be affected.
- Infrastructure including schools, medical services, roads, drainage and sewerage can hardly cope at present.

### Other Matters

- Ray of Hope Animal Sanctuary has been there for 27 years. Even if building goes ahead it is important to let them continue their good work. Needed for the protection and shelter of animals and would be a great loss.
- Should be building on brown field sites before considering Greenfield sites.
- Approving this application will set a precedent for other applications.
- Large scale development (71 dwellings) at St George's field has already been approved. This application would result in 150 new dwellings in Badshot Lea which is over twice the annual new house build for all of Farnham
- The Community Association is seeking advice from Sport England to ensure the best protection for the recreation ground.

- The narrow strip of land in the site centre is not owned by the applicants.
- The information that has been provided is a very allusive layout, without detailed plans and elevations for the proposed scheme.
- The letter sent to residents was deceptive and gave the impression that this planning was affecting just the Little Acres site, but it will also have an impact on Badshot Lea Road and Badshot Lea as a whole.
- This plan does not differ greatly from the earlier rejected plan, with a reduction of just 19 properties.
- Proposed development WA/2014/2113 was previously refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Paragraph 64 of the NPPF).
- Need risk assessment to show continued safe use of sports pitches without detrimental visual impact to existing environment.
- An independent assessment of the risk is essential given the close proximity of houses to recreation ground.

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

- Agree with the proposal, but would question why 10 metres of 'strongly planted buffer' is needed as this would require maintenance. A mixed hedgerow for birds to nest is all that is needed and the extra space could be used for larger gardens. The need for a commercial building is also questioned as this could bring more traffic onto the site.
- A 20 mile limit and cameras paid for by applicants would prevent a rat run. There would also be two roads to spread the traffic around Badshot Lea.
- This is a perfect site compared to Monkton Lane and Bewley's which are in the pipe line.
- There is a desperate need for houses and this site would help bring forward the numbers required by Waverley Borough Council.
- 49 houses at the West end of the site and only 31 at the eastern end. 40 houses at the western end would be better.
- Proposed access to western end coincides with the access of Squires Garden Centre and will be very busy.

4 letters have been received making the following general observations:

- Concerned that the applicants will revert to their original application and put the lane into the proposed housing estate with all the problems with lorries negotiating parked cars, children playing, etc.
- Badshot Lane should be the main access onto the new development with a junction leading off the lane.
- Unacceptable that the applicants have not contacted business owners about right of access in Badshot Farm Lane.

- Concerns about the new road. The proposed layout would need to be upgraded to something similar to the Hook bypass.
- Some of the land part of the garden centre might be required to facilitate the new layout. No rights for anyone to acquire or make alterations to this land. Nobody has contacted owners of the garden centre.
- Provision of a double lane track to Badshot Farm Nursery would allow safe entrance and access for large and small vehicles and planting either side would enhance and protect the rural environment.
- Ideal opportunity to improve the footpath.
- Support the need for housing, especially 1 and 2 bedrooms which are scarce in Farnham, but they should be in-keeping with the style and character of the village.
- High density of development proposed to the west is detrimental and will detract from the rural character of the area.
- Concerns about the roundabout and access onto Badshot Farm Lane.
- The footpath running along the northern edge of the site is a public right of way, which is not mentioned in the application. This needs to be preserved.

#### Submissions in support

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

- The location of the development is suitable in terms of the existing settlement pattern and the surrounding countryside. It has good traffic and pedestrian movement linkages. It is adjacent to a settlement boundary and would provide an enclosure for the local sports fields.
- The applicant is committed to working with stakeholders to provide a master planned approach.
- The proposal has been reduced from the original proposal of 99 dwellings based on local feedback. This reduction will allow for more freedom during any reserved matters applications.
- Issues raised with regard to the scale of the development and its isolation in the appeal decision on the eastern part of the site (Ref: APP/R3650/A/13/2196705) have been addressed. The density and scale of the development in this area has been reduced and the application has been brought into closer relationship with Badshot Lea.
- The open land to the north east of the site has been granted outline planning permission for 71 dwellings. This will change the relationship with the village and any development will now be less isolated from the existing settlement pattern.
- The level of development proposed would align itself with the aspirations of the Farnham Neighbourhood Plan. The land has been included within the emerging Farnham Neighbourhood Plan.

- The land is subject to promotion for housing through the SHLAA.

In response to Third Party representations, the applicant has made the following points and response to the issues raised:

- The outline nature of the application means that it is only the principle of the use and quantum which is being considered as part of this application.
- All matters are reserved for future consideration. However, in order to make reasonable assumptions about impacts, a masterplan and so impacts have been assessed on that basis.
- Other matters raised, in addition to those below, e.g. house prices and impact on geese, are either not material, not been raised at a high frequency or have been covered through previous submissions.

Access	Access is a reserved matter. The planning assessment as part of this application is to ensure that the proposed development can be accessed at the locations set out by the volume of traffic that is expected to be generated. A transport study which set out the volume of traffic expected to be generated and setting out the access points has been submitted. In discussion with Surrey County Council (the statutory consultee) the report has also been updated to include a different access option at the west end. Surrey County Council is happy that the proposed development can be accessed satisfactorily.
Traffic/Transport/Parking	As per the above, a transport study which modelled the traffic impacts on the local (and wider) road network was also assessed by Surrey County Council, the statutory body. Again, this study and its assessment by Surrey County Council demonstrated that the proposed development can be accommodated with any significant impacts. Conditions are suggested.
Planning Policy	A number of representations have raised planning policy and specifically the Strategic Gap and Countryside. This has been discussed in the submissions already made by the applicant. As part of the Local Plan preparation and the production of the Neighbourhood Plan, these policies have been considered and assessments made on the contribution of this site in terms of

	<p>these policies. It is considered that, when compared to other land around Badshot Lea, this land contributes less to these policy aims and therefore can be considered for housing development. It should also be noted that WBC do not have an up-to-date Local Plan and as such any policies such as these can only be given weight insofar as they accord with the NPPF.</p>
Density	<p>The density is lower than comparable sites. It can be comfortably accommodated on the site as demonstrated by the indicative masterplan.</p>
SANG	<p>The applicant is complying with policy and will make a financial contribution in line with the established SANG policy.</p>
Design and Layout	<p>These matters are reserved and, as such, not under consideration as part of this application. WBC will control these matters through follow on applications should this outline application be approved. All other stakeholders will have chance to make representations on design and layout at that stage.</p>
Loss of green space	<p>As WBC will know through their work on the Local Plan and as FTC/BLCA will know through their work on the Neighbourhood Plan, such is the demand for housing and the obligation (through the NPPF) to provide land for housing, it has already been concluded that 'greenfield' land needs to be released to meet the numbers required. With this application being included in the emerging Neighbourhood Plan for housing and having been assessed as part of a number of background studies underpinning the emerging Local Plan, it has already been demonstrated that this particular green space is one of the most preferable green spaces for development. Of course, the Little Acres portion of the site can hardly be described as a 'green space' in any event.</p>

Precedent	The application site lies within land which is being proposed for housing through the Neighbourhood Plan. Notwithstanding this application, it is hoped that this allocation would be replicated through the Local Plan. It is land such as this where development should be directed and not left to development progressing through the appeal system due to the inability of WBC to provide a 5 year housing supply. Approval of this application would allow housing to be built where emerging policy is already directing it.
School Places	Surrey County Council is the education authority and have raised no objections in this regard.
Construction/Air Quality	We note that a recent consultation response has been received and conditions suggested which would deal with this matter to the satisfaction of the statutory consultee.

### Determining Issues

- Principle of development
- Planning history and differences with previous proposal
- Prematurity
- Environmental Impact Assessment
- Lawful use of the site
- Loss of existing uses
- Location of development
- Housing land supply
- Housing Mix
- Affordable Housing
- Highways and parking considerations
- Public Rights of Way
- Impact on the Countryside beyond the Green Belt and strategic gap
- Design and visual amenity
- Impact on residential amenity
- Impact on trees
- Standard of accommodation for future occupants
- Provision of amenity and play space
- Air Quality
- Land contamination
- Noise impacts

- Archaeological considerations
- Flooding and drainage
- Infrastructure contribution
- Financial considerations
- Effect on SPA
- Biodiversity and compliance with Habitat Regulations 2010
- Health and Wellbeing
- Crime and Disorder
- Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications
- Pre Commencement Conditions
- Working in a positive/proactive manner
- Response to Third Party Comments

### Planning Considerations

#### Principle of development

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

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

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

The site is located within the Countryside beyond the Green Belt outside any defined settlement area. The NPPF states that, as a core planning principle the intrinsic character and beauty of the countryside shall be recognised. Policy C2 of the Local Plan states that building in the countryside, away from existing settlements will be strictly controlled.



The latest housing land supply figures confirm that the Council can meet its objectively assessed housing need. Policy C2 of the Local Plan therefore now carries substantial weight; however, it should be noted that this is not full weight as Policy C2 does refer to protection for 'its own sake', whereas the NPPF places emphasis on protecting the intrinsic character and beauty of the Countryside.

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

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

Policy FNP10 of the Draft Neighbourhood Plan states that outside of the built-up area boundary, priority will be given to protecting the countryside from inappropriate development. Draft Policy FNP14 identifies the allocated sites for housing delivery.

The application site is an allocated site for housing development within the Farnham Neighbourhood Plan. As significant weight, albeit it not full weight, is given to the Farnham Neighbourhood Plan in the determination of this application, this would weigh in favour of the proposal. The site is set out as a green site in the LAA (2016). However, this is not a policy document but will be used to inform the Local Plan Part 2.

#### Planning history and differences with previous proposal

The planning history is a material consideration.

A planning application was made for the redevelopment of the eastern portion of the site for a mixed use scheme comprising residential properties (including affordable housing), student accommodation, restaurant, retail and financial and professional units (use classes A1 and A2) and a non residential institutional unit (use class D1) (planning reference WA/2012/1829). That application was refused and subsequently dismissed at appeal on 23/04/2014 (Ref: APP/R3650/A/13/2196705).

The Inspector considered the appellants argument that the site should be considered previously developed land (PDL). The Inspector concluded that in her view, the main use of the site was horticultural and therefore would be excluded from the definition of PDL as set out in the NPPF 2012.

In reaching her decision, the Inspector concluded that, whilst the scheme would bring about the provision of much needed housing and have social and economic benefits to the local area, these would not outweigh the significant cost to the intrinsic character of the countryside and its green, open, pastoral appearance. In particular, the detached, isolated location of the appeal site from the main built up area of the village along with its uncharacteristic scale of development would unacceptably harm the character and appearance of the area. The Inspector therefore concluded that the appeal proposal would not amount to a sustainable form of development and the appeal was dismissed.

Since the abovementioned appeal decision, there has been a material change in planning circumstances including:

- The Council's Draft Local Plan Part 1 was publicised on 19 August 2016. Significant weight can be given to the policies of the Pre-submission Plan in the determination of this application.
- The Farnham Neighbourhood Plan was submitted to the Council on 29 July 2016. The Plan will be publicised between 19 August and 3 October 2016. Weight can be given to its policies in the determination of this application.

A planning application (Ref: WA/2015/1057) was received in May 2015 seeking outline permission with all matters reserved for residential development of up to 99 dwellings.

This application was withdrawn in September 2015. As no formal decision was made, this application does not form a material consideration in the determination of the current application.

The differences between the previously refused scheme (picking up on the appeal reasons) and the current proposal are:

- Isolation – the current application runs along the settlement boundary to the north and abuts 'Squires' to the west. The previous application site had a short border with the existing settlement at its north west corner, leaving an undeveloped area of 1.6 hectares between it and Squires (only including the eastern section of the current application site). There will be no undeveloped areas separating the settlement area from the application site, therefore, as part of the current proposal.
- Scale – The current proposal is of a lower density than the previous application and it does not include any student accommodation. The

proposed density would drop from west to east as part of the current proposal.

The differences between the current proposal and that of the withdrawn application are:

- Reduction in number of proposed dwellings – the number of dwellings proposed has been reduced from 99 to 80.
- Since the dismissal of the appeal, outline planning permission has been granted for 71 homes north of the application site, fronting St Georges Road

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

### Prematurity

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

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

Whilst draft local plans and emerging neighbourhood plans are a material consideration, refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate

clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

The emerging Local Plan is not at an advanced stage. Public consultation (Regulation 16 in The Neighbourhood Planning Regulations 2012) on the Farnham Neighbourhood Development Plan commenced on 19 August 2016 and will take place until 3 October 2016.

Having regard to the advice of the NPPG 2014, officers conclude that a reason for refusal based on prematurity could not be substantiated.

Notwithstanding this, it is recognised that the site is allocated in the Farnham Neighbourhood plan for 125 dwellings and the draft allocation covers an area greater than the application site. The proposed indicative layout would not undermine the delivery of development across the entire site, therefore the proposal would not undermine the delivery of the draft allocation in full.

#### Environmental Impact Assessment

On 10 December 2014, the Council, pursuant to Regulation 5(7) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended 2015), issued a screening opinion (Ref: SO/2014/0023) to the applicant that the proposed development of up to 100 dwellings at Land at Little Acres Nursery, St Georges Road would not constitute EIA development within the meaning of the Regulations.

#### Lawful use of the site

The application site comprises a plant nursery to the east and open fields to the west.

The Inspector, in the appeal decision for WA/2012/1829 (Ref: APP/R3650/A/13/2196705), considered the appellant's argument that the site should be considered previously developed land (PDL). The Inspector concluded that, in her view, the main use of the site was horticultural and therefore would be excluded from the definition of PDL as set out in the NPPF 2012.

Having regard to the appeal decision relating solely to the eastern part of the current application site; for the purposes of the current application, officers consider the lawful use of the land to be mixed agricultural/horticultural.

### Loss of existing uses

Paragraph 17 of the National Planning Policy Framework 2012 outlines the overarching roles that the planning system ought to play. A set of 12 core planning principles are set out which should underpin both plan-making and decision-taking, which, inter alia, encourage the effective use of land by re-using land that has been previously developed. The Framework defines previously developed land (PDL) as ‘...land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed and any associated fixed surface infrastructure.’ However, there are a number of exclusions to this definition, including, inter alia, land that is or has been occupied by agricultural or forestry buildings.

The application site consists of a plant nursery and open grassland field. There is also a small café and single bungalow on the site and an area is occupied by an animal sanctuary.

In the appeal decision for WA/2012/1829 (Ref: AOO/R3650/A/13/2196705), the Inspector concluded the site (eastern area of current application site) as being a holding in horticultural use. The western area of the current application site is considered to constitute agricultural land.

Horticulture is defined in Section 336 of the Town and Country Planning Act 1990 (as amended) as a form of agriculture. By reason of the inclusion in the wider use group of agriculture, the land would be excluded from the definition of PDL.

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

This sentiment accords with Policy RD9 of the Waverley Borough Local Plan 2002, which states that development will not be permitted which would result in the loss or alienation of the best and most versatile agricultural land, unless it can be demonstrated that there is a strong case for development on a particular site that would override the need to protect such land.

Furthermore, on all grades of agricultural land, development will not be permitted which would result in the fragmentation of an agricultural or horticultural holding so as to seriously undermine the economic viability of the remaining holding.

The Council's records indicate that the site is classified as Grade 2, which indicate that it is likely to be of some agricultural value.

Whilst the site appears to be good quality agricultural land, given the size of the agricultural area, officers are of the opinion that the proposal would be unlikely to lead to the fragmentation of a wider holding. It is highly material than the Inspector when dismissing the appeal (WA/2012/1829) did not object to the proposal on this basis and accepted the loss of agricultural use.

In addition, by allocating this site within the Draft Neighbourhood Plan, this of course results in the loss of existing uses on the site.

Whilst the current occupation of the site by an animal sanctuary and the presence of a café within the site are acknowledged, no policy protection is afforded to such uses. The proposal would, however, include the provision of a new commercial/retail building.

#### Location of development

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

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

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

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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

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

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

Policy SP2 of the Draft Local Plan Part 1 refers to the Council's Spatial Strategy to 2032 and the need to maintain Waverley's character whilst ensuring development needs are met in a sustainable manner. Policy SP2 sets out the following:

- Major development on land of the highest amenity value will be avoided
- Development will be focused at the four main settlement
- Moderate levels of development will be allowed in larger villages
- Limited levels of development will be allowed in and around other specified villages
- Modest levels of development will be allowed in all other villages.
- Opportunities for the redevelopment of suitable brownfield sites will be maximised.
- Strategic and Non-Strategic sites will be identified and allocated through Local Plan Part 2 and Neighbourhood Plans
- Infrastructure, where needed, will be provided alongside new development including funding through the Community Infrastructure Levy (CIL)

The Waverley Settlement Hierarchy Factual Updated (2012) identifies Farnham as the most sustainable settlement in Waverley having regard to factors such as access to employment, public transport, services and environmental constraints.

Whilst it is recognised that the application site falls outside of the settlement boundary, within the Countryside beyond the Green Belt, officers acknowledge that the application site abuts the settlement boundary of Farnham at its north western corner.

The site is included within the Council's Land Availability Assessment (LAA) (2016) under ID 872. The LAA sets out that the Council's Landscape Review concluded that there may be potential for development in this area, where it would more closely relate to the existing settlement. It is concluded within the LAA that there is a reasonable prospect that development for housing would be achievable during the Plan Period.

Officers consider that the proposal would provide reasonably sustainable access to the facilities required for promoting healthy communities and would enhance the vitality of the community of Badshot Lea.

Therefore, whilst acknowledging that the site is outside of a defined settlement or developed area, it is considered that the proposal would not result in isolated dwellings in terms of its visual relationship to the existing settlement and in terms of access to the facilities required to sustain inclusive, mixed communities. As such, the application is not required to demonstrate any special circumstances as set out in paragraph 55 of the NPPF 2012 and would not comprise an unsustainable location in terms of access to essential services and facilities.

#### Housing land supply

The provision of new market and affordable housing will assist in addressing the Council's housing land supply requirements. The new Waverley Local Plan the latest evidence of housing need in the Strategic Housing Market Assessment (SHMA) 2015 is the starting point for considering the amount of housing that the Council is required to supply. The West Surrey Strategic Housing Market Assessment September 2015 indicates that 519 dwellings are needed per annum.

The draft Local Plan and the Spatial Strategy for the Borough seeks to meet the objectively assessed need of 519 dwellings per annum in full.

On 10 August 2016, the Council published an updated five year housing supply position statement. The statement sets out the housing requirement for the next five years based on West Surrey SHMA figures and various components of housing supply that the Council expects to come forward in that period.



As it stands, the supply of housing is 5.3 years worth of the housing requirement. Therefore, the Council can demonstrate in excess of the requirements of paragraph 47 of the NPPF. This does not mean, however, that what is otherwise sustainable development should nevertheless be refused.

### Housing Mix

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

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

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

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

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

However, the profile of households requiring market housing demonstrated in the SHMA at Borough level is broadly in line with the specific requirements of Policy H4 of the Waverley Borough Local Plan 2002.

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

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

The applicant has proposed the following mix of housing:

Unit Type	Number of units	% of overall total
1 bedroom	16	20%
2 bedroom	27	33.75%
3 bedroom	27	33.75%
4 bedroom	10	12.5%
Total	80	100%

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

#### Market Housing

Unit Type	SHMA	Proposed mix
1 bedroom	10%	4 (8.3%)
2 bedroom	30%	15 (31.3%)
3 bedroom	40%	19 (39.6%)
4 bedroom	20%	10 (20.8%)
Total	100%	48 units (100%)

#### Affordable units

Unit Type	SHMA	Proposed mix
1 bedroom	40%	12 (37.5%)
2 bedroom	30%	12 (37.5%)
3 bedroom	25%	8 (25%)
4 bedroom	5%	0 (0%)
Total	100%	32 units (100%)

The total number of units which would have 2 bedrooms of less would be 43, which would equate to 53.75% of the total number of units. This would accord with criterion a) of Policy H4.

Of the 80 dwellings proposed, 70 would have 3 bedrooms or less, equating to 87.5% of the total number of units. This would accord with criterion b) of Policy H4.

No indication of floor areas has been given for this outline submission, but it is considered that, given the low percentage of 4+ bedroom dwellings proposed, the outline proposal has demonstrated that a detailed layout and mix could reasonably accord with criterion c) of Policy H4. This would be a matter for the reserved matters stage.

Having regard to these considerations, the proposed mix would accord with Policy H4 of the Local Plan 2002 and the 2015 SHMA.

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

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

The overall development would have a density of 25 dwellings per hectare. Although the proposed layout would be a consideration at the reserved matters stage should permission be granted, the applicant has set out that the proposed density of development within the site would reduce from the western section to the eastern section of the site.

The proposed housing mix and density are considered to be appropriate having regard to the evidence in the SHMA, the requirements of Policy H4 of the Local Plan 2002 and Policy AHN3 of the Draft Local Plan Part 1.

#### Affordable Housing

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, and should identify the size, type, tenure and range of housing that are required in particular locations, reflecting local demand.

The NPPF outlines that to deliver a wide choice of quality homes, local planning authorities should identify where affordable housing is needed and identify policies for meeting this on site, unless off-site provision or a financial contribution can be robustly justified.

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

The provision of a significant level of affordable housing could be regarded as a benefit of considerable weight which would need to be evaluated when considering whether to make an exception to planning policy.

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

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

The West Surrey SHMA 2015 indicates a high need for affordable housing in Waverley, with an additional 314 additional affordable homes required per annum. Farnham is the town with the highest level of estimated housing need in the Borough, with a need for an additional 111 affordable homes per annum. New affordable homes are needed for a broad spectrum of households in Waverley, including people struggling to get on the housing ladder and family homes, as proposed on this site.

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

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

In this instance, 37.5% (12.no) of the units would be 1 bedroom, 37.5% (12.no) of the units would be 2 bedroom and 25% (8.no) of the units would be 3 bedroom. There would be no 4+ bedroom units. It is considered that such a mix would be acceptable.

The SHMA (2015) also recommends 30% of new affordable homes to be intermediate tenures and 70% rent.

No information has been provided as part of this outline submission in respect of the proposed tenure. This would be a matter for the reserved matters stage, secured as part of the S106.

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

#### Highways and parking considerations

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

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

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

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

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

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

Policy FNP30 of the Farnham Neighbourhood Plan sets out that large scale residential development proposals shall be accompanied by a Travel Plan and ensure that sustainable transported links are provided to the principal facilities. Development proposals shall not significantly add to traffic congestion in the town and add inappropriate traffic on rural lanes. Safely located vehicular and pedestrian access with adequate visibility splays shall be provided. Where adequate transport infrastructure is not available to serve the development, the development shall provide for, or contribute towards, appropriate measures to address the identified inadequacy.

The application is accompanied by a Transport Assessment (TA) prepared by Origin Transport Consultants, dated March 2016.

The Assessment sets out that an analysis of personal injury accident data has shown that there are no specific safety concerns on the local road network.

A trip generation assessment has been undertaken, which forecasts that 45 movements (two way) would be generated by the proposed development in the morning peak hour and 48 movements (two way) in the evening peak hour.

The Assessment concludes that the proposal would have a negligible impact on the operation of the site access junctions and the Badshot Lea Road/St George's Road crossroads. Further analysis of junctions a greater distance away from the site was considered to be not necessary following a review of the additional traffic flow generated on Badshot Lea Road and St George's Road.

The potential for the application site to be served by a single access point to the east has been considered within the TA. This has been carried out in response to a request from the County Highway Authority.

The County Highway Authority has been formally consulted on the application and, whilst no objection in principle is raised to the site having two points of vehicular access, the County Highway Authority is not satisfied that the access point to the west off Badshot Lea Road could be delivered. This is owing to the need to include third-party land within the provision of this proposed access point, which is outside the ownership of the applicant and is not classified as public highway. Further, based on information provided by the applicant, the County Highway Authority is not satisfied that this proposed access would accord with relevant highway safety and technical design requirements.

The County Highway Authority is satisfied that the proposed modified access onto St Georges Road is acceptable on highway safety and technical design grounds.

The TA has demonstrated to the satisfaction of the Highway Authority that a single point of vehicular access for the site onto St George's Road can safely accommodate all vehicles and pedestrians associated with the site and it would not have a severe impact on highway safety and capacity on surrounding roads and junctions. The existing Public Footpath could still provide a pedestrian link between the site and Badshot Lea Road.

Given the above, the County Highway Authority is satisfied that access to the application site could be provided without prejudice to highway safety or capacity, and in accordance with the requirements of the NPPF. A number of conditions and informatives have been recommended by the County Highway Authority should outline permission be granted.

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

#### Financial contributions

- Prior to the occupation of the 25th dwelling the applicant shall pay an index linked sum of £75,000 to provide pedestrian crossing facilities, environmental enhancements and capacity improvements at the junction of St. Georges Road with Badshot Lea Road.

- Prior to the occupation of the 30th dwelling the applicant shall pay an index linked sum of £30,000 for the provision of lighting on Footpath 112 between Badshot Lea Road and St. Georges Road.
- Prior to the occupation of the 30th dwelling the applicant shall pay an index linked sum of £30,000 towards the Blackwater Valley cycle scheme between Aldershot and Farnham Town Centres and Rail Stations.

#### Section 278 Highway Works

- The development hereby approved shall not be commenced unless and until a scheme to provide a “village gateway feature” on St Georges Road to the south of the proposed development in the vicinity of the existing change in speed limit and a new 3.0m wide shared footway/cycleway along the western side of St Georges Road, is submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved scheme shall then be provided prior to first occupation of the proposed development.
- The development hereby approved shall not be commenced unless and until a scheme to provide an uncontrolled pedestrian crossing with central pedestrian refuge within the vicinity of the Badshot Lea Road junction with the Garden Centre access road, is submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved scheme shall then be provided prior to first occupation of the proposed development
- The development hereby approved shall not be commenced unless and until a scheme to upgrade the two existing bus stops on Badshot Lea Road, to provide new bus shelters, accessible height kerbing, new bus stop poles/timetables, and Real Time Passenger Information, is submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved scheme shall then be provided prior to first occupation of the proposed development.

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

The NPPF supports the adoption of local parking standards for both residential and non-residential development.



The Council has adopted a Parking Guidelines Document which was prepared after the Surrey County Council Vehicular and Cycle Parking Guidance in January 2012. Development proposals should comply with the appropriate guidance as set out within these documents.

The Council's adopted Parking Guidelines (2013) set out the following guidelines for new residential development:

Dwelling size	Number of parking spaces
1 bedroom	1 space
2 bedroom	2 spaces
3+ bedroom	2.5 spaces

As the application is in outline form only, and the proposed layout is not considered at this stage, the number of parking spaces to be provided within the site has not been confirmed.

Notwithstanding this, having regard to the accompanying indicative site layout plan, a number of the proposed dwellings are indicated to be served by attached garages, with space on driveways and communal parking areas for the proposed flats. Officers are satisfied that the proposal could be provided with parking spaces to fully meet the requirements of the Council's Parking Guidelines 2013.

#### Public Rights of Way

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

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

As Public Footpath 112 runs along the northern site boundary, the County Rights of Way Officer has been formally consulted on the application.

Initial comments received in November 2015 from the Senior Countryside Access Officer, raised an objection to the proposal as it would appear from the indicative layout plan that part of Public Footpath 112 would be encroached on around the midway point by the proposed recreation ground car parking spaces.

At the eastern end, the Footpath would be affected by the access road and towards the western end, the Footpath would be affected by landscaping.

However, as the application is in outline form only, the proposed layout of the site would be a matter for consideration at the reserved matters stage should outline permission be granted.

The Senior Countryside Access Officer has advised that it may be possible to amend the design layout to overcome some of the issues raised and, where required, it would be necessary to process a legal order under S257 of the Town and Country Planning Act 1990 (as amended) to divert the legal route of the Public Footpath. The County Rights of Way Officer has since confirmed that such matters could be addressed at the reserved matters stage should outline permission be granted.

#### Impact on the Countryside beyond the Green Belt, Strategic Gap and AONB

Paragraph 17 of the NPPF 2012 sets out 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-taking. These 12 principles are that planning should: inter alia take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

The NPPF says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), in accordance with this, Policy C3 of the Local Plan 2002 requires development within the AONB to conserve or enhance the character and beauty of the landscape. The Surrey Hills Management Plan 2014 – 2019 sets out the vision for the future management of the Surrey Hills AONB by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important AONB.

Policy C2 of the Waverley Borough Local Plan 2002 states that building in the countryside, away from existing settlements will be strictly controlled.

Policy C2 of the Waverley Borough Local Plan 2012 is consistent with paragraph 17 of the NPPF 2012 in that it seeks to protect the intrinsic character and beauty of the countryside. Policy RE1 of the Draft Local Plan Part 1 echoes the safeguarding of the intrinsic character and beauty of the countryside in accordance with the NPPF.

Policy C3 of the Local Plan states that development should serve to conserve or enhance the character of the landscape.

Policy C4 of the Local Plan outlines that the Council will seek to protect the Strategic Gap between Farnham and Aldershot by resisting inappropriate development in accordance with Countryside policy; promote the enhancement of the landscape, and conservation of wildlife sites and promote improved public footpaths and bridleways for informal recreation.

Policy FNP10 of the Farnham Neighbourhood Plan sets out that, outside of the Built up Area Boundary, priority will be given to protecting the countryside from inappropriate development.

The site is located within the Countryside beyond the Green Belt outside any defined settlement boundary. However, the site is subject to a draft allocation in the Farnham Neighbourhood Plan, as set out in Policy FNP14 c). Therefore, whilst only in draft form, the Draft Neighbourhood Plan supports the principle of the development, notwithstanding the in principle objection set by Policy C2 of the Waverley Borough Local Plan 2002.

In the appeal decision (Ref: APP/R3650/A/13/2196705), the Inspector attributed significant weight to the impact of the development upon the character of the countryside. It was concluded by the Inspector that the distinctiveness of the locality and open countryside would be unacceptably and substantially harmed by the development. It would have eroded the open nature of the countryside, causing significant harm to the character and appearance of the surrounding area.

The Inspector states that development of the site would be viewed as "... an intrusive, incongruous individual development with little clear association with surrounding built development. In this way, the distinctiveness of the locality and open countryside setting of the village and wider rural landscape beyond would be unacceptably and substantially harmed."

The differences between the appeal scheme and that of the current scheme are set out in the 'Planning history and previous proposal' section of this report.

The current application incorporates an additional area of land to the west of the appeal site area, which abuts the settlement boundary to the north west.

Of particular relevance to this case is that outline planning permission has been granted for the residential development of land to the west of St George's Road (Ref: WA/2014/2113), which is located to the north east of the application site. A reserved matters application is currently being assessed by the Council (Ref: WA/2016/1072).

The site is located approximately 900m to the north of the Surrey Hills Area of Outstanding Natural Beauty (AONB) boundary.

Although Natural England initially raised an objection to the proposal on the grounds that there was insufficient information to fully assess the likely impact on the wider AONB, this objection has been withdrawn following the submission and assessment of a Landscape and Visual Impact Assessment (LVIA). Officers are satisfied that there would be no impact arising from the proposal on the AONB.

The LVIA concludes that the impacts of the proposal would be mainly localised, falling upon the urban and semi-urban areas of Badshot Lea and pastoral land to the south. Residents at the southern edge of Badshot Lea, users of the recreation ground and public footpath would be subject to the visual impact of the proposed development.

There would also be impacts to the south, across open pasture land; however this is considered to be infrequently used by the public. The overall impacts are concluded within the LVIA to be low in visual and landscape terms.

The following mitigation measures are proposed as part of the application:

- A lower density of development following on from the withdrawal of WA/2015/1057 which proposed 99 dwellings;
- A tree screening belt along the southern boundary;
- Integration of the application site more closely with the village boundary by including land to the west of the previous planning application (which referred solely to the eastern area);
- No development is proposed over 2 storeys in height;
- Application is in outline form, with the design and layout to be subject to further control via reserved matters applications.

Such measures should be secured as part of the layout at reserved matters stage.

Having regard to the inclusion of the western area of land within the application site line and the abovementioned outline planning permission for the adjacent site, it is considered that the current proposal would better relate to existing surrounding residential development and the defined settlement boundary than that of the previously refused scheme.

Whilst it is acknowledged that the proposed development would encroach into open countryside, officers consider that the harm as set out by the Inspector in the appeal decision has sufficiently been addressed.

The provision of a vegetative screening would soften the development and minimise the visual impact of the site when viewed from the south. Further, the introduction of built form at a two storey height would be in keeping with existing built development of Badshot Lea.

On the basis of the above, it is considered that the site would not be viewed in isolation from the village, but rather be seen in the context of a natural extension to the edge of the village. In this particular case, officers are of the view that the proposal would not materially prejudice the openness, character and natural beauty of the open countryside and it would accord with Policies C2 and C4 of the Local Plan, Policy RE1 of the Draft Local Plan Part 1, Policy FNP10 of the Farnham Neighbourhood Plan and the NPPF in this regard.

#### Design and visual amenity

Paragraph 56 of the NPPF 2012 states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.

Paragraph 58 of the NPPF 2012 sets out that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments;

- Are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 of the NPPF 2012 states that it is proper for development to seek to promote or reinforce local distinctiveness. Paragraph 63 states that great weight should be given to outstanding or innovative designs which help raise the standard of design more general in the area.

Paragraph 64 of the NPPF 2012 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 65 of the NPPF 2012 states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape.

Policies D1 and D4 of the Local Plan 2002 accord with the NPPF in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

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

Policy FNP1 of the Farnham Neighbourhood Plan states that development will be permitted where it is designed to a high quality which responds to the heritage and distinctive character of the individual area of Farnham in which it is located. Guidance of the Farnham Design Statement should be followed.

Farnham Design Statement 2010 sets out that the essential rural character of Badshot Lea should be preserved, by respecting the pattern of development in the village. New development should be carefully considered to avoid putting undue pressure on the existing infrastructure.

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

### Impact on residential amenity

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

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

The nearest properties to the site are those to the south of Beech Tree Drive (to the north west of the site) and 'Waverleys Folly' which is located to the east of the site. Officers are satisfied that the proposed residential development could be accommodated on the site without material harm to the amenity of these neighbouring residential properties.

It is acknowledged that the outlook from some habitable room windows of the neighbouring properties in Beech Tree Drive would be changed. However, the right to a view is not a material planning consideration. Further, having regard to the indicative layout plan and the flat surface gradient of the site, officers are satisfied that sufficient separation distances to neighbouring dwellings could be achieved with sufficient boundary screening. This would ensure that there would be no material harm to neighbouring amenity by way of overbearing impact, overlooking or loss of privacy.

### Impact on trees

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

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

The application is accompanied by a Tree Survey Report, prepared by Arbtech Consulting Ltd, dated May 2015. The Report was undertaken to establish which trees are of moderate and good quality, suitable for retention and justifying protection. All trees included in the application site line were surveyed; a total of 45 individual trees, 6 groups and 5 hedges. The Report sets out that it is likely that arboricultural impacts could be addressed with arboricultural methodology.

The site is visually contained to the north by a mature hedgerow with trees, delineating the edge of the public recreation ground and Public Footpath 112, and by a belt of off-site poplar trees to the south west within the grounds of the adjacent plant nursery. The site also has a belt of mature trees and vegetation forming an east/west visual division of the site. This area is in separate ownership and does not form part of the application site. There are no trees the subject of a Tree Preservation Order (TPO) within the site.

The indicative layout plan shows belts of planting as buffers to the site boundaries, which seek to mitigate any likely visual impact.

Owing to the application being in outline form only, no additional information has been provided with regard to the likely impact on trees.

Should outline permission be granted, any subsequent reserved matters application would need to be accompanied by a Tree Survey and full Arboricultural Impact Assessment which complied with British Standard 5837 Trees in relation to design, demolition and construction – Recommendations.

The Council's Tree Officer has been consulted on the proposal and has commented that the proposed future layout, to be considered at reserved matters stage should outline permission be granted, should take account of the shadow pattern of the off-site poplars planted on the south eastern boundary.

Similarly, matters including levels and earthworks, provision of services, arboricultural monitoring and supervision of protective measures and construction processes and landscape scheme, in relation to the impact on trees, would also need to be considered at the reserved matters stage should outline permission be granted.

#### Standard of accommodation for future occupiers

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



The Government's policy on the setting of technical standards for new dwellings is set out in the Ministerial Statement of 25<sup>th</sup> March 2015. This statement should be taken into account in applying the NPPF and in particular, the policies on local standards or requirements at paragraphs 95, 174 and 177. New homes need to be high quality, accessible and sustainable. The Building Regulations cover new additional optional standards on water and access. A new national space standard has been introduced to be assessed through the planning system. The optional new national standards should only be required through any new Local Plan policies, if they address a clearly evidenced need and where their impact on viability has been considered.

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

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

#### Provision of amenity and play space

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

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

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

Policy H10 of the Local Plan addresses amenity and play space in housing developments. Although there are no set standards for garden sizes, the policy requires that a usable 'outdoor area' should be provided in association with residential development and that 'appropriate provision for children's play' is required. For developments of flats or maisonettes, Policy H10 sets out that outdoor space may be for communal use rather than as private gardens.

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

Policy FNP27 of the Farnham Neighbourhood Plan sets out that residential development proposals will be expected to provide for new accessible public open space either through on site provision or a financial contribution to off site provision. Amenity greenspace and children's' and young people's equipped space should be provided on site.

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

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

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

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

In this instance, the indicative layout indicates that the dwellings would be provided with private amenity space and the proposed flats would benefit from a communal amenity area.

A play park is shown on the indicative layout plan, which would have an area of 484m<sup>2</sup> and the applicant has set out that contributions would be made towards playing pitches.

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

### Air Quality

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

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

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

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

In light of the above, mitigation measures are recommended to be secured via condition should permission be granted. These include a Site Management Plan, Low Emission Strategy (LES), hours of construction and no burning of materials on site.

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

### Land contamination

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

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

The supporting text indicates that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination. Wherever practical, contamination should be dealt with on the site.

The application is accompanied by a Phase 1 Desk Top Study Contaminated Land Risk Assessment, prepared by Soil Environmental Services, dated January 2015.

The Assessment concludes that no significant plausible pollutant linkages or significant uncertainties are considered to exist on the application site and a Phase 2 investigation would not be required. However, a watching brief should be conducted during development works.

The Council's Environmental Pollution Officer has assessed the submitted information and is satisfied that contaminated land conditions would not be required for the development should permission be granted. No objection is raised; however an informative should be added to any grant of permission to remind the applicant of their responsibility for delivering safe development and to notify the Council should any unexpected issues arise.

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

## Archaeological considerations

Paragraph 128 of the NPPF sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

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

An area to the very north of the application site, adjacent to the recreation ground, falls within an Area of High Archaeological Potential.

In considering proposals for development involving ground disturbance within Sites and Areas of High Archaeological Potential, Policy HE14 of the Local Plan requires that appropriate desk based or field surveys should be submitted with an application and appropriate measures taken to ensure any important remains are preserved.

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

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

The application is accompanied by a desk based archaeological assessment of the site produced by the Surrey County Council Archaeological Unit (SCAU).

The assessment has consulted all currently available sources and notes that the site is located in an area which has a good potential to produce significant archaeological remains dating to the Neolithic and Bronze Age periods in particular, with scatters of flint work indicative of settlement activity recorded close to the site.

The report concludes it would be advisable to conduct a programme of fieldwork on the site, in the form of an archaeological evaluation, to a scheme of works that is appended to the assessment.

The County Archaeologist is in agreement with the conclusions of the report. The County Archaeologist advises that the archaeological evaluation should enable any significant archaeological deposits to be identified and characterised and allow suitable mitigation measures to be developed. These mitigation measures may involve more detailed excavation of any Archaeological Assets, but in the event that remains of exceptional significance are present then preservation in situ would be the preferred option.

As the assessment also demonstrates that the previous and current land use may have comprised archaeological survival in some parts of the site, the County Archaeologist considers that would be a reasonable and proportionate response to require that the evaluation be carried out following determination of the outline application, but that a condition should be added requiring that any detailed planning application to follow should be accompanied by the results of an appropriately scaled field evaluation.

This will provide the opportunity to influence the design and logistics of the development and accommodate any Archaeological Assets worthy of preservation in situ and that may be revealed within the detailed development proposal.

In light of the above, and subject to the recommended condition as set out by the County Archaeologist, officers are satisfied that there would be no adverse archaeological implications and the proposal would accord with Policy HE14 of the Waverly Borough Local Plan 2002 and Policy HA1 of the Draft Local Plan Part 1.

#### Flooding and drainage

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

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

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

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

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

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

In those locations identified as being at risk of flooding, planning permission will only be granted where it can be demonstrated that it is located in the lowest appropriate floor risk location, it would not constrain the natural function of the flood plain and where sequential and exception tests have been undertaken and passed. Sustainable drainage systems (SuDS) will be required on major development proposals.

Policy FNP31 of the Farnham Neighbourhood Plan states that permission will only be granted for proposals which increase the demand for off-site water and wastewater infrastructure, where sufficient capacity already exists or extra capacity will be provided to serve the development without adverse impact to the amenity of local residents.

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

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

The NPPG states that whether SuDS should be considered will depend on the proposed development and its location, for example where there are concerns about flooding. SuDS may not be practicable for some forms of development. New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of SuDS. When considering major development, SuDS should be provided unless demonstrated to be inappropriate. Whether a SuDS system is appropriate to a particular development proposal is a matter of judgement for the Local Planning Authority and advice should be sought from relevant flood risk management bodies, principally the LLFA.

Although the proposal would include the provision of a commercial/retail building, the majority of the proposal would be for residential purposes. This is classified as 'More Vulnerable' and as such, the use is consistent with the appropriate uses for Flood Zone 1, as outlined in Table 2 of the NPPF – Technical Guidance Document. It is not therefore necessary to consider the sequential or exception tests in this instance.

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

The accompanying FRA has been prepared by GTA Civils Ltd and is dated April 2015. Whilst it is noted that the FRA refers to the erection of 99 residential dwellings, which is subject of the previous withdrawn application WA/2015/1057, it concludes that a sustainable drainage system could be implemented on the site and development of the site would not increase flood risk elsewhere. Officers are satisfied that the same conclusion would apply for the current proposal for the erection of 80 residential dwellings.

Thames Water has been formally consulted on the proposal and do not raise any objection with regard to sewerage infrastructure capacity. Informatives have been recommended by Thames Water, should permission be granted, in relation to surface water drainage, groundwater discharge and water supply.



The LLFA has considered the proposal and whilst an initial objection was raised in respect of the proposed surface water strategy, this objection has been withdrawn following the submission of additional information. To secure the submission of further required information at the reserved matters stage, should outline permission be granted, the LLFA has recommended a number of conditions.

Having regard to the above, it is considered that the proposals would not lead to increased flood risk, either on site or elsewhere, and would accord with Policy CC4 of the Draft Local Plan Part 1, Policy FNP31 of the Farnham Neighbourhood Plan and the NPPF 2012 in this respect.

### Infrastructure contributions

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

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

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

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

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

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

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

Policy FNP32 of the Farnham Neighbourhood Plan sets out any development permitted will be expected to ensure provision of necessary social, physical and green infrastructure needed to support the proposed development, which should be provided through developer contributions subject to an appropriate assessment of viability.

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

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

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

Provision of retail/commercial building	
Provision of recycling containers	£2,304
Early years education infrastructure	£53,171
Secondary education infrastructure	£219,675
Playing pitches/Changing rooms	£49,000
Play Areas	£45,000
Pedestrian crossing facilities, environmental enhancement and capacity improvement at the junction of St Georges Road with Badshot Lea Road	£75,000

Lighting on Footpath 112	£30,000
Blackwater Valley cycle scheme	£30,000
Provision of on-site affordable housing (40%)	
Contribution towards Thames Basin Heaths SPA Avoidance Strategy	£230,265.75
<b>Total</b>	<b>£734,415.75</b>

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

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

### Financial Considerations

Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application.

The weight to be attached to these considerations is a matter for Committee.

Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL).

This means that the New Homes Bonus (NHB) is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the NHB would be payable for the net increase in dwellings from this development. The Head of Finance has calculated the indicative figure of £1,450 per net additional dwelling. A total of £116,000 (80 dwellings) would be received per annum for six years. A supplement of £350 over a 6 year period is payable for all affordable homes provided for in the proposal (total of £11,200).

## Effect on SPA

The site is located within 5km of the Thames Basin Heaths Special Protection Area (SPA). The proposal comprises the erection of 80 dwellings and a commercial/retail building, which would result in an increase in people (permanently) on the site. The proposed residential development (in combination with other projects) would have a likely adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) in that it is now widely recognised that increasing urbanisation of the area around the SPA has a continuing adverse effect on its interest features, namely Nightjar, Woodlark and Dartford Warbler, the three internationally rare bird species for which it is classified.

Policy NE3 of the Draft Local Plan Part 1 sets out that new residential development which is likely to have a significant adverse effect on the ecological integrity of the Thames Basin Heaths SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effect. Such measures must be agreed with Natural England and be provided prior to occupation of the development and in perpetuity. This requirement is echoed in Policy FNP12 of the Farnham Neighbourhood Plan. The three tests as set out in Regulation 122(2) require S106 agreements to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution (£230,265.75, including monitoring fee) towards a SANG (Farnham Park), in line with the Waverley Borough Council Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy (December 2009). This Strategy was formally adopted by the Council on 13th December 2009.

The Council has been advised by Natural England and Counsel that the pooling of contributions towards SANG, which is for the ongoing maintenance and enhancement of the SANG at Farnham Park, rather than the provision of new SANG as such, is lawful and necessary in order to comply with the Conservation of Habitats and Species Regulations 2010 and to avoid a likely significant effect upon the Thames Basin Heaths SPA.

Subject to the applicant entering into a unilateral undertaking to secure this contribution, the effect upon the SPA would be mitigated in accordance with Policy D5 of the Local Plan 2002 and the adopted Avoidance Strategy.

#### Biodiversity and compliance with Habitat Regulations 2010

The NPPF 2012 states that the Planning System should contribute to and enhance the natural and local environment by minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. When determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

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

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

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

The need to protect and enhance biodiversity is also set out in Policy FNP13 of the Farnham Neighbourhood Plan, which sets out that SPAs, SSSIs, Local Wildlife Sites, protected species, ancient woodland, veteran or aged trees and species-rich hedgerows should be protected. Ecological networks should also be protected and extended to assist migration and transit of flora and fauna.

The National Environment and Rural Communities Act 2006 states that the Council as local planning authority has a legal duty of care to protect biodiversity.

The application site does not fall within a designated SPA, SAC, SNCI or SSSI. However, the majority of the site is undeveloped and has a grassland surface.

The application is accompanied by a Preliminary Ecological Appraisal (incorporating Extended Phase 1 Habitat Survey) prepared by Arbtech Consulting Ltd.

Surrey Wildlife Trust has assessed the submitted information and would advise that, should permission be granted, the applicant should be required to undertake all the recommended actions in Section 15.0 and Table 5 of the report. Officers consider that it would be reasonable to impose such a condition should permission be approved.

Surrey Wildlife Trust has commented on the need for further survey work, as set out within the submitted ecological report, to help establish the status of reptiles and Great Crested Newts on site. However, having regard to the distance between the site and the closest pond (20m) and the updated ecology report, it is considered that further surveys or mitigation are not necessary. However, an informative will be recommended reminding the applicant that it is an offence to endanger protected species.

Subject to the measures referred to above being carried out, officers are satisfied that the proposal would not prejudice the ecological value of the site and would accord with Policy D5 of the Local Plan, Policy NE1 of the Draft Local Plan Part 1 and FNP13 of the Farnham Neighbourhood Plan.

### Health and wellbeing

Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

The NPPG 2014 sets out that the range of issues that could be considered through the plan-making and decision-making processes, in respect of health and healthcare infrastructure, include how:

- development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital;

- the local plan promotes health, social and cultural wellbeing and supports the reduction of health inequalities;
- the local plan considers the local health and wellbeing strategy and other relevant health improvement strategies in the area;
- the healthcare infrastructure implications of any relevant proposed local development have been considered;
- opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces and opportunities for play, sport and recreation);
- potential pollution and other environmental hazards, which might lead to an adverse impact on human health, are accounted for in the consideration of new development proposals; and
- access to the whole community by all sections of the community, whether able-bodied or disabled, has been promoted.

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

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

### Crime and disorder

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

In exercising its various functions, each authority should have due regard to the likely effect of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. This requirement is reflected in the National Planning Policy Framework, which states that planning policies and decisions should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

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

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

Surrey Police have been formally consulted on the application and have requested that consideration be given to gaining Secured by Design certification for this development. This will ensure that the properties are constructed with a good level of basic security. However, as the Council does not have a policy to require this, it would not be reasonable to request this condition.

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

#### Accessibility and Equalities Act 2010 and Human Rights Implications

There are no implications for this application.

#### Pre Commencement Conditions

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

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

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



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

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

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

### Response to Farnham Town Council and Third Party comments

The concern and comments which have been raised by third parties, including the Town Council, have been carefully considered by officers.

The majority of concerns raised relate to highways and traffic matters, landscape and visual impact, impact on neighbouring amenity, drainage and flooding, ecology, provision of amenity/play space, loss of existing uses, air quality and land contamination. The report is considered to have been comprehensive in discussing such matters in relevant sections above, in which expert advice from relevant statutory consultees is set out.

With regard to concern that the approval of this application would set a precedent for other proposals; officers would advise that each application is judged on its own merits, taking into account site specific constraints and associated development plan policies.

Officers note that comments have been made regarding the lack of detailed plans for proposed elevations and layout. This is due to the application being in outline form only and such matters, including that of the appearance of proposed development, would be a matter to consider at the reserved matters stage should outline permission be granted.

With regard to the neighbour notification letters sent out, such letters are sent out to neighbouring properties in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO). It is recognised that occupiers of properties which are not direct neighbours of the site, but are within the wider surrounding area, may wish to comment on proposals. In this instance, in addition to neighbour notification letters being sent out, the application was advertised in the newspaper and site notices were displayed around the site.

Comments made with regard to the impact on the neighbouring recreation ground and the lack of proposed improvements to this area are noted; however, the recreation ground does not form part of the application site and officers are satisfied that there would be no adverse impact on this neighbouring area.

Officers note the objection raised on the grounds that new residential development should take place on brownfield sites before greenfield sites. As set out above, each application is considered on its own merits as and when it is received by the Council. Officers have fully considered the current proposal and are of the opinion that residential development of the site would be acceptable, subject to conditions and informatives.

With regard to impact on heritage features; there are no designated heritage features within the site and officers are satisfied that the proposal would not result in any harm to Listed Buildings in the surrounding area, the nearest of which would be approximately 160m away from the site.

The Town Council are also concerned that the proposal does not address the requirements of Policy FNP14c). It should be noted that the means of access is reserved. However, an access to Badshot Lea Road does not appear to be achievable.

In terms of concerns regarding the need for onsite SANG, Draft Policy FNP14c) does not set out a need for this provision and Farnham Park provides an appropriate way to mitigate the impact.

The provision of the proposed retail/commercial building is can be secured by way of a S106 agreement and can provide the need to deliver the building in accordance with a scheme to be agreed with the Local Planning Authority.

## Conclusion

In forming a conclusion, the NPPF requires that the benefits of the scheme must be balanced against any negative aspects of the scheme.

The Council can identify a deliverable supply of housing sites from the identified sites which would sufficiently meet the housing demand for the next five years. The Council has also published a Draft Local Plan – Part 1 and the Town Council have published a Draft Neighbourhood Plan, which identifies a strategy to meet housing going forward. As such, policies that relate to the supply of housing can be afforded substantial weight in the determination of this application.

The application is for outline planning permission with all matters reserved. Therefore, the detail of the reserved matters scheme will be critical to ensuring that the proposed development is acceptable in planning terms.

Although the application is in outline, officers consider that sufficient evidence has been submitted to demonstrate that, subject to detailed consideration at a future stage, a scheme could be development which would function well, be of a high quality design, would provide open space and would integrate well with the surrounding development.

Whilst the site falls outside of a defined settlement area, within the Countryside beyond the Green Belt, it is considered that the site would not be viewed in isolation from the village. Officers are of the view that the proposed development would be seen in the context of a natural extension to the edge of the village, which would not prejudice the openness, character and natural beauty of the open countryside. The proposal is also supported in principle by the Draft Neighbourhood Plan allocation and largely complies with its draft policies. In addition, the indicative layout demonstrates that the delivery of the larger allocation set out in the Neighbourhood Plan would not be undermined by approving the application.

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

Officers consider that any adverse impacts of the development would not outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

## **Recommendation**

That permission be GRANTED subject to the following conditions:

1. Condition

Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

1. layout
2. scale
3. appearance
4. landscaping

The development shall be carried out in accordance with the approved 'Reserved Matters'. Approval of all 'Reserved Matters' shall be obtained from the Local Planning Authority in writing before any development commences.

Reason

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

2. Condition

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

Reason

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

3. Condition

The plan numbers to which this permission relates are FB131.100(K), and FB131.110(B). The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

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

4. Condition

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason

The development proposed covers a large surface area and it is considered likely that it will affect currently unknown archaeological information. It is important that the site is surveyed and work is carried out as necessary in order to preserve as a record any such information before it is destroyed by the development in accordance with Policy HE15 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

5. Condition

The development shall be carried out in accordance with the 'Conclusions and Recommendations' as set out in Section 15.0 and Table 5 of the submitted Preliminary Ecological Appraisal (PEA) (incorporating Extended Phase 1 Habitat Survey) Report, prepared by Arbtech Consulting Limited.

Reason

To safeguard the ecological interest of the site in accordance with Policy C11 and D5 of the Waverley Borough Local Plan 2002.

6. Condition

No development shall take place until a Landscape and Ecological Management Plan (LEMP) to ensure the appropriate management of existing and proposed habitats in the long term, has been submitted to and approved in writing by the local planning authority. The LEMP shall include methodologies of the sensitive management of both new and retained/enhanced habitat and a landscape, planting and seeding plan (with species list). The development shall be carried out in accordance with the approved details.

#### Reason

To safeguard the ecological interest of the site in accordance with Policies C11 and D5 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

#### 7. Condition

Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) drainage infrastructure plan, detailing all throttle devices,
- (b) details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite
- (c) details of how the Sustainable Drainage System will be protected and maintained during the construction of the development
- (d) confirmation of infiltration rates and ground water levels
- (e) evidence that permission has been granted by the Lead Local Flood Authority to undertake works on an ordinary watercourse
- (f) details of the proposed maintenance regimes for each of the SuDS elements
- (g) a drainage layout detailing the exact location of SuDS elements, including finished floor levels
- (h) details of all SuDS elements and other drainage features, including long and cross sections, pipe diameters and respective levels

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

#### Reason

To ensure that the drainage system has been designed to fully accord with the requirements of the National SuDS Technical Standards and to avoid adverse environmental impact upon the community and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

#### 8. Condition

Prior to the occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the Sustainable Drainage System has been constructed as agreed and to avoid adverse environmental impact upon the community and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

9. Condition

The development hereby approved shall not be commenced unless and until the modified vehicular and pedestrian access to St Georges Road has been constructed and provided with visibility splays in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to be compliant with Policy M2 of the Waverley Borough Council Local Plan and the NPPF 2012. This is a pre commencement condition because the matter goes to the heart of the permission.

10. Condition

Prior to the commencement of development, a scheme to provide the following improvements to Public Footpath No. 112 shall be submitted to and approved in writing by the Local Planning Authority:

- a) Surface improvements and footpath widening between Badshot Lea Road and St Georges Road.
- b) Groundworks for the provision of ducting to enable the provision of lighting at a later date.

The agreed scheme shall be implemented prior to the first occupation of the proposed development.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to be compliant with Policy M2 of the Waverley Borough Council Local Plan and the NPPF 2012. This is a pre commencement condition because the matter goes to the heart of the permission

11. Condition

The development hereby approved shall not be commenced unless and until the layout of internal roads, footpaths, footways and cycle routes have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. Such details shall include the provision of visibility splays (including pedestrian inter-visibility splays) for all road users, pram crossing points and any required signage and road markings. The agreed details shall be implemented prior to first occupation of the development.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to be compliant with Policy M2 of the Waverley Borough Council Local Plan and the NPPF 2012. This is a pre commencement condition because the matter goes to the heart of the permission.

12. Condition

Prior to the commencement of development, a scheme for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highway Authority. The agreed scheme shall be implemented prior to first occupation of the proposed development.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to be compliant with Policy M2 of the Waverley Borough Council Local Plan and the NPPF 2012. This is a pre commencement condition because the matter goes to the heart of the permission.

13. Condition

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

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works
- e) provision of boundary hoarding behind any visibility zones
- f) vehicle routing



- g) measures to prevent the deposit of materials on the highway (including wheel washing to prevent the deposit of mud on the highway)
- h) before and after construction condition surveys of the highway (within a geographical area to be agreed) and a commitment to fund the repair of any damage caused.
- i) on-site turning for construction vehicles
- j) hours of construction

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

#### Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to be compliant with Policy M2 of the Waverley Borough Council Local Plan and the NPPF 2012. This is a pre-commencement condition because it relates to the construction process

#### 14. Condition

Prior to the commencement of development, a scheme to provide the following facilities shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority:

- a) Independently accessible secure parking of bicycles integral to each dwelling or building within the development site.
- b) Welcome packs to include information relating to the availability of and whereabouts of local public transport, walking, cycling, car clubs, local shops, schools and community facilities.

The agreed Welcome Packs shall be issued to each new first time occupier and the cycle parking provided prior to first occupation of the proposed development.

#### Reason

In recognition of Section 4 "Promoting Sustainable Transport" of the National Planning Policy Framework 2012. This is a pre commencement condition because the matter goes to the heart of the permission.

15. Condition  
Prior to the commencement of development, a Site Management Plan for the suppression of mud, grit, dust and other emissions during both the deconstruction and construction phase should be submitted to and approved in writing by the Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason

In the interest of the character and amenity of the area, and to ensure environmental quality, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002. This is a pre-commencement condition because it relates to the construction process.

16. Condition  
No burning of materials shall take place on site during the construction of the development.

Reason

To ensure environmental quality in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

17. Condition  
Prior to the commencement of development a scheme detailing the provision of Electric Vehicle Charging Points (EVP's) within the development shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002. This is a pre commencement condition because the matter goes to the heart of the permission.

Informatives

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not

been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £97.00 or a reduced rate of £28.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

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

3. The Developer is reminded of the responsibility for delivering safe development as defined in paragraph 120 of the NPPF 2012.
4. With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
5. Thames Water recommends the installation of a properly maintained fat trap on all catering established. It is further recommended, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk).

Applications forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

7. Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.
8. With regard to water supply, this comes within the area covered by the South East Water Company. For you information, the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH. Tel: 01444 448200
9. The 72 houses in the department will each require storage on site for the following containers:

- 1 x 140 litre black refuse bin
- 1 x 240 litre blue recycling bin
- 1 x 240 litre garden waste bin (optional subscription service)
- 1 x 23 litre green kerbside food caddy.

The 8 flats will require further consultation with the Council's Waste and Recycling Service when finalising the refuse and recycling storage. If a communal facility is intended to serve all three blocks, the following containers are recommended:

- 1 x 1100 litre flat lidded black wheel bin
- 5 x 240 litre blue recycling bins
- 1 x 140 litre communal food waste bin
- 8 x 7 litre kitchen caddies

It may be necessary to process a legal order under S257 of the Town and Country Planning Act 1990 (as amended) to divert the legal route of the public footpath. This order would be processed by the Local Planning Authority as the ""competent authority"" within the meaning of S257(4) of the Town and Country Planning Act 1990 (as amended). The resulting alternative route would need to be constructed to a standard acceptable to the satisfaction of the relevant Surrey County Council Countryside Access Officer.

10. This development may offer some opportunities to restore or enhance biodiversity. Surrey Wildlife Trust recommends the following:

Retention and enhancement of important habitat currently on site including native trees, shrubs and hedgerows,

Creating a 'wild area' on site to provide food and shelter for animals. This area should be subject to a 'light touch' management regime to prevent more invasive species such as bramble dominating the vegetation.

Using native species when planting new trees and shrubs, preferably of local provenance from seed collected, raised and grown in the UK, suitable for site conditions and complimentary to the surrounding natural habitat.

Where cultivated species are selected, consideration should be given to those which provide nectar-rich flowers and/or berries as these can be of considerable value to wildlife.

11. The following tree matters should be dealt with as part of any reserved matters application:

Validation requirements must include a Tree survey and full Arboricultural Impact Assessment that complies with British Standard 5837 Trees in relation to design, demolition and construction - Recommendations (undertaken by a competent arboriculturist and including compliant tree protection measures).

Location of dwellings, ancillary buildings and hard standing - the positions must accord with British Standard 5837 Trees in relation to design, demolition and construction - Recommendations

Levels and earthworks - the proposals must accord with British Standard 5837 Trees in relation to design, demolition and construction - Recommendations

Services - routes of all new/replacement utility or drainage runs and soakaways

Arboricultural Method Statement- This must include details of any proposed incursions within minimum recommended root protection areas of trees and methods/specifications for construction that comply with British Standard 5837 Trees in relation to design, demolition and construction - Recommendations. To include a scheme of arboricultural monitoring and supervision of protective measures and construction processes.

Landscape scheme - full details of all hard and soft landscaping - planting to include species, no. and sizes on planting.

12. Design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the County Highway Authority.
13. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Team at Surrey County Council.
14. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
15. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
16. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
17. 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 Streetworks permit and 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 Streetworks permit and an application will need to be submitted to the County Council's Streetworks 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).

18. 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).
19. When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
20. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays
21. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
22. Surrey Police has advised that the proposed development should gain Secured by Design certification.
23. The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.
24. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.